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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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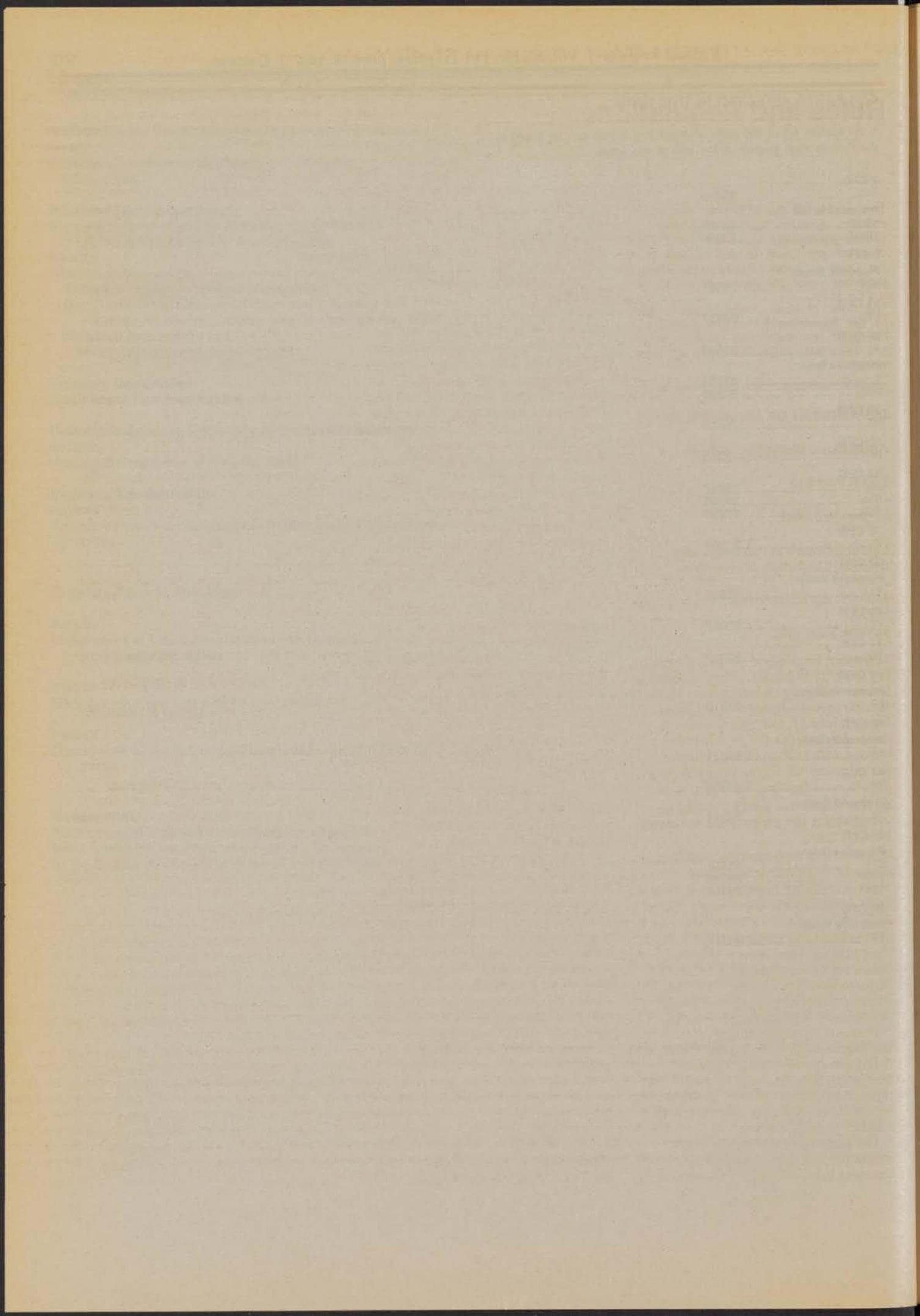
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Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 566]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 566 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 400,000 cartons during the period June 21 through June 27, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 566 (§ 910.866) is effective for the period June 21 through June 27, 1987.

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

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

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

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 through 674). This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1986-87. The committee met publicly on June 16, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended (with one abstention) a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market is very active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, and Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

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

2. Section 910.866 is added to read as follows:

§ 910.866 Lemon Regulation 566.

The quantity of lemons grown in California and Arizona which may be handled during the period June 21, 1987, through June 27, 1987, is established at 400,000 cartons.

Dated: June 17, 1987.

Ronald L. Gioffi,

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

[FR Doc. 87-14130 Filed 6-18-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Permanent Program Amendments for the State of Ohio Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval, with certain exceptions, of amendments to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

By letters dated December 1, 1986, and January 13, 1987, the Ohio Department of Natural Resources, Division of Reclamation, submitted proposed amendments to Ohio's regulatory program at Ohio Administrative Code (OAC) 151:13-7-03. The proposed amendments are to Ohio's bonding regulations.

After providing an opportunity for public comment and conducting a thorough review of the program amendments, the Director of OSMRE has determined that the amendments meet the requirements of SMCRA and the Federal regulations with certain exceptions. The Federal rules at 30 CFR Part 935 which codify decisions on the Ohio program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and encourage States to bring their programs into conformity with the Federal standards without delay. Consistency of State and Federal standards is required by SMCRA.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT:

Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 Hamilton Road, Columbus, Ohio 43232; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was approved effective August 16, 1982, by the notice published in the August 10, 1982 *Federal Register*. Information pertinent to the general background, revisions, modifications and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11 and 935.15.

II. Discussion of Amendments

By letters dated December 1, 1986 and January 13, 1987, the Ohio Department of Natural Resources, Division of Reclamation submitted a proposed amendment to Ohio's regulatory program at Ohio Administrative Code (OAC) 1501:13-7-03. These amendments were enacted as Ohio emergency rules.

The proposed changes to OAC 1501:13-7-03 would extend from sixty to ninety days the period of time a coal mine operator has to replace the performance bond of a surety that has become incapacitated due to bankruptcy, insolvency, or suspension or revocation of the surety's license. The Chief of the ODR would notify the operator that he was mining without bond coverage. The operator then has ninety days to replace the bond. If the

operator fails to replace the bond, the chief will issue a notice of violation and to cease mining until the bond is replaced. However, the amendment would also allow a permittee to continue to mine coal for 90 days after receiving a notice of violation for mining without a bond. The permittee would need permission from the Chief of the Division of Reclamation and would be required to post 10 percent of the total bond amount and pay to the Division one dollar for every ton of coal mined during the 90-day period. The amendments can be found at OAC 1501:13-7-03(B)(5)(g) and 1501:13-7-03(B)(7)(h).

On February 10, 1987, and March 16, 1987, OSMRE published an announcement of the receipt of the amendments and invited public comment on the adequacy of the proposed amendments (52 FR 4157, 52 FR 8082). The notice stated that a public hearing would be held only if requested. No request for a hearing was made, therefore, a hearing was not held. The comment periods closed on March 12, 1987 and April 17, 1987. No public comments were received.

III. Director's Findings

The director finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by Ohio on December 1, 1986 and January 13, 1987, meet the requirements of SMCRA and 30 CFR Chapter VII with the exceptions discussed below.

Ohio Administrative Code

Sections 1501:13-7-03 (B)(5)(g) and (B)(7)(h) of the Ohio regulations extend from sixty to ninety days the period of time a coal mine permittee would have to replace the bond of a surety which has become incapacitated by reason of bankruptcy, insolvency, or suspension or revocation of the surety's license. These provisions are no less effective than the Federal regulations at 30 CFR 800.16(e)(2) which provide that the regulatory authority specify a reasonable period, not to exceed 90 days, to replace bond coverage.

Section 1501:13-7-01(B)(5)(g) has been amended to require the issuance of a notice of violation for failure to replace a bond and cease mining operations. The Federal regulations at 30 CFR 800.16(e)(2) require operators who have failed to replace their bond within the ninety days to cease coal extraction and begin reclamation operations.

However, the Ohio amendment allows the operator to continue mining for an additional 90 days by posting a bond of ten percent of the total surety bond amount and paying one dollar per ton of

coal extracted, payable in fifteen day increments. This is less effective than 30 CFR 800.16(e)(2) which provides that mining operations shall not resume until the regulatory authority has determined that an acceptable bond has been posted. Both SMCRA and the Federal regulations at 30 CFR 800.14 state that the amount of the bond . . . shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation . . . and shall be determined by the regulatory authority. The Federal provisions also require that in no case shall the bond be for less than \$10,000.

Therefore, the Director finds that the program amendment OAC 1501:13-7-03(B)(5)(g) which allows the continuance of mining, following the issuance of a notice of violation for failure to replace a bond, by posting a partial bond does not meet the requirements of SMCRA and 30 CFR Chapter VII. He is, therefore, disapproving this portion of the amendment and requiring Ohio to amend its program to be no less effective than the Federal provisions.

IV. Public Comments

No public comments were received on the proposed amendments.

Acknowledgements were received from the following Federal agencies: Department of the Army, Office of the Chief of Engineers, Farmers Home Administration, Soil Conservation Service, and the Mine Safety and Health Administration. The disclosure of Federal agency comments is made pursuant to section 503(b)(1) of SMCRA and 30 CFR 732.17(h)(10)(i).

V. Director's Decision

The Director, based on the above findings, is approving the change of sixty to ninety days for bond replacement found at OAC 1501:13-7-03(B)(5)(g) and (B)(7)(h). The Director is disapproving the amendment found at 1501:13-7-03(B)(5)(g) allowing operators to continue to mine an additional 90 days without replacing the full bond after receiving a notice of violation. The Director is amending Part 935 of 30 CFR Chapter VII to reflect these actions.

Effect of Director's Decision

Section 503 of SMCRA establishes that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, the Secretary's regulations at 30 CFR 732.17(a) require that any alteration of an approved State program must be submitted to OSMRE as a program amendment. Thus, any

changes to the program are not enforceable by the State until approved by the Director. The Federal regulations at 30 CFR 732.17(g) clearly prohibit any unilateral changes to approved State programs. In his oversight of the Ohio program, the Director will recognize only the statutes and regulations approved by him, and will require the enforcement by Ohio of only such provisions.

VI. Procedural Matters

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

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSMRE is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which requires approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

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

Dated: June 12, 1987.

James W. Workman,
Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

PART 935—OHIO

30 CFR Part 935 is amended as follows:

1. The authority citation for Part 935 continues to read as follows:

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

2. 30 CFR 935.12 is amended by adding a new paragraph (b) as follows:

§ 935.12 State program provisions disapproved.

(b) Section 1501:13-7-03(B)(5)(g) of the Ohio Administrative Code is not approved in that it allows mining to continue without adequate bond coverage.

3. 30 CFR 935.15 is amended by adding a new paragraph (aa) as follows:

§ 935.15 Approval of regulatory program amendments.

(aa) The following amendments were approved effective June 19, 1987: Ohio Administrative Code (OAC) 1501:13-7-03(B)(5)(g) and 1501:13-7-03(B)(7)(h) changing sixty to ninety days.

4. 30 CFR 935.16 is amended by adding a new paragraph (c) to read as follows:

§ 935.16 Required program amendments.

(c) By October 1, 1987, Ohio shall amend its program at OAC 1501:13-7-03(B)(5)(g) to disallow continued mining without adequate bond coverage.

[FR Doc. 87-13909 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 40

[DoD Directive 5500.7]

Standards of Conduct

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This part is designed to prescribe standards of conduct required of all DoD personnel, regardless of assignment. It is being formulated to reflect statutory and regulatory changes since the last 32 CFR Part 40 was printed on January 19, 1977 (42 FR 3646). It incorporates rules formerly set out in 32 CFR Part 166, *Reporting Procedures on Defense Related Employment*, after the rules were revised to reflect statutory and regulatory changes since the last 32 CFR Part 166 was printed on November 25, 1970 (35 FR 18040). This action provides a single set of updated guidelines for DoD personnel to observe when making decisions or taking action.

EFFECTIVE DATE: May 6, 1987.

FOR FURTHER INFORMATION CONTACT: David W. Ream or Randi E. DuFresne, Office of General Counsel, Standards of Conduct Office, Pentagon, Washington

DC 20301-1600. Telephone (202) 697-5305.

SUPPLEMENTARY INFORMATION: Since the issuance of 32 CFR Part 40 in January of 1977, the Ethics of Government Act of 1978, Pub. L. 95-521, October 26, 1978, as amended, has been passed. Numerous Executive Orders and Federal laws in the standards of conduct areas have been promulgated material, listed as references in this rule comprise a substantial body of law and regulation, with considerations not addressed in the previous 1977 part. Critical new topics include the establishment of procedures allowing for reports of standards of conduct violations to the DoD Inspector General, post-government employment restrictions, and reporting requirements for former DoD employees. The Digest of Laws concerning standards of conduct rules applicable to DoD personnel has been updated and discussions of the requirements for certain DoD personnel to file financial disclosure or employment reports have been incorporated.

Several types of comments were received from public entities during the comment period for the proposed rule. All comments were considered and changes appear in the final rule as a result. Comments suggested elimination of language related to an appearance of a conflict of interest, reporting financial interests of a spouse or household member, and the interpretation of salary alone as a financial interest creating a conflict. These sections were not eliminated because Federal laws and related Executive orders dictate such language.

The large volume of government directives and the major statutory changes concerning standards of conduct over the last ten years reflect that the area of government ethics is dynamic and constantly evolving thereby requiring that a current set of guidelines be provided to DoD personnel concerning the responsibilities related to their employment. Periodic revision of this rule will be necessary to provide DoD personnel with current standards. Written comments are encouraged in anticipation of the next revision.

Executive Order 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it effects only employees and

former employees of the Federal Government.

List of Subjects in 32 CFR Part 40

Conflict of interests.

Accordingly, 32 CFR Part 40 is revised to read as follows:

PART 40—STANDARDS OF CONDUCT

Sec.

- 40.1 Reissuance and purpose.
- 40.2 Applicability and scope.
- 40.3 Definitions.
- 40.4 Policy.
- 40.5 Responsibilities.
- 40.6 Procedures.
- 40.7 Digest of laws.
- 40.8 Code of ethics for government service.
- 40.9 Statement of affiliations and financial interests (DD Form 1555).
- 40.10 Financial disclosure report (SF 278).
- 40.11 Statement of Employment—Regular Retired Officers (DD Form 1357).
- 40.12 Reporting of DoD and defense related employment (DD Form 1787).
- 40.13 Reporting of potential employment contracts.
- 40.14 Employment restrictions on certain former DoD officials.
- 40.15 Administrative enforcement provisions.

Authority: E.O. 11222; Pub. L. 87-651; 3 U.S.C. 301.

§ 40.1 Reissuance and purpose

(a) This part reissues 32 CFR Part 40 after 32 CFR Part 40 was consolidated with 32 CFR Part 166, and implements Pub. L. 95-521, 5 CFR Parts 734 and 735, E.O. 11222, 10 U.S.C. 2397, 2397a, 2397b, and 2397c.

(b) This part prescribes standards of conduct required of all DoD personnel, regardless of assignment. It establishes criteria and procedures for reports required of certain former and retired military officers and former DoD civilian officers and employees who are presently employed by defense contractors, and former officers and employees of defense contractors presently employed by the Department of Defense.

(c) Penalties for violations of these standards include the full range of statutory and regulatory sanctions for civilian and military personnel.

§ 40.2 Applicability and scope.

This part applies to all DoD personnel and to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Inspector General, and the Defense Agencies (hereafter referred to collectively as "DoD Components") including nonappropriated fund activities. The reporting procedures on DoD and

defense related employment also apply to certain former officers and employees of DoD Components, as indicated in this part.

§ 40.3 Definitions.

Compensation. Includes any payment, gift, benefit, reward, favor, or gratuity which is provided directly or indirectly for services rendered by the person accepting such payment and which has a fair market value in excess of \$250. Compensation shall be deemed indirectly received if it is paid to an entity other than the individual, in exchange for services performed by the individual.

Defense Contractor. Any individual, firm, corporation, partnership, association, or other legal entity that enters into a contract directly with the Department of Defense to furnish services, supplies, or both, including construction, to the Department of Defense. Subcontractors are excluded, as are subsidiaries unless they are separate legal entities that contract directly with the Department of Defense in their own names. Foreign governments or representatives of foreign governments that are engaged in selling to the Department of Defense are defense contractors when acting in that context.

Designated Agency Ethics Official (DAEO). An officer or employee of a component who has been appointed, pursuant to DoD Component procedures, to administer the provisions of the Ethics in Government Act. The DAEO for the Office of the Secretary of Defense is the General Counsel.

DoD Component. The Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Inspector General, and the Defense Agencies, including nonappropriated fund activities. The term does not refer to offices, divisions, or sections that are part of a larger Defense Agency.

DoD Personnel. All civilian officers and employees, including special Government employees, of all offices, agencies, and DoD departments (including non-appropriated fund activities), all Regular and Reserve component officers (commissioned and warrant) and enlisted members of the Army, Navy, Air Force, and Marine Corps on active duty, and Reserve component officers (commissioned and warrant) and enlisted members on inactive duty for training. This definition includes professors and cadets of the Military Service academies.

Former Military Officer. Reserve officers not on active duty are included in the meaning of this phrase.

Gratuity. Any gift, favor, entertainment, hospitality, transportation, loan, any other tangible item, and any intangible benefits, including discounts, passes, and promotional vendor training, given or extended to or on behalf of DoD personnel, their immediate families, or households, for which fair market value is not paid by the recipient or the U.S. Government.

Honorarium (and all variations). A payment of money or anything of value received by an officer or employee of the Federal Government, if it is accepted as consideration for an appearance, speech, or article. The term does not include payment for or provision of actual travel and subsistence, including transportation accommodations, and meals of an officer or employee and spouse or aide, and does not include amounts paid or incurred for any agent's fees or commissions.

Inside Information. Information generally not available to the public and obtained by reason of one's official DoD duties or position. See 32 CFR Part 286.

Major Defense Contractor. Any business entity which, during the fiscal year preceding the fiscal year in which compensation was first received, was a defense contractor that received defense contracts in a total amount equal to or greater than \$10,000,000 (see § 40.13).

Major Defense System. A combination of elements that will function together to produce the capability required to fulfill a mission need. Elements may include hardware, equipment, software, or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major defense system if

(a) The Department of Defense is responsible for the system and the total expenditures, for research, development, test, and evaluation for the system are estimated to exceed \$75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement exceeds \$300,000,000 (based on fiscal year 1980 constant dollars); or

(b) The system is designated a "major system" by the head of the agency responsible for the system. See 10 U.S.C. 2302.

Personal Commercial Solicitation. Any effort to contract an individual to conduct or transact matters involving business, finance, or commerce. This does not include off-duty employment of

DoD personnel as employees in retail stores. See 32 CFR Part 43.

Procurement Related Function (or "procurement function"). Any function relating to:

- (a) The negotiation, award, administration, or approval of a contract;
- (b) The selection of a contractor;
- (c) The approval of a change in a contract;
- (d) The performance of quality assurance, operational and developmental testing, the approval of payment, or auditing under a contract; or
- (e) The management of a procurement program.

Retired Military Officer. Any officer entitled to receive military retired pay, even though such pay may be waived.

Special Government Employee. A person who is retained designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. The term also includes a Reserve officer who is serving on active duty involuntarily or for training for any length of time, and one who is serving voluntarily on extended active duty for 130 days or less. It does not include enlisted personnel.

§ 40.4 Policy.

(a) *General requirements.* (1) Government service or employment is a public trust requiring DoD personnel to place loyalty to country, ethical principles, and the law above private gain and other interests. DoD personnel shall not make or recommend any expenditure of funds or take or recommend any action known or believed to be in violation of U.S. laws, Executive orders, or applicable Directives, Instructions, or Regulations.

(2) DoD personnel shall become familiar with the scope of, authority for, and limitations of the activities for which they are responsible. DoD personnel also shall acquire a working knowledge of appropriate statutory standards of conduct prohibitions and restrictions. The most commonly encountered of these provisions, which include conflict of interest laws, general post employment restrictions, laws particularly applicable to retired regular officers, and other laws applicable to all DoD personnel, are summarized in § 40.7. Except where expressly stated otherwise in the following sections, the standards of conduct set forth in this part apply to all DoD personnel, even though some standards may have their

source in laws that only apply to some DoD personnel.

(3) If the propriety of a proposed action or decision is in question because it may be contrary to law or regulation, DoD personnel shall consult DoD Component legal counsel, or, if appropriate, the DoD Component's Designated Agency Ethics Official (DAEO) or designee for guidance. This is intended to promote the proper and lawful conduct of DoD programs and activities.

(4) Practices that may be accepted in the private business world are not necessarily acceptable for DoD personnel. Sound judgment must be exercised. All personnel must be prepared to account fully for the manner in which that judgment has been exercised.

(5) DoD personnel shall adhere strictly to the DoD program of equal opportunity regardless of race, color, religion, sex, age, national origin, or handicap in accordance with 32 CFR Part 191 and 32 CFR Part 56.

(6) DoD personnel shall avoid any action, whether or not specifically prohibited by this part that might result in or reasonably be expected to create the appearance of any of the following:

- (i) Using public office for private gain,
- (ii) Giving preferential treatment to any person or entity,
- (iii) Impeding Government efficiency or economy,
- (iv) Losing independence or impartiality,
- (v) Making a Government decision outside official channels,
- (vi) Affecting adversely the confidence of the public in the integrity of the Government.

(7) In accordance with Pub. L. 96-303 DoD Components shall display copies of the Code of Ethics for Government Service in appropriate areas of Federal buildings in which at least 20 persons are regularly employed as civilian employees. See § 40.8

(b) *Conflicts of Interest Prohibitions—*
(1) *Affiliations and Financial Interests.* DoD personnel shall not engage in any personal, business, or professional activity, nor hold direct or indirect financial interest that conflicts with the public interests of the United States related to the duties and responsibilities of their DoD positions. For the purpose of this prohibition, the private financial interests of a spouse, minor child, and household members are treated as private financial interests of the DoD personnel.

(2) *Using "Inside Information."* DoD personnel shall not engage in any personal, business, or professional activity, nor enter into any financial

transaction that involves the direct or indirect use of "inside information" for personal advantage to themselves or others. This prohibition against "inside information" obtained while at the Department of Defense continues even after the individual terminates Government service or employment. See § 40.3

(3) *Using Official DoD Position.* DoD personnel shall not use their DoD positions to induce, coerce, nor in any manner influence any person, including subordinates, to provide any personal benefit, financial or otherwise, to themselves or others.

(i) *Contributions of gifts to superiors.* DoD personnel shall not solicit a contribution from other DoD personnel for a gift to an official superior, make a contribution or a gift to an official superior, or accept a gift or contribution from subordinate DoD personnel. This prohibition also applies to gifts or contributions to immediate family members of an official superior. This paragraph does not prohibit voluntary gifts of reasonable value or voluntary contributions of nominal amounts (or acceptance thereof) on personal occasions such as marriage, transfer out of the chain of command, illness, or retirement, *Provided That* any gift acquired with such contributions does not exceed a reasonable value under the circumstances.

(ii) *Use of Civilian and Military Titles.* DoD personnel shall not use their official titles or positions in connection with any commercial enterprise or to endorse any commercial product, subject to the following:

(A) Such personnel may make speeches or publish books or articles that identify them by reference to their title or position, provided that the material is approved for public release in accordance with DoD procedures. See DoD Directive 5230.9.¹

(B) Retired military personnel and members of Reserve components not on active duty may use their military titles in connection with commercial enterprises, provided they indicate their retired or reserve status. However, the use of military titles is prohibited if it casts discredit on any DoD Component or gives the appearance of sponsorship, sanction, endorsement, or approval by any DoD Component. Overseas commanders of DoD Components may restrict further the use of titles, including use by retired military personnel and members of Reserve components not on

¹ Copies may be obtained, if needed from the U.S. Naval Publications and Forms Center, Code 301, 5801 Tabor Avenue, Philadelphia, PA 19120.

active duty, in overseas areas to avoid confusing foreign governments or foreign nationals on the status of such individuals.

(iii) *Endorsements.* The high visibility of DoD officials generates requests from charitable and nonprofit organizations to use an official's name and title in conjunction with fund-raising activities. The use of names and titles of DoD officials, even regarding fund-raising activities of charitable organizations, may give an improper impression that the Department of Defense endorses the activities of a particular organization, thereby resulting in unauthorized assistance for the organization or sponsors of the activities. The presence of DoD officials may be sought, under the guise of bestowing awards upon the official, to promote attendance at programs. DoD officials shall not allow the use of their names or titles in connection with charitable or non-profit organizations, subject to the following:

(A) The Department of Defense may assist only those charitable programs administered by the Office of Personnel Management under its delegation from the President and those other programs authorized by regulations of the DoD Components. See DoD Directive 5035.1¹

(4) *Statements or Commitments with Respect to Award of Contracts.* DoD personnel other than contracting officers shall not make any commitment or promise relating to award of a contract nor make any representation that reasonably may be construed as such a commitment.

(5) *Membership in Associations.* DoD personnel who are members or officers of nongovernment associations or organizations shall not engage in activities on behalf of the association or organization that are incompatible with their official DoD positions. See 32 CFR Parts 91 and 237a.

(6) *Commercial Dealings Involving DoD Personnel.* To eliminate the appearance of coercion, intimidation, or pressure from rank, grade, or position, DoD personnel shall not make personal commercial solicitations or solicited sales to DoD personnel who are junior in rank or grade, or their family members, at any time, on or off-duty.

(i) This prohibition includes, but is not limited to, the solicitation and sale of insurance, stocks, mutual funds, real estate, and any other commodities, goods, or services.

(ii) This prohibition does not include the sale or lease, by a person, of a privately-owned former residence or of

personal property not held for commercial or business purposes.

(7) *Assignment of Reserves for Training.* DoD personnel who assign reserves for training shall not assign them to duties in which they will obtain information that they or their private sector employers may use to gain unfair advantage over civilian competitors. Reservists must disclose to superiors or assignment personnel information necessary to ensure that no conflict exists between their duty assignment and their private interests. Reservists on promotion boards shall not participate in promotion decisions that may directly or predictably affect their private financial interests.

(8) *Dealing with Personnel.* DoD personnel shall not knowingly deal, on behalf of the Government, with present or former military or civilian personnel of the Government whose participation in the transaction violates a statute described in § 40.7 or any provision or policy set forth in this part.

(9) *Honoraria.* DoD personnel shall not accept honoraria or other salary supplementation for performance of official duties. See § 40.7(a)(4). DoD personnel shall not suggest charitable contributions in place of such honoraria. Even when acting in a personal rather than official capacity, there are the following restrictions:

(i) DoD personnel shall not accept an honorarium of more than \$2,000 (excluding expenses for travel, subsistence and agents' fees or commissions) for any appearance, speech, or article made in a personal capacity. See 2 U.S.C. 441i.

(ii) DoD personnel shall not accept an honorarium from groups doing business with the Department of Defense if such acceptance may result in a conflict of interest or the appearance of a conflict of interest. Before accepting any honorarium, DoD personnel shall consult their DAEO or designee.

(10) *Pursuit of employment.* DoD personnel shall not participate, personally and substantially, on behalf of the Government in any particular matter in which an organization with which they are pursuing employment, or have any arrangement concerning future employment, has a financial interest. "Pursuing employment" includes the sending of letters or résumés in pursuit of employment, as well as discussions concerning employment. See § 40.7 (a)(3) and (5).

(i) DoD personnel who have any contact regarding future employment with an entity shall not participate in any official action involving the entity. Written and formal disqualification shall be required. Disqualification

statements shall be filed with the individual's supervisor or superior, the individual's immediate subordinates, and the DAEO or designee.

(A) Disqualification statements need not be filed if the discussions are with entities not having, nor expected to have, business with the DoD individual or office.

(B) Disqualifications need not be filed if the first contact is initiated by the business entity and the DoD personnel terminates discussion immediately.

(C) A disqualification may be withdrawn at such time as employment discussions end without an employment agreement.

(ii) Additionally, persons involved in the performance of procurement functions and related duties should see the detailed reporting and disqualification procedures to which they are subject. See §§ 40.7(a)(5) and 40.13.

(11) *Outside employment of DoD personnel.* DoD personnel may not engage in outside employment or other outside activity, with or without compensation, that is not compatible with the performance of their Government duties, may reasonably be expected to bring discredit upon the Government or DoD Component concerned, or is otherwise inconsistent with the requirements of part. This includes the requirement to avoid actions that reasonably may be expected to create a conflict of interest or the appearance of conflict of interest.

(i) No enlisted members of the Armed Forces on active duty may be ordered or permitted to leave their post to engage in a civilian pursuit or business, or a professional activity in civil life if it interferes with the customary or regular employment of local civilians in their art, trade, or profession. See 10 U.S.C. 974.

(ii) Off-duty employment of military personnel by an entity involved in a strike is permissible if the person was on the payroll of the entity before the strike began and if the employment is otherwise in conformance with this part. After a strike begins and while it continues, no military personnel may accept employment with the involved entity at the strike location.

(iii) DoD personnel are encouraged to engage in teaching, lecturing, and writing, subject to the standards set out in this part. See § 40.4(b)(11). DoD personnel shall not, either with or without compensation, engage in activities that are dependent on information obtained as a result of their Government employment, except when the information does not focus

¹ See footnote 1 to § 40.4(b)(3)(ii)(A)

specifically on the agency's responsibilities, policies and programs, and:

(A) The information has been published or is generally available to the public,

(B) The information would be made available to the public under the Freedom of Information Act, 5 U.S.C. 552 or

(C) The Head of the employing DoD Component, or designee, gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. See DoD Directive 5230.9.

(iv) Presidential appointees shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, when the subject matter is as follows:

(A) Is devoted substantially to DoD responsibilities, programs, or operations, or

(B) Draws substantially on official material that has not become part of the body of public information.

(12) *Gratuities, reimbursements, and other benefits from outside sources.*

DoD personnel and members of their families shall not accept gratuities from those who have or seek business with the Department of Defense or from those whose business interests are affected by DoD functions.

(i) No matter how innocently the gratuity is tendered or received, acceptance may be a source of embarrassment to the Department of Defense, may appear to affect the objective judgment of the DoD personnel involved, and may impair public confidence in the integrity of Government.

(ii) DoD personnel and their families shall not solicit, accept, nor agree to accept any gratuity for themselves, members of their families, or others, either directly or indirectly from, or on behalf of, any defense contractor or any source that:

(A) Is engaged in or seeks business or financial relations of any sort with any DoD Component,

(B) Conducts operations or activities that are either regulated by a DoD Component or significantly affected by DoD decisions,

(C) Has interests that may be substantially affected by the performance or nonperformance of the official duties of DoD personnel, or

(D) Is a foreign government or representative of a foreign government that is engaged in selling to the Department of Defense, where the gratuity is tendered in the context of the

foreign government's commercial activities. See DoD Directive 1005.13.¹

(c) *Exceptions—(1) Gratuities exceptions.* Exceptions shall be applied narrowly in keeping with the prohibitions in § 40.4(b)(13). The prohibitions in § 40.4(b)(13) do not apply to the following:

(i) Continued participation in employee welfare or benefit plans of a former employer when permitted by law and approved by the appropriate supervisor with the advice of the DAEO or designee;

(ii) Acceptance of unsolicited advertising or promotional items that are less than \$10.00 in retail value;

(iii) Acceptance of trophies, entertainment, prizes, or awards for public service or achievement in an individual capacity, or given in games or contests that do not relate to official duties and are clearly open to a broad segment of the public generally, or that are approved officially for DoD personnel participation;

(iv) Benefits available to the public (such as university scholarships covered by DoD Directive 1322.6² and free exhibitions by DoD contractors at public trade fairs;

(v) Discounts or concessions realistically available to all personnel in the DoD Component, provided that such discounts or concessions are not used to obtain any item for the purpose of resale at a profit;

(vi) Participation by DoD personnel in civic and community activities that also involve a DoD contractor, when any relationship between DoD personnel and the contractor is indirect (such as participation in a Little League or Combined Federal Campaign luncheon that is subsidized by a defense contractor);

(vii) Activities engaged in by officials of a DoD Component and officers in command, or their representatives, with local civic or military leaders as part of authorized community relations programs of the DoD Component in accordance with 32 CFR Parts 237 and 238;

(viii) The participation of DoD personnel in widely attended gatherings of mutual interest to Government and industry, sponsored or hosted by universities or industrial, technical, and professional associations (not by individual contractors) provided that they have been approved in accordance with 32 CFR Part 237a;

(ix) Situations in which participation by DoD personnel at public ceremonial activities of mutual interest to industry,

local communities, and the DoD Component concerned serves the interests of the Government and acceptance of the invitation is approved by the DAEO of the employing DoD Component, or his or her designee;

(x) When an official Government business and when the DoD personnel reports the circumstances in writing to the superior or supervisor and to the DAEO or designee as soon as possible;

(A) Space available use of previously scheduled ground transportation to or from the contractor's place of business provided by the contractor for its own employees, and

(B) Contractor-provided transportation, meals or overnight accommodations when arrangements for Government or commercial transportation, meals, or accommodations are clearly impracticable;

(xi) Attendance at vendor training sessions when the vendor's products or systems are provided under contract to the Department of Defense and the training is to facilitate the use of those products or systems by DoD personnel;

(xii) Attendance or participation of DoD personnel in gatherings (including social events such as reception) that are hosted by foreign governments (when not in their DoD contractor capacity) or international organizations when:

(A) Acceptance of the invitation is approved by the DoD Component DAEO or designee,

(B) Attendance or participation is authorized by other exceptions such as § 40.4(c)(1)(vii) or 40.4(c)(1)(xiii) or

(C) The social event involves a routine or customary social exchange with officials of foreign governments (including military forces) in pursuit of official duties;

(xiii) Customary exchanges of gratuities between DoD personnel and their friends and relatives and the friends and relatives of their spouse, minor children, and members of their household when the circumstances clearly indicate that it is the relationship, rather than the business of the person concerned, that is the motivating factor for the gratuity and it is clear that the gratuity is not paid for by the United States Government or any DoD contractor;

(xiv) Acceptance of transportation and related travel expenses from a potential employer in connection with a job interview, provided that the recipient, before departure on that trip, notifies his or her immediate superior or supervisor of these travel arrangements and that he or she files a written disqualification statement concerning

¹ See footnote 1 to § 40.4(b)(3)(iii)(A).

any possible official actions involving the potential employer, including some evidence that the potential employer offers the same benefits to all similarly situated applicants, not only those employed within the Department of Defense;

(xv) On an occasional basis only, acceptance of coffee, donuts, and similar refreshments of nominal value offered as a normal courtesy incidental to the performance of duty;

(xvi) Acceptance of benefits resulting from the business activities of a spouse, where it is clear that such benefits are accorded the spouse in the normal course of the spouse's employment or business, and have not been proffered or made more attractive because of the DoD personnel's status;

(xvii) Situations in which, in the sound judgment of the individual concerned or his or her supervisor or superior, the government's interest would be served by DoD personnel participating in activities otherwise prohibited. In any such case, a written report of the circumstances shall be made in advance, or, when an advance report is not possible, within 48 hours, by the individual or his or her supervisor or superior to the DAEO or designee.

(2) *Training, orientation, and refresher courses.* The guidance in § 40.4(c)(2) (i) through (iv), applies when defense contractors provide training, orientation, and refresher courses to Government personnel. These courses range from executive orientation courses in which all expenses are borne by the defense contractor to annual seminars devoted to technical developments in which the only "gratuity" may be lectures given free of charge.

(i) When a course is given pursuant to a contractual undertaking with the Government, the course itself is not a gratuity. The furnishing of meals, lodging, and transportation to the extent required by the contract also is not a gratuity. If lodging, meals, transportation, or other accommodations are furnished as a part of a contract, travel and other expenses chargeable to the Government shall be reduced according to applicable regulations.

(ii) Attendance at tuition-free training or refresher courses, or other educational meetings, offered by defense contractors (although not required to do so by the defense contract) may be authorized when attendance is clearly in the best interest of the Government, and provided that the contractor waives all claims against the Government for such training. In

these cases, the training or instruction shall not be regarded as a gratuity.

(iii) Selection of personnel to attend courses described in § 40.4(c)(2) (i) and (ii) shall be made by the Government and not by the defense contractor. Invitations to individuals to attend courses at the expense of the defense contractor may not be accepted by the individual recipient.

(iv) Authorized attendance at courses described in § 40.4(c)(2) (i) and (ii) shall be considered official business, with payment of transportation, per diem, tuition, or other training expenses made only by the Government, by the individual attendee, or in accordance with applicable law or regulation. See § 40.4(c)(5).

(3) *ROTC staff member benefits.* Procedures for Reserve Officer Training Corps staff members receiving payments or other benefits offered by educational institutions are set forth in 32 CFR Part 92.

(4) *Reporting gratuities.* DoD personnel who receive gratuities, or have gratuities received for them, under circumstances that are not covered by the standards of this Directive promptly shall report the circumstances to their supervisor or superior for review and to the DAEO or designee. Ultimate disposition of the gratuity shall be determined by the DAEO or designee.

(5) *Authorized reimbursements and benefits.* DoD personnel shall not accept from any source, other than the United States Government, cash reimbursement for expenses incident to official travel, except as indicated in § 40.4(c)(5) (ii) and (iii). DoD personnel shall not accept from any source, other than the United States Government, accommodations, subsistence, transportation or other services in kind, except as indicated in § 40.4(c)(5)(i), (ii), and (iii). Where acceptance is authorized, DoD personnel shall not accept, either in kind or for cash reimbursement, benefits that are extravagant or excessive in nature. When accommodations, subsistence, transportation or other services in kind are furnished to DoD personnel by sources other than the United States Government and are authorized, appropriate deductions shall be reported and made in the travel, per diem, or other allowances payable by the United States Government to the DoD personnel.

(i) DoD personnel who are to be speakers, panelists, project officers, or other bona fide participants in the activity attended may accept accommodations, subsistence, transportation, or services in kind furnished in connection with official travel only from sources specifically

authorized by 5 U.S.C. 4111 or listed in 26 U.S.C. 501(c)(3) or other statutory authority, and only when acceptance is approved by the supervisor or superior, consistent with guidance from the DAEO or designee.

(ii) DoD personnel may accept travel, or reimbursement for travel expenses, from a foreign government as provided in DoD Directive 1005.13.

(iii) Cash reimbursements other than those specified in § 40.4(c)(5) or accommodations, subsistence, transportation, or other services in kind, may be accepted in accordance with statute when they are gifts to the DoD Component. Cash reimbursements shall not be received physically by an individual but may be received by an official of the DoD Component who is authorized to receive such payments. See 10 U.S.C. 2601 and 46 Comp. Gen. 689.

(6) *Ship launch and similar ceremonies.* The following guidance applies to ceremonies and gifts associated with the launch or commissioning of a naval vessel, an aircraft or other vehicle, and all similar events:

(i) *Attendance at ceremonies.* Acceptance of an invitation to attend a ceremony shall be approved by the commanding officer or head of the activity in which the invitee serves or is employed. Attendance is permitted at appropriate functions incident to the ceremony, such as a dinner preceding the ceremony and the reception following it, as long as the function is not lavish, excessive, or extravagant.

(ii) *Acceptance of gifts.* DoD personnel, their spouses, and their dependent children, who are official participants may accept a tangible thing of value as a gift or memento in connection with the ceremony as long as its retail value does not exceed \$100 per family and the cost is not borne by the Government. When a gift exceeds the \$100 limit the recipient shall pursue one of the following alternatives:

(A) Return the gift to the donor,

(B) Retain the gift after reimbursing the donor the full value of the gift, or

(C) Forward the gift to the appropriate DoD Component official for disposition as a gift to the Government in accordance with statute. See 10 U.S.C. 2601.

(7) *Use of government facilities, property, and personnel.* The following guidance applies to use of Government facilities, property, and personnel:

(i) DoD personnel have a duty to protect and conserve Government property. Government property, facilities, and personnel shall be used

only for official Government business. This includes, but is not limited to, telephone calls, stationery, stenographic services, typing assistance, duplication equipment and services, chauffeur services, and computer facilities. DoD personnel shall not use, directly or indirectly, or allow the use of, any Government property, including property leased to the Government, for other than official purposes.

(ii) These prohibitions do not prevent the limited use of Government facilities, property, and personnel for approved activities to promote authorized DoD community relations. See 32 CFR Parts 237 and 238 and § 40.4(c)(5).

(iii) Office telecommunications covers all information sending, receiving, and conference services (such as telephone, message, data, video, and facsimile services) available in the office environment.

(iv) All DoD personnel are responsible for using office telecommunications services for official use only. The term "official use" means service directly in support of Government business or as otherwise approved by DoD Component authority, as defined by the DoD Component, who is in the supervisory or managerial chain of command, as being in the best interest of the Government.

(A) DoD office telecommunications services are resources provided to conduct business directly in support of the Government.

(B) DoD shall pay only for the official uses of DoD telecommunications services.

(C) Where available and practicable, steps shall be taken to ensure user accountability (i.e., call verification, call restriction, other telecommunications service features).

(D) Employees who make unofficial use of DoD office telecommunications service are subject to appropriate disciplinary action as determined by the DoD Component authority.

(v) DoD facilities, property, and personnel may be used for approved activities to promote authorized DoD community relations and accommodations, subsistence, transportation, or other services in kind may be furnished on a limited basis in connection with such activities. See 32 CFR Parts 237 and 238.

(8) *Gambling, Betting, and Lotteries.* DoD personnel shall not participate in any unauthorized gambling activity while on property owned, controlled, or leased by the Government or otherwise while on duty for the Government. This includes lotteries, pools, games for money or property, or the sale or purchase of number slips or tickets. This

paragraph does not prevent activities that are as follows:

(i) Necessitated by an employee's law enforcement duties.

(ii) Specifically approved by the Head of the DoD Component.

(iii) Otherwise authorized by law, such as the sale on DoD premises of state lottery tickets by blind vendors licensed pursuant to the laws of that State.

(9) *Indebtedness.* DoD personnel shall pay their just financial obligations expeditiously, particularly those imposed by law (such as Federal, State or local taxes) so that their indebtedness does not affect adversely the Government as their employer. DoD Components are not required to determine the validity or amount of disputed debts.

§ 40.5 Responsibilities.

(a) *The Heads of DoD Components* shall:

(1) Through a formal written delegation of authority, appoint a DAEO who is qualified to manage and supervise the DoD Component ethics and standards of conduct programs for both civilian and military personnel.

(2) Appoint an Alternate Agency Ethics Official who shall serve in the absence of the DAEO.

(3) Provide sufficient resources (including investigative, audit, legal, and administrative staff) to enable the DAEO to administer the DoD Component ethics programs in a positive and effective manner, and

(4) Promulgate regulations implementing the requirements of Pub. L. 95-521, 5 CFR Parts 734 and 735, E.O. 11222, and 10 U.S.C. 2397, 2397a, 2397b, and 2397c and this part.

(b) *The Designated Agency Ethics Official (DAEO)* shall:

(1) Coordinate and oversee local implementation of all matters relating to standards of conduct, conflicts of interest, and financial disclosure covered by this part.

(2) Ensure that standards of conduct advice (and facts relied upon for such advice) are in writing when practicable.

(3) Ensure the proper collection, review, and handling of all financial disclosure reports, including those submitted by Presidential appointees for confirmation purposes, certain executive personnel (SF 278, see § 40.10), and certain designated military and civilian personnel (DD Forms 1555, see § 40.9).

(4) Take aggressive action to collect, review, and maintain DoD and defense related employment reports, including those submitted by regular retired military officers (DD Form 1357, see § 40.11), and certain present and former officers and employees of DoD

Components regarding defense related employment (DD Form 1787, see § 40.12).

(5) Ensure that a list of individuals who submit DD Form 1787 during the prior fiscal year and a copy of each report are provided to the DoD Standards of Conduct Office (SOCO) not later than February 28 of each year.

(6) Initiate and maintain an education and training program concerning all ethics and standards of conduct matters, including post-employment restrictions and reporting requirements.

(7) Administer a system for periodic evaluation of DoD Component ethics programs, including the financial disclosure reporting systems and defense and DoD related employment reporting systems.

(8) Initiate prompt, effective action to evaluate and remedy violations, potential violations, and appearances of violations of laws or regulations relating to applicable standards of conduct, conflicts of interest, financial disclosure requirements, or DoD and defense related employment reporting requirements, in accordance with applicable due process procedures, (see 5 CFR Part 737).

(9) Assign local designees who are attorneys qualified to provide ethics counseling and to implement standards of conduct programs locally.

(10) Provide advice and assistance to DoD Component personnel not otherwise assigned a local designee.

(11) Maintain liaison with the Office of Government Ethics (OGE), Office of Personnel Management (OPM), the DoD Standards of Conduct Office (SOCO), and provide to SOCO and OGE all information required by law or regulation.

(c) *The General Counsel, DoD,* shall:

(1) Serve as the DAEO for the Office of the Secretary of Defense.

(2) Maintain the DoD SOCO and provide sufficient resources to enable SOCO to oversee and coordinate Component ethics programs, to produce reports required by Congress and maintain report data, and to manage the DoD Ethics Oversight Committee (EOC).

(3) Provide legal guidance and assistance to the DAEOs of all DoD Components.

(4) Represent the Department of Defense to the OGE, the Congress, and the Executive Branch on matters relating to ethics and standards of conduct.

(5) Have the authority to modify or supplement any of the sections to this part in a manner consistent with this part, and

(6) Establish a DoD EOC including representatives of DoD Components.

(d) The DoD Standards of Conduct Office (SOCO) shall:

(1) Manage the DoD EOC and collect general standards of conduct issues for consideration by the DoD EOC.

(2) Publish periodic guidance to DoD Components based on recommendations by the DoD EOC to promote uniformity of standards of conduct opinions throughout the Department of Defense.

(3) Draft DoD input on proposed standards of conduct legislation based on recommendations by the DoD EOC.

(4) Receive the lists and copies of individual DD Forms 1787 from each DoD Component and compile the information, maintain copies of the lists and individual reports and make them available to the public for inspection during regular working hours.

(5) Receive individual SF 278 and DD Forms 1555 from officers and employees of the Office of the Secretary of Defense and maintain these reports on file in accordance with statute.

(6) Provide reports to Congress for the Department of Defense in accordance with statutes, including the preparation of a list of individuals who filed DD Form 1787 during the preceding fiscal year, listed by groups under the names of the appropriate DoD Components, and submission of that list to the President of the Senate and to the Speaker of the House of Representatives, no later than April 1 of each year.

(7) Prepare testimony for Congressional standards of conduct hearings and review transcripts.

(8) Collect and publish important written opinions from DoD Components when practicable to promote uniformity of standards of conduct opinions throughout the Department of Defense.

(9) Develop educational programs and materials for the Office of the Secretary of Defense that shall serve as models for other DoD Components.

(10) Present DoD perspectives on ethics to the public and respond to press inquiries.

(e) The DoD Ethics Oversight Committee shall:

(1) Meet on a regular basis.

(2) Consider general standards of conduct issues collected by the DoD SOCO and make recommendations to promote uniformity of standards of conduct opinions throughout the Department of Defense.

(3) Provide recommendations to DoD Component DAEOs on particular standards of conduct matters that are not addressed specifically in the part.

(4) Provide recommendations for DoD input on proposed standards of conduct legislation.

(f) The Assistant Secretary of Defense (Comptroller) (ASD(C)) shall:

(1) Prepare an annual report listing the defense contractors that have been awarded \$10,000,000 or more in defense contracts during the fiscal year and publish the report in the **Federal Register** not later than December 15 after the end of the fiscal year. Persons subject to the DD Form 1787 filing requirement may rely upon the annual report that is most current at the time of filing to identify those defense contractors whose employees and former employees are subject to this part.

(2) Prepare an annual report listing all the defense contractors that have been awarded \$25,000 or more in defense contracts during the fiscal year.

(3) Provide SOCO such personnel data on OSD, civilian, officer and employees, and military members serving in OSD as may be required, or permit designated SOCO personnel to have access to personnel records.

§ 40.6 Procedures.

(a) *Reporting suspected violations by DoD personnel.* (1) Suspected violations of the criminal statutes listed in § 40.7 and of this part shall be reported promptly to the immediate supervisor of those persons suspected and to the DAEO, or to a law enforcement official.

(2) Reports of any violations also may be made to the Inspector General of the Department of Defense in accordance with DoD Directive 7050.1¹ and DoD Directive 5240.4.¹

(3) DoD personnel shall cooperate with official investigations of possible violations.

(b) *Resolution of a violation or its appearance.* (1) Resolution of real or apparent standards of conduct violations shall be accomplished promptly.

(2) DoD Components are encouraged to establish a procedure that enables consultation and administrative action to resolve violations at the lowest possible command level in accordance with applicable laws, Executive Orders, and this part. Detailed administrative enforcement provisions appear in § 40.14.

(3) Resolution shall be accomplished through use of one or more of the following measures:

- (i) Disqualification from particular official actions (see § 40.6(b)(4)).
- (ii) Limitation of duties.
- (iii) Divestiture.
- (iv) Transfer or reassignment.
- (v) Resignation.
- (vi) Exemption under 18 U.S.C. 208(b).

(vii) Other appropriate action as provided by statute or administrative procedure.

(4) DoD personnel who have affiliations or financial interests that create conflicts of interest, or the appearance of conflicts of interest, with their official duties must disqualify themselves in writing from any official activities related to those affiliations, interests, or entities involved, unless otherwise expressly authorized by action taken under § 40.7(a)(3).

(i) Written notice of disqualification must be delivered to a person's superior or supervisor, immediate subordinates, and the DAEO or designee when the official duties or DoD personnel may affect the affiliations, interests, or entities involved.

(ii) If DoD personnel cannot perform their official duties adequately after such disqualification, they must divest their interests or be removed from their positions.

(iii) DoD Components shall provide for the periodic review of a disqualification by an individual's superior or supervisor to ensure its effectiveness.

(c) *Financial disclosure procedures—(1) Statement of affiliations and financial interests (DD Form 1555).* (i) The following DoD personnel must submit initial and annual Statements of Affiliation and Financial Interest (DD Form 1555) unless they are expressly exempted or are required to file a Financial Disclosure Report (SF 278) under § 40.6(c)(2).

(A) Commanders and deputy commanders of major installations, activities, and operations, as determined by the Heads of the DoD Components.

(B) DoD personnel classified at GS/GM-15 or below under 5 U.S.C. 5332, or a comparable pay level under other authority, and members of the military below the rank of O-7, when the official responsibilities of such personnel require them to exercise judgment in making Government decisions or in taking Government action for contracting or procurement, regulating or auditing private or other nonfederal enterprise, or other activities in which the final decision or action may have economic impact on the interests of any nonfederal activity.

(C) Special Government employees, except those exempted by § 40.9.

(D) DoD personnel serving in positions in which the DoD Component determines that the duties and responsibilities of the position require the officer or employee to file such a report to avoid a conflict of interest or the appearance of a conflict of interest

¹ See footnote 1 to § 40.4(b)(3)(iii)(A).

and to carry out the purpose of any statute, Executive Order, or regulation applicable to or administered by that DoD officer or employee.

(ii) DoD personnel in positions described in § 40.6(c)(1)(i) may be excluded from all or a portion of the reporting requirements when the DoD Component head or the DAEO determines that:

(A) The duties of the position are such that the possibility of a conflict of interest or appearance of a conflict of interest is remote,

(B) The duties of the position are at such a level of responsibility that the submission of a non-public financial disclosure report is not necessary because of the inconsequential effect on the integrity of the United States Government, or

(C) The use of an existing or alternative approved procedure is adequate to prevent any possible conflict of interest or appearance of a conflict of interest.

(iii) DoD Components shall ensure that personnel officers, in coordination with supervisors and ethics counselors, develop systems to identify all positions and persons required to file DD Forms 1555. See Federal Personnel Manual (FPM), Chapter 734, paragraphs 2 through 3.

(iv) Additional guidance about the applicability, submission, and review of DD Forms 1555 is in § 40.10.

(2) *Financial Disclosure Report (SF 278)* (i) The following DoD personnel are required by the Ethics in Government Act of 1978 to file Standard Form 278. Instructions are in § 40.10 (persons required to file SF 278 are not required to file DD Form 1555):

(A) General and Flag officers (pay Grade O-7 and above),

(B) Members of the Senior Executive Service (SES),

(C) General schedule (GS) employees, Grade 16 and above,

(D) Personnel (including special Government employees) whose rate of pay is fixed, other than under the general schedule, at a rate equal to or greater than the minimum rate of pay for GS-16 (GS/GM 15s are not required to file SF 278 even though their pay is higher than that of a GS/GM 16),

(E) Employees in the excepted service in positions of a confidential or policymaking character (Schedule C employees). This requirement does not apply to positions that have been excluded by the Director of the OGE.

(ii) DoD Components shall ensure that personnel officers, in coordination with supervisors and DAEO's or designees, develop systems to identify all positions and persons required to file SFs 278. See

FPM, Chapter 734, paragraphs 2 through 3.

(iii) Compliance with the financial disclosure provisions of the Ethics in Government Act, Pub. L. 95-521 shall be enforced by administrative, civil, or criminal remedies, as appropriate. These are discussed further in § 40.10.

(iv) Additional guidance about the submission, review, and public availability of SF 278 is in § 40.10.

(d) *DoD and Defense related employment reporting procedures*—(1) *Statement of employment (DD Form 1357)*. Each retired regular officer of the Armed Forces shall file initially with the Military Department in which he or she holds retired status a DD Form 1357 (Statement of Employment) § 40.11. Filing shall be within 60 days after retirement and thereafter within 30 days of changing employer or taking on new duties. The filing requirement continues for three years after retirement.

(i) The Military Departments shall establish procedures for the submission and review of DD Form 1357 to ensure compliance with applicable statutes and regulations. The procedures shall include the requirement that reviewing officials forward an information copy of the initial DD Form 1357 and subsequent changes to the DAEO at the last duty station of the retired regular officer.

(ii) Changes to DD Form 1357 must be filed within 30 days after the information in the previous statement has ceased to be accurate.

(2) *Report of DoD and Defense related employment (DD Form 1787)*. (i) The following individuals must submit Reports of DoD and Defense Related Employment (DD Form 1787):

(A) Each person who has left service or employment with a DoD Component, who:

(1) Is a retired military officer or former military officer who served on active duty at least 10 years and who held, for any period during that service, the Grade of O-4 or above, or is a former civilian officer or employee whose pay at any time during the three year period prior to the end of DoD service or employment was equal to or greater than the minimum rate for a GS-13 at that time,

(2) Within the two year period immediately following the termination of service or employment with a DoD Component, is employed by a defense contractor who, during the year preceding employment, was awarded \$10,000,000 or more in DoD contracts, and

(3) Is employed by or performs a service for the defense contractor and at any time during a year directly receives compensation of or is salaried at a rate

of \$25,000 per year or more from the defense contractor ("compensation" is received by a person if it is paid to a business entity with which the person is affiliated in exchange for services rendered by that person),

(B) Each civilian officer and employee of a DoD Component who:

(1) Is employed at a pay rate equal to or greater than the minimum rate for a GS-13,

(2) Within the two year period prior to the effective date of service or employment with the DoD Component, was employed by a defense contractor who, during a year, was awarded \$10,000,000 or more in DoD contracts, and

(3) Was employed by or performed services for the defense contractor and at any time during that year received compensation of or was salaried at a rate of \$25,000 per year or more at any time during employment ("compensation" is received by a person if it is paid to a business entity with which the person is affiliated in exchange for services rendered by that person).

(ii) DoD Components shall establish administrative procedures for submission, review, and approval of individual reports and for compiling and submission of the information to the DoD SOCO that shall establish administrative procedures for receipt, compilation, and submission to Congress, of the reported information. See § 40.5.

(iii) The transition from the former statutory requirements to the present statutory requirements regarding DD Form 1787 shall take place as follows (see 10 U.S.C. 2397):

(A) Former DoD personnel to whom the statute applies and who terminated service or employment with the Department of Defense on or after November 7, 1986 shall have until July 1, 1987 to file the initial DD Form 1787 using the new DD Form 1787 dated March 1987.

(B) DoD personnel to whom the statute applies who began service or employment with the Department of Defense on or after November 7, 1986 and before the effective date of this part shall file using the new DD Form 1787 dated March 1987.

(C) Former statutory requirements regarding DD Form 1787 do not apply after November 7, 1986. If an individual to whom the requirement applies filed a DD Form 1787 dated January 1, 1971 under the former statutory requirements, the individual shall file again using the new DD Form 1787 dated March 1987 by the deadline date of July 1, 1987.

(iv) Additional guidance about the applicability, admission, and review of DD Forms 1787 is in § 40.12.

(v) The public information requirement set out in § 40.6(d)(2), in the Report of DoD and Defense Related Employment (DD Form 1787), has been assigned OMB Control Symbol 1704-0047.

§ 40.7 Digest of laws.

(a) *Conflict of Interest Laws Applicable to DoD Personnel*—(1) 18 U.S.C. 203. (i) 18 U.S.C. 203(a) prohibits officers or Government employees (other than enlisted personnel) from directly or indirectly receiving or seeking compensation for services rendered or to be rendered before any department or agency in connection with any contract, claim, controversy or particular matter in which the United States is a party or has a direct and substantial interest. The purpose of this section is to reach any situation, including those where there is no intent to be corrupted or to provide preferential treatment, in which the judgment or efficiency of a Government agency might be influenced because of payments or gifts, made by reason of the position occupied, to that official in a manner otherwise than provided by law.

(ii) 18 U.S.C. 203(b) makes it unlawful to offer or pay compensation, the solicitation or receipt of which is barred by subsection (a).

(2) 18 U.S.C. 205. (i) 18 U.S.C. 205 prohibits Government personnel (other than enlisted personnel) from acting as an agent or attorney for anyone else before a department, agency, or court in connection with any particular matter in which the United States is a party or has a direct and substantial interest.

(ii) The following exemptions are allowed:

(A) 18 U.S.C. 205 does not prevent Government personnel from giving testimony under oath or making statements required to be made under penalty of perjury or contempt or from representing another person, without compensation, in a disciplinary, loyalty, or other personnel administration proceeding.

(B) 18 U.S.C. 205 also authorizes a limited waiver of its restrictions and those of 18 U.S.C. 203 for the benefit of an officer or employee, including a special Government employee, who represents his or her parents, spouse, or child, or a person or estate he or she serves as a fiduciary. The waiver is available only if approved by the official making appointments to the position. In no event does the waiver extend to the appointee's representation of any such person in matters in which he or she has

participated personally and substantially or which, even in the absence of such participation, are the subject of his or her official responsibility.

(C) 18 U.S.C. 205 gives the Head of a department or agency the authority to allow a special Government employee to represent his or her regular employer or other outside organization in the performance of work under a Government grant or contract if the department or agency Head certifies and publishes in the *Federal Register* that the national interest requires such representation.

(3) 18 U.S.C. 208. (i) 18 U.S.C. 208 (a) requires Executive Branch personnel (other than enlisted personnel) to refrain from personal and substantial participation as Government personnel through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any particular matter in which, to their knowledge, they, their spouses, their minor children, their partners, their employers or their prospective employers, or their organizations, have a financial interest. A "particular matter" may be less concrete than an actual contract, but is something more specific than rule making or abstract scientific principles. The test is whether the individual might reasonably anticipate that his or her Government action, or the decision in which he or she participates or with respect to which he or she advises, will have a direct and predictable effect on such financial interests.

(ii) 18 U.S.C. 208(b) permits agencies to grant an exemption in writing from subsection (a) if the outside financial interest is deemed in advance not substantial enough to affect the integrity of Government services. Categories of financial interests may also be made nondisqualifying by a general regulation published in the *Federal Register*. Shares of a widely held, diversified mutual fund or regulated investment company have been exempted as being too remote or inconsequential to affect the integrity of the services of Government personnel.

(4) 18 U.S.C. 209. Title 18, United States Code, section 209 (a) prohibits Executive Branch personnel (other than enlisted personnel) from receiving, and anyone from paying them, any salary or supplementation of salary from a private source as compensation for their Government service. Subsection (b) permits participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer. Subsection (c) exempts special Government employees and

anyone serving the Government without compensation. Subsection (d) exempts contributions, awards, or other expenses under the Government Employees Training Act. See 5 U.S.C. 4111.

(5) 10 U.S.C. 2397a. Title 10, United States Code, section 2397a applies to DoD employees at pay rates of GS-11 or higher and to officers in pay Grades 0-4 or higher. Such officials must report any contact they have had, or will have, with defense contractors regarding future employment with the defense contractor in any DoD procurement. Such officials also must disqualify themselves from any participation in DoD procurement related to the defense contractor. The penalty for violation is a bar from employment with the defense contractor for ten years after Government service and up to \$10,000 (§ 40.13)

(b) *Post government service statutory restrictions*—(1) 10 U.S.C. 2397—(i) *Former DoD officers and employees*. The first section applies to: retired military officers or former military officers who served on active duty at least 10 years at the grade of 0-4 or higher and former civilian officers or employees who served at a GS-13 pay rate or higher, who, within two years of leaving DoD, are employed by defense contractor awarded at least \$10,000,000 in defense contracts, and receive compensation from that defense contractor at an annual rate of \$25,000 or more.

(ii) *Present DoD officers and employees*. The second section applies to: Civilian officers and employees paid as GS-13 or higher, who, within two years prior to beginning with the DoD Component, were employed by a defense contractors awarded at least \$10,000,000 in DoD contracts, and received compensation from that defense contractor at an annual rate of \$25,000 or more.

(iii) *Affirmative duty to file report*. These individuals shall file reports giving their name and address, the name and address of the defense contractor, a description of duties with the defense contractor, a description of duties with the DoD Component, and other information required on DD Form 1787. The penalty for failure to file is a fine of up to \$10,000 (§ 40.13).

(2) 10 U.S.C. 2397b. Title 10, United States Code, section 2397b applies to former DoD officers and employees serving at a pay rate equal to or greater than the minimum pay rate for GS-13 or higher and 0-4 or higher who: spent the majority of their working days during the last two years of DoD service performing procurement related functions related to a defense contract

at a site or plant that was owned or operated by the contractor and that was the principal location of performance of such duties, or spent the majority of their working days during the last two years of their DoD service performing personally and substantially in a decision-making capacity through contact with a contractor on a major defense system. The statute also restricts those in the grades of SES or O-7 or higher, who performed duties as a primary representative of the United States while either negotiating a defense contract or settling a contractor's claim in an amount in excess of \$10,000. The penalty for violation of this statute is a fine up to \$250,000. (§ 40.10).

(3) *18 U.S.C. 203*. Title 18, United States Code, section 203 makes it a criminal offense for a former Government employee to share in any compensation for representation before any Government agency in relation to a particular matter in which the United States is a party or has a direct and substantial interest, regardless of whether it was before the agency of which the individual is a former employee, during the period of his or her Government service or employment. It covers compensation received only in connection with actual or constructive appearances before an agency. This section does not apply to former Government employees who receive fixed salaries, as opposed to shares of profits, as compensation for their services.

(4) *18 U.S.C. 207*—(i) *Permanent restriction on representation*. Title 18, United States Code, section 207 (a) permanently prohibits all former officers or employees (other than enlisted personnel) from knowingly representing anyone other than the United States or, with an intent to influence, making any oral or written communication on behalf of someone, in connection with a particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which the individual participated personally and substantially for the Government.

(ii) *Two-year restriction on representation*. (A) 18 U.S.C. 207(b)(1) restricts former officers or employees who terminate Government service on or after July 1, 1979, for two years after termination of service. Such persons may not act as agent or attorney or otherwise represent others in formal or informal appearances before the Government in connection with particular matters that were pending under the former employee's official responsibility during the final year of

Service. This restriction includes oral or written communications as described in paragraph (b)(4)(i) of this section.

(B) "Official responsibility" includes the direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Government actions. Ordinarily, the scope of an employee's official responsibility is determined by reference to the pertinent statute, regulation, Executive Order, job description, or delegation of authority.

(iii) *Additional restrictions applicable to senior employees*. (A) A "senior employee" includes all civilian officials at the executive level and all three and four star generals and flag officers. It also includes other persons holding positions designated as "senior employee" positions by the Director, Office of Government Ethics, as involving significant decisionmaking or supervisory responsibility. A list of designated positions is published annually in the *Federal Register*.

(B) For two years after leaving Government service, a former senior employee may not assist in the representation of another person by personal presence at an appearance before the Government on any particular matter in which he or she personally and substantially participated while in Government service (18 U.S.C. 207(b)(ii)). While such employees, for example, may work on a contract with which they were involved while in Government service, they may not render assistance while in attendance at any meetings, negotiations, or proceedings with the Government at which the prospective rights of the Government are addressed.

(C) For one year after leaving Government service, a former senior employee may not represent another person or himself or herself in attempting to influence his or her former agency in any matter pending before, or of substantial interest to, that agency (18 U.S.C. 207(c)). This provision does not require that the former employee have any prior involvement in the particular matter. The prohibition does not apply to communications made by a former senior employee who is an elected official or employee of a State or local government, acting on behalf of that government, or to communications on behalf of a degree granting institution of higher learning, or nonprofit hospitals or medical institutions by a former senior employee who is principally employed by those institutions or medical organizations. It also does not apply to

purely social or informational communications, responses to requests from the former agency, or to expressions of personal views when the former senior employee has no pecuniary interest. The provision results in a one year "cooling off" period to prevent the possible use of personal influence based on past Government affiliations to facilitate the transaction of business.

§ 40.8 Code of ethics for government service.

Any person in Government service should:

(a) Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

(b) Uphold the constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.

(c) Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.

(d) Seek to find and employ more efficient and economical ways of getting tasks accomplished.

(e) Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of Governmental duties.

(f) Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

(g) Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of Governmental duties.

(h) Never use any information gained confidentially in the performance of Governmental duties as a means for making private profit.

(i) Expose corruption wherever discovered.

(j) Uphold these principles, ever conscious that public office is a public trust.

§ 40.9 Statement of affiliations and financial interests (DD Form 1555).

(a) *DoD Personnel required to submit statements*. (1) DoD personnel required to file a Statement of Affiliations and Financial Interests (DD Form 1555) are as follows:

(i) The following DoD personnel must submit initial and annual Statements of

Affiliation and Financial Interests (DD Form 1555) unless they are expressly exempted or are required to file a Financial Disclosure Report (SF 278);

(A) Commanders and deputy commanders of major installations, activities, and operations, as determined by the heads of the DoD Components,

(B) DoD personnel classified at GS/GM-15 or below under 5 U.S.C. 5332, or a comparable pay level under other authority, and members of the military below the Rank O-7, when the official responsibilities of such personnel require them to exercise judgment in making Government decisions or in taking Government action for contracting or procurement, regulating or auditing private or other nonfederal enterprise, or other activities in which the final decision or action may have economic impact on the interest or any nonfederal activity,

(C) Special Government employees, except those exempted in paragraph (a)(2)(i) of this section.

(D) DoD personnel serving in positions in which the agency determines that the duties and responsibilities of the position require the officer or employee to file such a report to avoid a conflict of interest or the appearance of a conflict of interest and to carry out the purpose of any statute, Executive order, or regulation applicable to or administered by that DoD officer or employee.

(ii) DoD personnel in positions described in paragraph (a)(1)(i) of this section may be excluded from all or a portion of the reporting requirements when the DoD Component Head or the Designated Agency Ethics Official (DAEO) determines that:

(A) The duties of the position are such that the possibility of a conflict of interest or appearance of a conflict of interest is remote.

(B) The duties of the position are at such a level of responsibility that the submission of a non-public financial disclosure report is not necessary because of the inconsequential effect on the integrity of the United States Government, or

(C) The use of an existing or alternative approved procedure is adequate to prevent any possible conflict of interest or appearance of a conflict of interest.

(iii) DoD Components shall ensure that personnel officers, in coordination with supervisors and ethics counselors, develop systems to identify all positions and persons required to file DD Forms 1555. See FPM Chapter 734, paragraphs 2 through 3.

(2) Except as provided in paragraphs (a)(2)(i) and (ii) of this section, each member of any DoD advisory committee

or DoD Component advisory committee who is not required to file an SF 278, before appointment, shall file a DD Form 1555.

(i) Categories of special Government employees who are not required to file DD Forms 1555, unless specifically required by the DAEO to do so, are as follows:

(A) Physicians, dentists, and allied medical specialists engaged only in providing services to patients,

(B) Veterinarians providing only veterinary services,

(C) Lecturers participating only in educational activities,

(D) Chaplains performing only religious services,

(E) Individuals in the motion picture and television fields who are utilized only as narrators or actors in DoD productions,

(F) Reservists on active duty for less than 30 consecutive days during the calendar year.

(ii) The DAEO may determine that the submission of statements is not necessary for certain positions because of the remoteness of any impairment of the integrity of the Government and the degree of supervision and review of the incumbent's work. Such determinations shall be documented fully and retained by the DAEO of the DoD Component concerned.

(3) All positions in the categories indicated in paragraph (a)(1) of this section shall be reviewed annually by the proper supervisor in consultation with the DAEO or designee.

(i) If a determination is made as a result of this review, that the incumbent of the position must file a DD Form 1555, he or she shall be so informed in writing by the proper personnel officer, and the requirement for such filing will be included in the applicable document describing the duties and responsibilities of the position.

(ii) A person who believes that he or she has been required improperly to file a DD Form 1555 may request a review of the decision through established grievance procedures of the DoD Component.

(b) *Content of report.* (1) Instructions for completing DD Forms 1555 are included as part of the form (see attachment to § 40.9). Additional guidance for personnel required to file is available from the DAEO or designee.

(2) The interest of a spouse, minor child, or any member of one's household shall be reported as if it were an interest of the individual. The following interests of a spouse need not be reported:

(i) A final decree of separation,

(ii) An interim or interlocutory decree, or

(iii) A separation agreement formally executed by the parties in anticipation of its incorporation into a final decree of divorce or separation.

(3) DoD personnel are not required to submit any information relating to their connection with or interest in a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or similar organization not conducted as a business for profit. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government shall be included in a person's statement.

(4) An employee need not disclose the assets of, sources of income of, or transactions of, a trust if:

(i) The trust is a qualified blind or qualified diversified trust certified by the Office of Government Ethics and is otherwise reported on the DD Form 1555 by name of trust and date of execution, or

(ii) The trust is an "excepted" trust, defined as follows:

(A) A trust that was not created by the officer or employee, or the employee's, spouse or dependent child;

(B) Withholdings or sources of income of which the officer or employee, or spouse or dependent child have no knowledge, and

(C) Which is disclosed as an asset or income source on the report.

(c) *Submission and review of statements—(1) Time of filing—(i) Initial statements.* Before the assumption of duties, but no later than 45 days following the reporting individual's entry into a position that requires the filing of the DD Form 1555, the reporting individual shall file the required statement either with the new superior and supervisor, or with the DAEO or designee.

(ii) *Annual statements.* DD Form 1555 shall be filed by October 31 of each year for all affiliations and financial interests held as of September 30 of that year. Even though no changes occur, a complete statement is required.

(iii) *Special government employees.* Reports from special Government employees shall be collected initially no later than 30 days following appointment and thereafter, during any year they actually serve, on either the same date required of annual filers or a time period that begins 45 days prior to and extends to the first date the special Government employee actually provides services to the agency that year.

(iv) *Excusable delay.* The DAEO or designee may grant a written extension of time to file a DD Form 1555 when the

extension is necessitated by duty assignment, infirmity, or other good cause. Any extension in excess of 45 days requires the concurrence of the DAEO or his or her designee. Any late statement must include a notation of any extension of time granted.

(2) *Submission.* (i) Personnel of the Unified Commands shall submit their statements through their superiors or supervisors to the DAEO or designee in the Office of the Legal Advisor to the Unified Command. Commanders who have a dual responsibility as commanders of both joint commands and DoD Components shall submit their statements through Military Service channels.

(ii) Military Department and other DoD Component personnel shall submit their statements through their immediate superiors or supervisors for review and forwarding to officials designated in the DoD Components implementing regulations.

(iii) Before the commencement of service or assumption of new duties and annually thereafter, all statements shall be reviewed and approved by the DAEO or designee and the immediate superior or supervisor. An initial review by the certifying official shall be completed within 60 days after the date of filing.

(3) *Review.* (i) The reviewing official shall review each report to determine that:

(A) Each item is completed, and

(B) No interest or position disclosed on the form violates or appears to violate the following:

(1) Any applicable provision of Chapter 11 of Title 18 of the United States Code (Part 1).

(2) The "Ethics in Government Act of 1978," (Pub. L. 95-521, as amended), and any regulations promulgated thereunder,

(3) Executive Order 11222 as amended, and any regulations promulgated thereunder, or

(4) Any other related statute or regulation applicable to the employees of the agency.

(ii) The reviewing official shall not sign and date the report until the determination described in paragraph (c)(2)(i) of this section is made. A reviewing official need not audit the report to ascertain whether the disclosures are correct; disclosures are to be taken at "face value" unless there

is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. A report that is signed by a reviewing official shall signify that the agency has found that the information in the report discloses no conflict of interest under applicable laws and regulations and that the report fulfills the requirements set out in paragraph (c)(2)(ii) of this section.

(iii) If the reviewing official believes that additional information is required, the reporting individual shall be notified in writing of the additional information required and the date by which it must be submitted. The reporting individual shall submit the required information directly to the reviewing official.

(iv) If the reviewing official concludes that the report is completed properly and that no item violates, or appears to violate, applicable statute or regulation, then such official shall sign and date the report, and notify the reporting individual in writing that this action was taken.

(v) DoD personnel shall request submission on their behalf of required information that is known only to other persons. The submission may be made with a request for confidentiality that shall be honored even if it includes a limitation on disclosure to the reporting individual.

(d) *Remedial action.* (1) If the reviewing official concludes that the filing individual is not in compliance with applicable laws or regulations, the reviewing official shall do the following:

(i) Notify the reporting individual in writing of the preliminary determination,

(ii) Afford the reporting individual an opportunity for personal consultation, if practicable,

(iii) Determine what remedial action should be taken to bring the reporting individual into compliance, and

(iv) Notify the reporting individual in writing of the remedial action required, indicating a date by which that action must be taken.

(2) Except in unusual situations, which must be documented fully to the satisfaction of the reviewing official, remedial action shall be completed within 90 days from the date the reporting individual was notified that the action is required.

(3) Remedial steps may include the following measures:

- (i) Disqualification,
- (ii) Limitation of duties,
- (iii) Divestiture,
- (iv) Transfer or reassignment,
- (v) Resignation,
- (vi) Exemption under 18 U.S.C. 208(b)

or

(vii) Establishment of a qualified blind trust.

(4) When the reviewing official determines that a reporting person has complied fully with the remedial measures, a notation to that effect shall be made in the comment section of the DD Form 1555. The reviewing official then shall sign and date the DD Form 1787 and send written notice of that action to the reporting individual.

(5) If steps ensuring compliance with applicable laws and regulation are not taken by the date established, the reviewing official shall report the matter to the Head of the DoD Component for appropriate action.

(e) *Confidentiality of statements of DoD personnel.* Each DD Form 1555 shall be held in confidence. A DoD Component shall not disclose information from a statement except for good cause, as determined by the DAEO or designee, or by the Office of Government Ethics. Persons designated to review and process the statements are responsible for maintaining the statements in confidence. They shall not allow access to or disclosure from the statements except to carry out the purposes of this part. Inspections by Government officials charged with the responsibility for determining the proper operation of the financial disclosure reporting system are allowed.

(f) *Retention of statements.* DD Forms 1555 shall be retained for 6 years from the date of filing.

(g) *Penalties* (1) *Administrative penalties.* Any individual failing to file a report or falsifying or failing to file required information, may be subject to any appropriate personnel or other action in accordance with applicable law or regulation, including adverse action.

(2) *Criminal liability.* Any individual who knowingly or willfully falsifies information on a report required to be filed under this enclosure also may be subject to criminal prosecution under 18 U.S.C. 1001.

BILLING CODE 3810-01-M

Attachment to §40.9

CONFIDENTIAL STATEMENT OF AFFILIATIONS AND FINANCIAL INTERESTS
DEPARTMENT OF DEFENSE PERSONNEL
(Including Special Government Employees)

(If additional space is required use separate sheets referencing item numbers below.)

Privacy Act Statement

AUTHORITY: E.O. 11222 dated May 8, 1965 and E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPAL PURPOSE: Information is required from categories of DoD personnel specified in DoD Directive 5500.7 Section F.3.a and Enclosure 5, or implementing regulations, to enable supervisors and other responsible DoD officials to determine whether there are actual or apparent conflicts of interest between the individual's present and prospective official duties and the individual's non-federal affiliations and financial interests.

ROUTINE USE: This information shall be treated as confidential except as determined by the component head concerned or the Office of Government Ethics.

DISCLOSURE: Filing is voluntary in the sense that no criminal penalties will follow from refusal to file. However, the refusal to provide requested information may result in such measures as suspension of consideration for appointment, reassignment of duties, disciplinary action, or termination of employment.

(Please read Instructions before completing this form.)

1. NAME (Last, First, MI)		2. SOCIAL SECURITY NUMBER	
		[][]-[][]-[][][][]	
3. TITLE OR POSITION		4. WORK TELEPHONE NO. (Include Area Code)	
		[][]-[][]-[][][][]	
5. DOD COMPONENT ADDRESS (Include office symbol code letters)		6. GRADE OR RANK	

PART I

To be completed by DoD personnel indicated in section F.3.a. and Enclosure 5 of DoD directive 5500.7, or implementing regulations.

7. NON-FEDERAL AFFILIATIONS AND FINANCIAL INTERESTS (See instructions. If none, write "none.")			
a. NAME OF ORGANIZATION	b. ADDRESS OF ORGANIZATION	c. YOUR AFFILIATION	d. NATURE OF FINANCIAL INTEREST (Stock, pension, etc.)
8. CREDITORS (List all creditors other than conventional loans on customary terms. If none, write "none.")			
a. NAME	b. ADDRESS	c. NATURE OF DEBT	
9. INTERESTS IN REAL PROPERTY (List all creditors other than personal residence you occupy. Note any DoD contractor relationships, present or future. If none, write "none.")			
a. ADDRESS OF PROPERTY	b. NATURE OF INTEREST (Owner, mortgagee, etc.)	c. TYPE OF PROPERTY (Apts., farm, etc.)	

PART II

To be completed only by "Special Government Employees." See Instructions.

10. NUMBER OF DAYS YOU EXPECT TO PERFORM GOVERNMENT SERVICE

a. FOR DOD COMPONENT		d. DAYS WORKED FOR PRESENT DOD COMPONENT DURING 365 DAYS PRIOR TO PRESENT APPOINTMENT		e. DAYS WORKED FOR ANY DOD COMPONENT DURING 365 DAYS PRIOR TO PRESENT APPOINTMENT	
b. FOR OTHER AGENCIES					
c. TOTAL (10.a. + b.)					

11. FEDERAL GOVERNMENT EMPLOYMENT (List all other agencies with whom you are presently employed.)

a. AGENCY NAME	b. AGENCY ADDRESS	c. TITLE OR POSITION	d. NO. OF DAYS	e. DATE (YYMMDD)	
				(1) FROM	(2) TO

PART III - CERTIFICATION

To be completed by all filers.

12. I certify that the statements I have made are true, complete, and correct to the best of my knowledge and that none of the reported affiliations/financial interests are in conflict with my official duties. I have read and understand DoD Directive 5500.7 "Standards of Conduct" or implementing regulations.

a. SIGNATURE	b. DATE SIGNED
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PART IV - EVALUATION AND REVIEW

To be completed by supervisor or superior and Designated Agency Ethics Official or designee. See Instructions.

13. I have reviewed the above statement in light of the present and prospective duties of the individual to ensure that both actual and apparent conflicts of interest are avoided. My evaluation is (x as applicable)

<input type="checkbox"/>	a. No affiliation/financial interests reported.
<input type="checkbox"/>	b. Reported affiliations/financial interests are unrelated to assigned or prospective duties, and no conflicts appear to exist.
<input type="checkbox"/>	c. Assigned duties require participation in matters involving or which may involve the highlighted affiliations/financial interests. This conflict will be resolved by (x as applicable)
<input type="checkbox"/>	(1) Change of assigned duties.
<input type="checkbox"/>	(2) Divestiture of the interests and relief of incumbent from all related duties pending divestiture.
<input type="checkbox"/>	(3) Disqualification.
<input type="checkbox"/>	(4) Other. Detailed advice attached. Notice of corrective action will follow.
<input type="checkbox"/>	d. The highlighted reported affiliations/financial interests are related to assigned or prospective duties, but have been determined by the appropriate appointing official to be not so substantial as to affect the integrity of the individual's services. A copy of the formal determination and rationale is attached.
<input type="checkbox"/>	e. The prospective employee's duties will require participation in matters involving the highlighted reported affiliations/financial interests and the appointment cannot be consummated until divestiture of these affiliations/financial interests is completed.
f. SIGNATURE	h. OFFICE ADDRESS
g. PRINTED NAME	i. DATE SIGNED

14. As a Designated Agency Ethics Official or designee, I have examined the foregoing Statement and Evaluation. (x a. or b.)

<input type="checkbox"/>	a. I concur with the supervisor's evaluation
<input type="checkbox"/>	b. I do not concur with the supervisor's evaluation. Advice attached.
c. SIGNATURE	e. OFFICE ADDRESS
d. PRINTED NAME	f. DATE SIGNED

**DD FORM 1555, CONFIDENTIAL STATEMENT OF AFFILIATIONS AND
FINANCIAL INTERESTS - DEPARTMENT OF DEFENSE PERSONNEL**

A DD Form 1555 shall be filed with the new superior or supervisor, or with the Designated Agency Ethics Official or designee before the assumption of duties in a position that requires its filing. A new DD Form 1555 shall be filed by October 31 of each year and shall include all affiliations and financial interests as of September 30 of that year. A new DD Form 1555 shall be filed each year even though no changes in affiliations or financial interests occur.

Extensions may be granted for good cause by a Designated Agency Ethics Official or designee. For required information not known by you but known by another person, you are required to request the submission of the information on your behalf. Personnel who are required to file SF 278, "Financial Disclosure Report," are exempted from filing this DD Form 1555. Personnel required to file SF 278 are listed in DoD Directive 5500.7, Enclosure 6.

INSTRUCTIONS FOR COMPLETION

ITEM 1-6. Provide the appropriate information.

PART I

This part must be completed by the following personnel:

a. Commanders and deputy commanders of major installations, activities, and operations (as determined by the Heads of the DoD Components), and DoD personnel classified at GS/GM-15 or below under 5 U.S.C. §5332, or a comparable pay level under other authority, and members of the military below the rank of O-7, when the official responsibilities of such personnel require them to exercise judgment in making government decisions or in taking government action for contracting or procuring, regulating or auditing private or other non-Federal enterprise, or other activities in which the final decision or action may have economic impact on the interests of any non-Federal activity.

b. Special government employees, except for the following categories of personnel unless specifically required to file by the Designated Agency Ethics Official: physicians, dentists, and allied medical specialists engaged only in providing service to patients; veterinarians providing only veterinary services; lecturers participating only in educational activities; chaplains performing only religious services; individuals in the motion picture and television fields who are utilized only as narrators or actors in DoD productions; reservists on active duty for less than 30 consecutive days during the calendar year; others from whom the Designated Agency Ethics Official determines DD Form 1555 is not necessary.

The interests of a spouse, minor child, and any member of your household shall be reported in the same manner as if they were your own interests.

Item 7. List the names of all corporations, firms, partnerships, and other business enterprises, nonprofit or educational organizations, or other institutions in which you: (a) are (or were since your last filing of a DD Form 1555) affiliated as an employee, officer, owner, director, member, trustee, partner, advisor, agent, representative, or consultant, or as a person on leave from such affiliation, or as a person with an understanding or with plans for affiliation in the future; (b) have any continuing financial interests, such as through a pension or retirement plan, shared income, continuing termination payments, or other arrangement as a result of any current or prior employment or business or professional association; or (c) have any financial interest through the legal or beneficial ownership of stock, stock options, bonds, securities, or other arrangements including trusts. If none, write "none."

Identify with an asterisk any affiliations or financial interests which you have acquired since last filing DD Form 1555.

Associations with, or interests in, nonprofit professional, charitable, religious, social, fraternal, recreational, public service, civic, or political organizations, need not be reported if the association or interest is not one of ownership nor maintained to conduct business for profit.

Association with, or interests in, educational or other institutions doing research or development related work involving grants from or contracts with the government must be reported on this form.

The amount of financial interests need not be reported unless specifically required by the Designated Agency Ethics Official or designee.

INSTRUCTIONS FOR COMPLETION OF DD FORM 1555 (Continued)

PART I (Continued)

Item 8. List all creditors other than those who have given you conventional loans on customary commercial terms. If none, write "none."

Item 9. List your interests in real property other than the personal residence you occupy. Note any relationships with DoD contractors, present or prospective, related to interests in real estate. If none, write "none".

PART III

All filers must certify by signature and date.

PART II

This part must be completed only by special government employees with the exception of those listed as exempted in Part I. b., above.

Item 10. Fill in the:

a. Number of days you expect to work for the DoD Component to which you will submit this DD Form 1555.

b. Total number of days you expect to work for other Federal agencies.

c. Total of Item 10.a. and 10.b..

d. Number of days you worked for the DoD Component to which you will submit this DD Form 1555 during the 365 days prior to the beginning date of your present appointment.

e. Number of days you worked for any DoD Component during the 365 days prior to the beginning date of your present appointment.

Item 11. List all other Federal agencies with whom you are presently employed.

PART IV

All DD Forms 1555 must be submitted to supervisors or superiors for evaluation and must be reviewed by the Designated Agency Ethics Official or designee.

§ 40.10 Financial disclosure report (SF 278).

(a) *DoD Personnel Required to File SF 278.* (1) DoD personnel required to file a Financial Disclosure Report (SF 278) are in "covered positions" and are as follows (persons required to file SF 278 are not required to file DD Form 1555):

- (i) General and Flag Officers (pay grade 0-7 and above).
- (ii) Members of the Senior Executive Service (SES).
- (iii) General schedule (GS) employees, Grade 16 and above.
- (iv) Personnel (including special Government employees) whose rate of pay is fixed, other than under the GS, at a rate equal to or greater than the minimum rate of pay for GS-16 (GS/GM 15s are not required to file SF 278 even though their pay is higher than that of a GS/GM 16).
- (v) Employees in the excepted service in positions of a confidential or policymaking character (Schedule C employees). This requirement does not apply to positions that have been excluded by the Director, Office of Government Ethics.

(2) DoD Components shall ensure that personnel officers, in coordination with supervisors and Designated Agency Ethics Officials (DAEO's) or designees, develop systems to identify all positions and persons required to file SFs 278. See FPM Chapter 734, paragraphs 2 and 3.

(3) A person who is nominated to or assumes a covered position is not required to file an SF 278 if the Secretary of Defense or DAEO of the DoD Component concerned determines that the person is not expected reasonably to perform the duties of the position for more than 60 days in the calendar year. If the person performs the duties of the office or position for more than 60 days in the calendar year, an SF 278 shall be filed within 15 days after the 61st day of duty.

(4) A person otherwise required to file an SF 278, but who is expected to perform the duties of the position for less than 130 days in the calendar year, may request a waiver of any or all reporting requirements from the Director, Office of Government Ethics, if the person is not a full-time employee of the Government, is able to provide specially needed services, and does not have outside employment or financial interests that may create a conflict of interest.

(b) *Contents of reports.* Instructions for completing SFs 278 are included as part of the report forms. Additional guidance for personnel in covered positions is available from the DAEO or designee.

(c) *Submission and review of reports—(1) Time of filing—(i) Nomination report.* Each civilian nominated to a position requiring senate confirmation shall submit an SF 278 according to the procedures established by the DoD Component concerned. The DoD Component shall ensure that a full and complete SF 278 is filed within 5 days of the transmittal of the nomination to the Senate. General and flag officers and 0-7 designees are not required to file nomination reports with respect to their nomination for promotion to 0-7 and above.

(ii) *Assumption report.* DoD personnel shall submit an SF 278 before assuming a covered position. If the individual previously has complied with the annual filing requirement for the current year at another agency or has provided a nomination report, a copy of that current SF 278 may be submitted as the assumption report.

(iii) *Annual report.* DoD personnel, including special Government employees, occupying a covered position for more than 60 days during a calendar year shall submit an SF 278 annually according to the procedures established by the DoD Component concerned.

(iv) *Termination report.* DoD personnel occupying a covered position shall submit an SF 278 no sooner than 15 days before and no later than 30 days after the date of departure from that position. The termination report will cover the portion of the present calendar year up to the date of termination and, if the annual report has not yet been filed, the preceding calendar year.

(2) *Submission.* (i) Regulations of the individual DoD Component shall prescribe the offices to which SFs 278 shall be submitted for review. Procedures shall include supervisory and/or legal review before submission to the DAEO.

(ii) OSD civilian presidential appointees and DAEOs shall submit their SFs 278 directly to the General Counsel, OSD, for final review.

(iii) DoD personnel employed by or assigned to OSD and OJCS shall submit their SFs 278 to their immediate superior or supervisor for a preliminary review and then to the General Counsel, OSD, or designee, for final review.

(iv) Personnel on detail to other Executive Branch agencies shall follow the filing procedures of those agencies.

(3) *Review.* (i) The reviewing official shall review each report to determine that:

- (A) Each item is completed; and
- (B) No interest or position disclosed on the form violates or appears to violate the following:

(1) Any applicable provision of chapter 11 of title 18 of the United States Code (Part 1).

(2) The "Ethics in Government Act of 1978," (Pub. L. 95-521 as amended), and any regulations promulgated thereunder.

(3) Executive Order 11222, as amended, and any regulations promulgated thereunder, or

(4) Any other related statute or regulation applicable to the employees of the agency.

(ii) The reviewing official shall not sign and date the report until the determination described in paragraph (c)(3)(i) of this section, is made. A reviewing official need not audit the report to ascertain whether the disclosures are correct; disclosures are to be taken at "face value" unless there is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. A report that is signed by a reviewing official shall signify that the agency has found that the information in the report discloses no conflict of interest under applicable laws and regulations and that the report fulfills the requirements set out in paragraph (c)(3)(i).

(iii) If the reviewing official believes additional information is required, the reporting individual shall be notified in writing of the additional information required and the date by which it must be submitted. The reporting individual shall submit the required information directly to the reviewing official.

(iv) If the reviewing official concludes that the report is completed properly and that no item violates, or appears to violate, applicable statute or regulation, then such official shall sign, date the report, and notify the reporting individual in writing that this action was taken.

(v) DoD personnel shall request submission on their behalf, of required information that is known only to other persons. The submission may be made with a request to confidentiality that shall be honored even if it includes a limitation on disclosure to the reporting individual.

(d) *Remedial action.* (1) If the reviewing official concludes that the filing individual is not in compliance with applicable laws or regulations, the reviewing official shall do the following:

(i) Notify the reporting individual in writing of the preliminary determination.

(ii) Afford the reporting individual an opportunity for personal consultation, if practicable.

(iii) Determine what remedial action should be taken to bring the filing individual into compliance, and

(iv) Notify the reporting individual in writing of the remedial action required, indicating a date by which that action must be taken.

(2) Except in unusual situations, which must be documented fully to the satisfaction of the reviewing official, remedial action shall be completed within 90 days from the date the reporting individual was notified that the action is required.

(3) Remedial steps may include the following measures:

- (i) Disqualification,
- (ii) Limitation of duties,
- (iii) Divestiture,
- (iv) Transfer or reassignment,
- (v) Resignation,
- (vi) Exemption under 18 U.S.C. 208(b) or
- (vii) Establishment of a qualified blind trust.

(4) When the reviewing official determines that a reporting person has complied fully with the remedial measures, a notation to that effect shall be made in the comment section of the SF 278. The reviewing official then shall sign and date the SF 278 and send written notice of that action to the reporting individual.

(5) If steps ensuring compliance with applicable laws and regulations are not taken by the date established, the reviewing official shall report the matter to the Head of the DoD Component for appropriate action. The Office of Government Ethics and the Attorney General also shall be notified.

(e) *Public availability of reports.* SFs 278 must be made available for public examination upon request 15 days after the report is filed unless otherwise exempted under law. Receipt of the report by a DoD Component for final review constitutes official filing and establishes the date from which the 15 days shall run. This means the reports are available to the public before final review is completed. Reporting persons personally are responsible for ensuring that their reports are accurate, complete, and timely.

(f) *Retention of Reports.* SFs 278 shall be retained for 6 years from the date of filing.

(g) *Penalties.* Compliance with the financial disclosure provisions shall be enforced by administrative, civil, or criminal remedies, including the following:

(1) *Action within the DoD component.* The Head of the DoD Component may take appropriate action, including a change in assigned duties or adverse action, in accordance with applicable law or regulation, against any person who fails to file an SF 278, or who falsifies or fails to report required information.

(2) *Action by the Attorney General.* The head of the DoD Component is required to refer to the Attorney General the name of any person whom he or she has reasonable cause to believe has failed willfully to file an SF 278 on time or has falsified or failed willfully to file information required to be reported.

Such referral does not bar additional administrative or judicial enforcement. The Attorney General may bring a civil action in the U.S. District Courts against any person who knowingly and willfully falsifies or fails to file or report any required information. The court may assess a civil penalty not to exceed \$5,000. Knowing or willful falsification of information required to be filed also may result in criminal prosecution under 18 U.S.C. 1001 leading to a fine of not more than \$10,000, or imprisonment for not more than 5 years, or both.

(3) *Misuse of reports.* (i) The Attorney General may bring a civil action against a person who obtains or uses an SF 278 filed under the Ethics in Government Act (Pub. L. 95-521), for the following reasons:

(A) Any unlawful purpose.

(B) Any commercial purpose, other than by news and communications media for dissemination to the general public.

(C) Determining or establishing the credit rating of any individual.

(D) Directly or indirectly, for the solicitation of money for any political, charitable, or other purpose.

(ii) The court in which such action is brought may assess a penalty in any amount not to exceed \$5,000. This is in addition to any other legal remedy available.

BILLING CODE 3810-01-M

§ 40.11 Statement of employment—Regular retired officers (DD Form 1357).

STATEMENT OF EMPLOYMENT - REGULAR RETIRED OFFICERS

(Before completing this form, please read instructions on reverse.
If additional space is required use blank sheets referencing applicable item numbers.)

Privacy Act Statement

AUTHORITY: 37 U.S.C. §801 (b), 5 U.S.C. §5532 and E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPAL PURPOSE: To enable DoD personnel to determine if retired regular officers are engaged in activities prohibited by law or regulation, including those that could result in the loss or reduction in retired pay due to other Federal employment.

ROUTINE USE: Information is forwarded to the Military Department from which the individual retired, and is appropriately reviewed to assure compliance with applicable statutes and regulations.

DISCLOSURE: Voluntary in the sense that no criminal penalties will follow from refusal to file; however, refusal to provide requested information may result in further investigation which may lead to the withholding of retired pay and the referral of the matter to the Comptroller General of the United States or other Federal agencies.

1. RETIREMENT DATA		2. ARE YOU PRESENTLY EMPLOYED? (x one)	
a. I AM A REGULAR RETIRED OFFICER OF (X one)		<input type="checkbox"/> YES (Complete all items of this form.) <input type="checkbox"/> NO (Skip to item 11.)	
<input type="checkbox"/> (1) ARMY <input type="checkbox"/> (2) NAVY <input type="checkbox"/> (3) MARINES <input type="checkbox"/> (4) AIR FORCE <input type="checkbox"/> (5) OTHER (list)		3. NAME OF EMPLOYER	
b. RETIREMENT DATE (YYMMDD)		4. DATE OF EMPLOYMENT (YYMMDD)	
6. Does your employer sell, or offer for sale goods or services to DoD Components, the Coast Guard, Public Health Service, or National Oceanic And Atmospheric Administration?		5. ADDRESS OF EMPLOYER	
<input type="checkbox"/> YES (Complete all items of this form.) <input type="checkbox"/> NO (Skip to item 11.)		a. STREET	
		b. CITY	
		c. STATE	
		d. ZIP CODE	
		e. TELEPHONE NUMBER OF EMPLOYER (Include area code)	
7. DESCRIPTION OF GOODS OR SERVICES			
8. POSITION TITLE			
9. DESCRIPTION OF DUTIES			
10. DO YOUR DUTIES INCLUDE ONE OR MORE OF THE FOLLOWING ACTIVITIES IN REGARD TO AN ORGANIZATION SPECIFIED IN ITEM 6?			
a. Signing a bid, proposal, or contract;		c. Negotiating a contract; or	
b. Contacting an officer or employee of the agency for the purpose of:		d. Any other liaison activity toward the ultimate consummation of a sale even though the actual contract is later negotiated by another.	
(1) obtaining or negotiating contracts.		<input type="checkbox"/> YES (Attach explanatory details.) <input type="checkbox"/> NO	
(2) negotiating or discussing changes in specifications, price, cost allowances, or other contract terms.			
(3) settling disputes concerning performance of a contract;			
11. CERTIFICATION			
I certify that the above information is true, complete, and correct to the best of my knowledge. I also certify that I will file a new Statement of Employment within 30 days after the information in this Statement ceases to be accurate. I understand that if I have been retired for less than three years and have been employed by a defense contractor, I might also be subject to the requirement to file a DD Form 1787, "Report of DoD and Defense Related Employment," pursuant to 10 U.S.C. §2397 and DoD Directive 5500.7.			
a. NAME (typed or printed)		b. SOCIAL SECURITY NUMBER	
c. SIGNATURE		d. DATE SIGNED	

DD FORM 1357
STATEMENT OF EMPLOYMENT - REGULAR RETIRED OFFICERS

INSTRUCTIONS FOR COMPLETION

1. Mark the branch of service from which you retired. If "other," write in the name of the service. Include date of retirement. YOU MUST FILE YOUR FIRST DD FORM 1357, "STATEMENT OF EMPLOYMENT," WITHIN 30 DAYS OF YOUR RETIREMENT DATE.
2. If you are presently employed, complete all items of this form. If you are not presently employed, proceed to item 11. YOU MUST SUBMIT A NEW DD FORM 1357, "STATEMENT OF EMPLOYMENT," WITHIN 30 DAYS AFTER THE INFORMATION IN THIS FORM HAS CEASED TO BE ACCURATE. THE REQUIREMENT TO FILE CONTINUES FOR THREE YEARS AFTER RETIREMENT. IF YOU BECOME EMPLOYED, CHANGE JOBS, OR TAKE ON NEW DUTIES, YOU MUST FILE A NEW DD FORM 1357 WITHIN 30 DAYS AFTER THE CHANGE UNLESS MORE THAN THREE YEARS HAVE PASSED SINCE YOUR RETIREMENT DATE.
3. through 5. Self explanatory.
6. If your present employer sells, or offers for sale, any goods or services to any of the named organizations, mark "yes" and complete all following items. If not, proceed to item 11.
7. Describe the goods or services that your employer sells, or offers for sale, to any of the organizations named in item 6.
8. and 9. Self explanatory.
10. If your duties include any of the listed activities in regard to the organizations named in item 6, mark "yes" and attach a sheet with explanatory details.
11. Self explanatory. Social security number must be included.

§ 40.12 Reporting of DoD and defense related employment (DD Form 1787).

(a) *Personnel required to file.* Personnel required to file a Report of DoD and Defense Related Employment (DD Form 1787) are as follows:

(1) Each person who has left service or employment with a DoD Component, who:

(i) Is a retired military officer or former military officer who served on active duty at least 10 years and who held, for any period during that service, the pay grade of O-4 or above, or a former civilian officer or employee whose pay rate at any time during the three year period prior to the end of DoD service or employment was equal to or greater than the minimum GS-13 rate at that time;

(ii) Within the two year period immediately following the termination of service or employment with a DoD Component, is employed by a defense contractor who, during the year preceding employment, was awarded \$10,000,000 or more in defense contracts; and

(iii) Is employed by or performs service for the defense contractor and at any time during a year directly receives compensation of or is salaried at a rate of \$25,000 per year or more from the defense contractor ("compensation" is received by a person if it is paid to a business entity with which the person is affiliated in exchange for services rendered by that person).

(2) Each civilian officer and employee of a DoD Component who:

(i) Is employed at a pay rate equal to or greater than the minimum rate for GS-13.

(ii) Within the two year period prior to the effective date of service or employment with the DoD Component, was employed by a defense contractor who, during a year, was awarded \$10,000,000 or more in defense contracts, and

(iii) Was employed by or performed services for the defense contractor and at any time during that year received compensation of or was salaried at a rate of \$25,000 per year or more at any time during employment ("compensation" is received by a person if it is paid to a business entity with which the person is affiliated in exchange for services rendered by the person).

(b) *Content of report.* Instructions for completing DD Forms 1787 are included as part of the form (see attachment to § 40.12). Additional guidance for personnel required to file is available from the Designated Agency Ethics Official (DAEO) or designee.

(c) *Submission and review of reports—(1) Time of filing.* (i) Current DoD officers and employees shall file a report within 30 days after entering employment or service with any DoD Component.

(ii) Former DoD officers and employees shall file an initial report within 90 days after the date on which the individual began employment with the defense contractor.

(iii) Former DoD officers and employees shall file subsequent reports each time, during the two-year period after service or employment with the DoD Component ended, that the person's duties with the defense contractor significantly change or the person begins employment with another defense contractor. Such reports shall be filed within 30 days after the date of the change.

(2) *Submission.* (i) Civilians shall submit their reports to the DAEO of the present or former DoD Component in accordance with DoD Component procedures.

(ii) Retired or former military officers shall submit their reports to the DAEO of their Military Departments.

(3) *Review.* (i) The reviewing official shall review each report to determine that:

(A) Each item is completed, and
(B) No interest or position disclosed on the form violates or appears to violate the following:

(1) Any applicable provision of Chapter 11 of Title 18 of the United States Code (Part 1),

(2) The Ethics in Government Act of 1978 (Pub. L. 95-521), as amended, and any regulations promulgated thereunder,

(3) Executive Order 11222, as amended, and any regulations promulgated thereunder, or

(4) Any other related statute or regulation applicable to the employees of the agency.

(ii) The reviewing official shall not sign and date the report until the determination described in paragraph (c)(3)(i) of this section is made. A reviewing official need not audit the report to ascertain whether the disclosures are correct; disclosures are to be taken at "face value" unless there is a patent omission or ambiguity or the official has independent knowledge of matters outside the report. A report that is signed by a reviewing official shall signify that the agency has found that the information in the report discloses no conflict of interest under applicable laws and regulations and that the report fulfills the requirements set out in paragraph (c)(3)(i) of this section.

(iii) If the reviewing official believes that additional information is required,

the reporting individual shall be notified in writing of the additional information required and the date by which it must be submitted. The reporting individual shall submit the required information directly to the reviewing official.

(iv) If the reviewing official concludes that the report is completed properly and that no item violates, or appears to violate, applicable statute or regulation, then such official shall sign and date the report and notify the reporting individual in writing that this action was taken.

(v) DoD personnel shall request submission on their behalf of required information that is known only to other persons. The submission may be made with a request for confidentiality that shall be honored even if it includes a limitation on disclosure to the reporting individual.

(d) *Remedial action.*

(1) If the reviewing official concludes that the filing individual is not in compliance with applicable laws or regulations, the reviewing official shall do the following:

(i) Notify the reporting individual in writing of the preliminary determination;

(ii) Afford the reporting individual an opportunity for personal consultation, if practicable;

(iii) Determine what remedial action should be taken to bring the reporting individual into compliance; and

(iv) Notify the reporting individual in writing of the remedial action required, indicating a date by which that action must be taken.

(2) Except in unusual situations, which must be documented fully to the satisfaction of the reviewing official, remedial action shall be completed within 90 days from the date the reporting individual was notified that the action is required.

(3) Remedial steps may include the following measures:

- (i) Disqualification,
- (ii) Limitation of duties,
- (iii) Divestiture,
- (iv) Transfer or reassignment,
- (v) Resignation,
- (vi) Exemption under 18 U.S.C. 208(b)

or

(vii) Establishment of a qualified blind trust.

(4) When the reviewing official determines that a reporting person has complied fully with the remedial measures, a notation to that effect shall be made in the comment section of the DD Form 1787. The reviewing official then shall sign and date the DD Form 1787 and send written notice of that action to the reporting individual.

(5) If steps ensuring compliance with applicable laws and regulations are not taken by the date established, the reviewing official shall report the matter to the head of the DoD Component for appropriate action. The Office of Government Ethics also shall be notified.

(e) *Public availability of reports.* DD Forms 1787 must be made available for public examination upon request 15 days after the report is filed unless otherwise exempted pursuant to law. Receipt of the report by a DoD

Component for final review constitutes official filing and establishes the date from which the 15 days shall run. This means the reports are available to the public before final review is completed. Reporting persons are personally responsible for ensuring that their reports are accurate, complete, and timely.

(f) *Retention of reports.* DD Forms 1787 shall be retained for 6 years from the date of filing.

(g) *Penalties—(1) Administrative penalties.* Any individual failing to file a

report or falsifying or failing to file required information, may be subject to any applicable personnel or other action in accordance with applicable law or regulation, including adverse action. Administrative penalty of up to \$10,000 may be imposed.

(2) *Criminal liability.* Any individual who knowingly or willfully falsifies information on a report required to be filed under this section may also be subject to criminal prosecution under 18 U.S.C. 1001.

BILLING CODE 3810-01-M

Attachment to §40.12

REPORT OF DOD AND DEFENSE RELATED EMPLOYMENT AS REQUIRED BY 10 U.S.C. §2397 (If additional space is required, use blank sheets of paper referencing item numbers below.)		Form Approved OMB No. 0704-0047 Expires Oct 31, 1989	
Privacy Act Statement			
AUTHORITY:	10 U.S.C. §2397; 10 U.S.C. §2397b; Executive Order 9397 (Social Security Number (SSN)).		
PRINCIPAL PURPOSES:	Each report will be reviewed by Department of Defense officials to determine compliance with the intent of the Act. The purpose of requesting the SSN is for positive identification and retrieving the record.		
ROUTINE USE:	Information derived from the reports, including names of reporting individuals and their current and former employers, shall be provided annually to the Congress. The reports themselves shall be available for review by members of the public and may otherwise be made available as authorized by law.		
DISCLOSURE:	Mandatory. Knowing or willful failure to file or report information required to be reported by this law, or falsification of information, may subject you to administrative penalty of up to \$10,000 pursuant to regulations promulgated by the Secretary of Defense. Knowing or willful falsification of information required to be filed may also subject you to criminal prosecution under 18 U.S.C. §1001, leading to a fine of not more than \$10,000 or imprisonment for not more than five years or both.		
(Please read Instructions before completing this form.)			
1. NAME (Last, First, Middle Initial)		2. SOCIAL SECURITY NO.	3. HOME TELEPHONE NO.
4. HOME ADDRESS			
a. STREET	b. CITY	c. STATE	d. ZIP CODE
5. IS THIS AN INITIAL REPORT? (X a. or b.)		6.a. STATUS (X as many as applicable)	
<input type="checkbox"/> a. YES (If "Yes," go to Item 6.) <input type="checkbox"/> b. NO (If "No," go to Item 5.c.) c. If this is NOT an initial report, reason for subsequent report is: (X one) <input type="checkbox"/> (1) change in employer <input type="checkbox"/> (2) change in duties		<input type="checkbox"/> (1) RETIRED MILITARY - O4 OR ABOVE <input type="checkbox"/> (2) FORMER MILITARY - O4 OR ABOVE <input type="checkbox"/> (3) RETIRED CIVILIAN - PAID EQUAL TO GS-13 OR ABOVE <input type="checkbox"/> (4) FORMER CIVILIAN - PAID EQUAL TO GS-13 OR ABOVE <input type="checkbox"/> (5) PRESENT DOD EMPLOYEE	
		6.b. Rank/Grade	6.c. Most Recently Acquired Status (X one)
		(1)	(1)
		(2)	(2)
		(3)	(3)
		(4)	(4)
		(5)	(5)
PART I			
To be completed only by former officers or employees of DoD who are now employed by contractor. (Category I)			
7.a. DATE OF TERMINATION OF MOST RECENT DOD SERVICE OR EMPLOYMENT (YYMMDD)		7.b. NAME OF MOST RECENT MILITARY DEPARTMENT OR DOD AGENCY	
8. DATE OF EMPLOYMENT WITH DEFENSE CONTRACTOR (YYMMDD)		9. IS YOUR ANNUAL COMPENSATION FROM OR SALARY RATE WITH THE DEFENSE CONTRACTOR \$25,000 OR MORE? <input type="checkbox"/> a. YES <input type="checkbox"/> b. NO	
10. NAME OF DEFENSE CONTRACTOR EMPLOYER		11. WORK TELEPHONE NO.	
12. WORK ADDRESS			
a. STREET	b. CITY	c. STATE	d. ZIP CODE
13. YOUR POSITION WITH CONTRACTOR			
a. (X one that best describes position.)		b. SPECIFIC TITLE(S)	
<input type="checkbox"/> (1) Administrator <input type="checkbox"/> (2) Researcher <input type="checkbox"/> (3) Contract Officer <input type="checkbox"/> (4) Manager <input type="checkbox"/> (5) Consultant <input type="checkbox"/> (6) Other			
c. YOU MUST PROVIDE A DETAILED DESCRIPTION OF YOUR DUTIES ON A SEPARATE SHEET. Include specifics on contracts or actions related to duties held in ALL former DoD positions that are reported in Item 14 below. See Instructions			
14. YOUR FORMER DOD POSITION			
a. (X one that best describes position.)		b. SPECIFIC TITLE AND SPECIFIC DOD ORGANIZATION	
<input type="checkbox"/> (1) Administrator <input type="checkbox"/> (2) Researcher <input type="checkbox"/> (3) Contract Officer <input type="checkbox"/> (4) Manager <input type="checkbox"/> (5) Consultant <input type="checkbox"/> (6) Other			
c. YOU MUST PROVIDE A DETAILED DESCRIPTION OF YOUR DUTIES ON A SEPARATE SHEET. Report information requested in 14 a., b., and c. for each former DoD position held within 2 years prior to contractor position. See Instructions			
15. DOD DISQUALIFICATION ACTIONS (IF ANY) (Within two years prior to contractor employment)		c. DESCRIBE DISQUALIFICATION ACTIONS	
<input type="checkbox"/> a. YES (If "Yes," go to Item 15.c.) <input type="checkbox"/> b. NO (If "No," go to Item 16.)			

PART II*To be completed only by former employees of contractors who are now DoD officers or employees. (Category II)*

16.a. DATE OF TERMINATION WITH DEFENSE CONTRACTOR (YYMMDD)		16.b. NAME OF FORMER DEFENSE CONTRACTOR EMPLOYER (Most recent)	
17. DATE OF EMPLOYMENT OR SERVICE WITH DOD (YYMMDD)		18. IS YOUR ANNUAL SALARY WITH DOD AT A RATE EQUAL TO OR ABOVE GS-13?	c. SPECIFY AMOUNT \$
		<input type="checkbox"/> a. YES	
		<input type="checkbox"/> b. NO	
19. NAME OF SPECIFIC DOD ORGANIZATION(S) BY WHICH EMPLOYED (Within the last 2 years)			20. WORK TELEPHONE NO.
21. WORK ADDRESS			
a. STREET		b. CITY	c. STATE
			d. ZIP CODE
22. CURRENT DOD POSITION			
a. (X one that best describes position.)		b. SPECIFIC TITLE(S)	
<input type="checkbox"/> (1) Administrator	<input type="checkbox"/> (4) Manager		
<input type="checkbox"/> (2) Researcher	<input type="checkbox"/> (5) Consultant		
<input type="checkbox"/> (3) Contract Officer	<input type="checkbox"/> (6) Other		
c. YOU MUST PROVIDE A DETAILED DESCRIPTION OF YOUR DUTIES ON A SEPARATE SHEET. Include specifics on contracts or actions related to duties held in ALL contractor positions that are reported in Item 23 below. See Instructions.			

23. CONTRACTOR POSITION	
a. (X one that best describes position.)	b. SPECIFIC TITLE AND SPECIFIC DEFENSE CONTRACTOR NAME AND BRANCH
<input type="checkbox"/> (1) Administrator	<input type="checkbox"/> (4) Manager
<input type="checkbox"/> (2) Researcher	<input type="checkbox"/> (5) Consultant
<input type="checkbox"/> (3) Contract Officer	<input type="checkbox"/> (6) Other
c. YOU MUST PROVIDE A DETAILED DESCRIPTION OF YOUR DUTIES ON A SEPARATE SHEET. Report information requested in 23 a., b., and c. for each contractor position held within two years prior to current position. See Instructions.	

CERTIFICATION*To be completed by all filers.*

24. I certify that the above information is true, complete, and correct to the best of my knowledge. I understand that I must file a new report of DoD and defense related employment within 30 days if, within the two years immediately following the termination of my most recent DoD service or employment, the information in this report ceases to be accurate. I understand subsequent reports are not required after such two year period.

a. SIGNATURE	b. DATE SIGNED

REVIEW*To be completed by reviewing official.*

25. I certify that I have reviewed this Report of DoD and Defense Related Employment (DD Form 1787) in accordance with the guidance set out in DoD Directive 5500.7, enclosure 8.

a. SIGNATURE	b. OFFICE	c. DATE SIGNED

DD FORM 1787
REPORT OF DOD AND DEFENSE - RELATED EMPLOYMENT
AS REQUIRED BY 10 U.S.C. §2397

WHO MUST FILE

CATEGORY I (Complete Part I)

a. Each person who has left service or employment with a DoD Component, who:

(1) is a retired military officer or former military officer who served on active duty at least 10 years and who held, for any period during that service, the grade of O-4 or above, or is a former civilian officer or employee whose pay at any time during the three year period prior to the end of DoD service or employment was equal to or greater than the minimum rate for a GS-13 at that time;

(2) within the two-year period immediately following the termination of service or employment with a DoD Component, is employed by a defense contractor who, during the year preceding employment, was awarded \$10,000,000 or more in DoD contracts; and

(3) is employed by the defense contractor and at any time during a year directly receives compensation of or is salaried at a rate of \$25,000 per year or more from the defense contractor. "Employed" includes the rendering of services as a consultant, lawyer, agent or other kind of assistant.

b. For a two year period following the termination of your last position with a DoD Component, you are required to file a new DD Form 1787 each time your duties with the defense contractor change significantly and each time you become employed with a new defense contractor.

CATEGORY II (Complete Part II)

Each civilian officer and employee (whether or not full-time) of a DoD Component, who:

(1) is employed at a pay rate equal to or greater than the minimum rate for GS-13;

(2) within the two-year period prior to the beginning of service or employment with the DoD Component, was employed by a defense contractor who, during a year, was awarded \$10,000,000 or more in DoD contracts;

(3) was employed by the defense contractor and at any time during that year received compensation of or was salaried at a rate of \$25,000 per year or more from the defense contractor. "Employed" includes the rendering of services as a consultant, lawyer, agent or other kind of assistant.

WHEN AND WHERE TO FILE

a. Civilians shall submit their reports to the Designated Agency Ethics Official of the individual's present or former DoD Component in accordance with DoD Component procedures. Retired or former military officers shall submit their reports to the Designated Agency Ethics Official of their Military Department.

b. Current DoD officers and employees shall file a report within 30 days after entering employment or service with any DoD Component.

c. Former DoD officers and employees shall file an initial report within 90 days after the date on which the individual began employment with the defense contractor.

d. Former DoD officers and employees shall file subsequent reports each time, during the two-year period after service or employment with the DoD Component ended, that the person's duties with the defense contractor significantly change or the person begins employment with another defense contractor. Such reports shall be filed within 30 days after the date of the change.

INSTRUCTIONS FOR COMPLETION

Items 1 through 6 apply to all individuals completing this form.

Items 1 through 4. Provide the appropriate information.

Item 5. Mark "Yes" if this is the first DD Form 1787 you have ever filed and go to item 6. Mark "No" if you have filed a DD Form 1787 in the past and answer 5.c.

Item 6. Mark the box(es) which indicates your status and include the highest grade or rank that you held prior to leaving that DoD position. If you hold more than one status, mark one box to show which status was most recently acquired. Keep in mind that the requirement to file DD Form 1787 is imposed on former and retired civilian employees who have been paid at a rate equal to or greater than the minimum rate at the time for a GS-13 at any time during the three year period prior to termination from the last DoD position.

PART I

This part only applies to individuals in Category I.

Item 7. Provide the requested date and name your most recent Military Department or DoD agency

Item 8. Provide the date your employment with the defense contractor began. If you are no longer employed by the defense contractor, provide the date of termination on a separate sheet referencing this item number. Provide the information requested in the following items for your most recent defense contractor employer even if no longer employed.

INSTRUCTIONS FOR COMPLETION OF DD FORM 1787 (Continued)

PART I (Continued)

Item 9. Indicate whether your annual compensation from or salary rate with the defense contractor is above \$25,000 by marking "Yes" or "No."

Items 10 through 12. Provide the appropriate information for your present or most recent defense contractor employer.

Item 13. Indicate your position with the defense contractor by marking the box(es) next to the title that best describes your position. Also provide your specific title(s). You are required to provide a detailed description of your specific duties on a separate sheet of paper referencing this item number. You must provide the names of all contracts and details of all duties you have performed on behalf of the defense contractor that relate in any way to your duties in all former DoD positions held within the two years prior to the beginning of your employment with the defense contractor. You must also identify each major defense system on which you have performed work on behalf of the defense contractor, regardless of whether that work relates to your former DoD position. All these former DoD positions must be reported in Item 14.

"Major Defense System" means: A combination of elements that will function together to produce the capability required to fulfill a mission need. Elements may include hardware, equipment, software, or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major system if (a) DoD is responsible for the system and the total expenditures, and research, development, test, and evaluation for the system are estimated to be more than \$75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement of more than \$300,000,000 (based on fiscal year 1980 constant dollars); (b) a civilian agency is responsible for the system and total expenditures of the system are estimated to exceed \$750,000 (based on fiscal year 1980 constant dollars) or the dollar threshold for a "major system" established by the agency pursuant to OMB circular A-109, entitled "Major Systems Acquisitions," whichever is greater; or (c) the system is designated a "major system" by the head of the agency responsible for the system.

Item 14. Indicate your former DoD position by marking the box(es) next to the title that best describes your position. Also provide your specific title(s) and include your organization code letters. You are required to provide a detailed description of your specific duties on a separate sheet of paper referencing this item number. You must provide the names of all contracts and details of all duties you performed while in your former DoD position that relate in any way to your position with the defense contractor reported in Item 13. You must also identify each major defense system you performed any work on while in your former DoD position, regardless of whether that work relates to your position with the defense contractor reported in Item 13. If you held more than one DoD position during the two years prior to the beginning of your employment with the defense contractor, provide all the information requested in Item 14 a., b., and c. for each DoD position on a separate sheet of paper referencing this item number.

Item 15. Indicate whether there were any DoD disqualification actions related to you during the two years prior to your defense contractor employment. If there were, describe the actions in detail. A "disqualification action" is a formal exclusion of a person from taking part in a particular matter, usually to prevent a conflict of interest.

PART II

This part only applies to individuals in Category II.

Item 16. Provide the requested date and name your most recent former defense contractor employer.

Item 17. Provide the requested date.

Item 18. Indicate whether your annual salary with the DoD Component is equal to or above the minimum rate for a GS-13 by marking "Yes" or "No." Various pay schedules, levels and steps can be confusing. Provision of your annual salary will ensure your compliance with applicable law and is required to process your report.

Items 19 through 21. Provide the appropriate information for your DoD Component organization.

Item 22. Indicate your DoD position by marking the box(es) next to the title that best describes your position. Also provide your specific title(s) and include your organization code letters. You are required to provide a detailed description of your specific duties on a separate sheet of paper referencing this item number. You must provide the names and details for all contracts and actions that relate in any way to your duties in all former defense contractor positions held within the two years prior to the beginning of your service or employment with the DoD Component. All these former defense contractor positions must be reported in Item 23.

Item 23. Indicate your former position with the defense contractor by marking the box(es) next to the title that best describes your position. Also provide your specific title(s). You are required to provide a detailed description of your specific duties on a separate sheet of paper referencing this item number. You must include names and details for all contracts and actions that relate in any way to your position with your DoD Component reported in Item 22. If you have been employed by more than one defense contractor during the two years prior to the beginning of your service or employment with the DoD Component, provide all information requested in Item 23 a., b., and c. for each defense contractor position on a separate sheet of paper referencing this item number.

CERTIFICATION

All filers must certify this report by signing and dating.

Item 24. You must sign and date this report.

REVIEW

Item 25. Reviewing official must sign and date after reviewing the report in accordance with DoD Directive 5500.7, enclosure 8.

§ 40.13 Reporting of potential employment contracts.

(a) *Personnel required to file.* Under 10 U.S.C. 2397a "covered defense officials" (as defined in paragraph (e)(1) of this section) who participated in the performance of a procurement function in connection with a contract awarded by any DoD Component, who contacts, or is contacted by, any representative of that contractor regarding his or her future employment with that defense contractor, shall file reports and disqualifications.

(b) *Content of report—(1) Reports of contact.* "Covered defense officials" shall promptly report the contact described in paragraph (a) of this section to the supervisor or superior, and the Designated Agency Ethics Official (DAEO) or designee of the DoD Component. Reports of contact shall include the following:

(i) The name, title, agency address and telephone number of reporting official.

(ii) The name of the defense contractor concerned.

(iii) The date of each contact covered by the report, and

(iv) A brief description of the substance of each contact.

(2) *Disqualifications.* "Covered defense officials" shall disqualify themselves from all participation in the performance of procurement functions relating to contracts of the defense contractor, for any period for which future employment opportunities for the official have not been rejected by the official or the defense contractor. Such disqualification shall be in writing and shall be filed with the supervisor or superior, the immediate subordinates, and the DAEO or designee. Reports of disqualification shall accompany reports of contacts and shall include the following:

(i) The name of contractor,

(ii) Extent of disqualification (this may be a description of duties the official may not perform as a result of the disqualification),

(iii) Identification of the individual or office that shall handle duties during disqualification period, and

(iv) An explanation of any other steps required to avoid potential conflict of interest.

(3) *Cancellations.* Disqualifications are considered to remain in effect until canceled in writing. Such cancellations shall include:

(i) A copy of the original disqualification,

(ii) An explanation of the reason for the cancellation, and

(iii) The effective date of the cancellation.

(4) *Limited exception.* A defense official is not required to report the first contact initiated by a defense contractor regarding employment or to disqualify him or herself, if the official terminates discussion immediately. If an additional contact of the same or similar nature is made by or with the contractor, the official shall report the contact and all contacts of the same or similar nature by or with the contractor during the 90-day period ending on the date the additional contact is made.

(c) *Submission and review of reports—(1) Time of filing.* Reports of contact and disqualifications shall be filed immediately after the contact and disqualifications. Cancellations shall be filed when applicable.

(2) *Submission.* The original of reports of contact, disqualifications and cancellations shall be filed with the supervisor or superior, the immediate subordinates, and the DAEO or designee.

(3) *Review.* (i) The reviewing official shall review each report of contact disqualification and cancellation to determine that the document contains all required information.

(ii) The date and time of receipt shall be noted on each report.

(iii) The DAEO or designees shall counsel DoD officers and employees and provide guidance in specific instances regarding the need for reports or disqualification action.

(iv) If a written opinion of the DAEO or designee is desired, it shall be given in response to a written request from the officer or employee. Such report for an opinion shall contain a full account of the relevant facts.

(v) There shall be a rebuttable presumption in favor of a covered defense official that failure to report a contact with a defense contractor, or failure to disqualify himself from participation in the performance of certain procurement functions, is not a violation if the defense official has received an opinion in writing from the DAEO stating that a report or disqualification by the official was not necessary.

(d) *Remedial action.* (1) Supervisors and DAEO's or designees taking remedial actions in connection with any report shall keep a brief record of such action with each report.

(2) The Head of each DoD Component shall establish procedures to identify persons who fail to file required reports or to take necessary disqualification action, shall establish procedures for agency hearings, and shall establish other implementing regulations as required by 10 U.S.C. 2397a.

(e) *Special definitions.* For purposes of this section terms used shall have the following meanings (see the basic part for other definitions):

(1) *Covered defense official.* Any individual serving as a civilian officer or employee of the Department of Defense in a position for which the rate of pay is equal to or greater than the minimum rate of pay for GS-11 or any officer on active duty in the Armed Forces in a pay grade of O-4 or higher.

(2) *Defense contractor.* An individual or business entity that provides services, supplies, or both (including construction) to any component of the Department of Defense under a contract directly with the Department of Defense. Individuals and business entities holding contracts with a combined net cost of not more than \$25,000 in any calendar year shall not be considered defense contractors, during such year.

(f) *Penalties—(1) Administrative penalties.* Penalties that may be imposed pursuant to component regulations may include the following:

(i) Prohibition of employment with the defense contractor for up to 10 years from date of separation from employment or services with the Department of Defense,

(ii) Administrative penalty not to exceed \$10,000 under 10 U.S.C. 2397a.

(2) *Criminal liability.* Any individual who knowingly or willfully falsified information on a report required to be filed under this section may also be subject to criminal prosecution under 18 U.S.C. 1001.

§ 40.14 Employment restrictions on certain former DoD officials.

(a) Scope of restrictions concerning Entities from which compensation may not be received. Pursuant to 10 U.S.C. 2397b certain former DoD officers and employees shall not receive compensation from a major defense contractor for a two year period, beginning on the date the former officer or employee separated from the Department of Defense. This restriction prohibits the acceptance of compensation from a particular major defense contractor only if the former officer or employee performed the duties listed in paragraph (b) of this section, related to that same defense contractor.

(b) *Personnel to whom restriction apply.*

Individuals in the following categories are subject to the restrictions:

(1) Individuals who served in a civilian position for which the rate of pay was equal to the minimum rate of pay for a GS-13 or higher, and individuals who served in the Armed

Forces in pay grades of 0-4 or higher, if such individuals:

(i) Spent the majority of their working days during the last two years of DoD service performing a procurement function relating to a DoD contract, at a site or plant that was owned or operated by a contractor, and which was the principal location of their performance of that procurement function; or

(ii) Performed, on a majority of their working days during the last two years of DoD service, a procurement function relating to a major defense system and, in the performance of such a function, participated on any occasion personally and substantially in a manner involving decision-making responsibilities with respect to a contract for that system through contact with the contractor.

(2) Individuals who served in a civilian position for which the rate of pay was equal to the minimum rate of pay for a Senior Executive Service position or higher, and individuals who served as members of the Armed Forces in the pay grade of 0-7 or higher, if such individuals during the last two years of DoD service acted as follows:

(i) As a primary representative of the United States in the negotiations with a defense contractor of a defense contract in an amount in excess of \$10,000,000 (the actual contractual action taken by the individual must have been in an amount in excess of \$10,000,000), or

(ii) As a primary representative of the United States in the negotiation of a settlement of an unresolved claim of such a defense contractor in an amount in excess of \$10,000,000. An unresolved claim shall be, for the purposes of this part, valued by the greater of the amount of the claim or the amount of the settlement.

(c) *Advice from the designated agency ethics official.*

(1) Any person may, before accepting compensation, request that the Designated Agency Ethics Official (DAEO) of the individual's former DoD Component provide advice on the applicability of 10 U.S.C. 2397b and this part to the acceptance of such compensation.

(2) A request for advice shall be in writing and shall contain all relevant information.

(3) If the DAEO receives a request for advice, the DAEO or designee shall issue a written opinion in response thereto not later than 30 days after receipt of all relevant information pertaining to the request.

(4) If the advice rendered by the DAEO or designee states that the law and this part are inapplicable, and that the individual may accept the compensation from the contractor, then

there shall be a conclusive presumption that the acceptance of the compensation is not a violation of 10 U.S.C. 2397b.

(d) *Remedial action.* (1) Any DAEO or designee who becomes cognizant of an apparent violation of these prohibitions shall seek an investigation by the Inspector General, DoD, or by the Inspector General of the applicable Military Department, or their designees.

(2) After receiving the results of the investigation, the Secretary of Defense may refer the case to the Department of Justice.

(e) *Penalties.* Pursuant to 10 U.S.C. 2397b(b)(1) individuals who knowingly violate the prohibitions of this Section are subject to a civil fine of up to \$250,000.

(f) *Effective date.* The effective date of 10 U.S.C. 2397b is April 16, 1987. This statute does not preclude the continuation of contractor employment begun before the effective date, nor does it prohibit the acceptance of compensation for such employment. The statute does not apply if DoD service terminated prior to the effective date of 10 U.S.C. 2397b.

(g) *Special definitions.* For the purpose of this section, terms used shall have the following meanings:

(1) *Armed Forces.* The term "Armed Forces" does not include the United States Coast Guard.

(2) *Contractor-operated facility.* Includes any facility leased or loaned by the United States to the contractor by written agreement. It does not include facilities located on a military installation where contractor personnel may work, but which is not either leased or loaned by the United States to the contractor by written agreement.

(3) *Compensation.* Includes any payment, gift, benefit, reward, favor, or gratuity that is provided directly or indirectly for services rendered by the person accepting such payment and which has a fair market value in excess of \$250. Compensation shall be deemed indirectly received if it is paid to an entity other than the individual, in exchange for services performed by the individual.

(4) *Defense contractor.* An entity that: (i) Contracts directly with the Department of Defense to supply the Department of Defense with goods or service; or

(ii) Controls or is controlled by an entity described in paragraph (g)(4)(i) of this section or

(iii) Is under common control with an entity described in paragraph (g)(4)(i) of this section. The term does not include an affiliate or subsidiary of an entity described in paragraph (g)(4)(i) of this section if clearly not engaged in the

performance of a defense contract, nor does it include a state or local government.

(5) *Designated agency ethics official.* An officer or employee of a component who has been appointed, pursuant to component procedures, to administer the provisions of the Ethics in Government Act. The term is abbreviated, DAEO. The DAEO for the Office of the Secretary of Defense is the General Counsel, OSD.

(6) *DoD component.* The Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Inspector General, and the Defense Agencies, including nonappropriated fund activities. The term does not refer to offices, divisions, or sections that are part of a larger Defense Agency.

(7) *Employee.* This term does not include a part-time employee, as defined by 5 CFR 340.202 or a special Government employee.

(8) *Major defense contractor.* Any business entity which, during the fiscal year preceding the fiscal year in which compensation is first received, was a defense contractor that defense contracts in a total amount equal to or greater than \$10,000,000.

(9) *Major defense system.* A combination of elements that will function together to produce the capability required to fulfill a mission need. Elements may include hardware, equipment, software, or any combination thereof, but excludes construction or other improvements to real property. A system shall be considered a major defense system if:

(i) The Department of Defense is responsible for the system and the total expenditures, for research, development, test and evaluation for the system are estimated to exceed \$75,000,000 (based on fiscal year 1980 constant dollars) or the eventual total expenditure for procurement exceeds \$300,000,000 (based on fiscal year 1980 constant dollars); or,

(ii) The system is designed a "major system" under 10 U.S.C. 2302(5) by the head of the agency responsible for the system.

(10) *Majority of working days.* The majority of days actually worked during the period, excluding weekends, holidays, days of leave or sick days when the employee did not actually work. A work day on which an individual performed a procurement function includes any day on which the individual worked on that procurement function for any amount of time during that day.

(11) *Negotiation and settlement.* Exchange of views between Government representatives and a contractor regarding respective liabilities and responsibilities of the parties on a particular contract or claim. It includes deliberations regarding contract specifications, terms of delivery, allowability of costs, pricing of change orders, etc.

(12) *Primary government representative.* If more than one Government representative is involved in any particular transaction, the official or officials supervising the Government's effort in that matter shall be the primary Government representative or representatives. To act as a "representative" requires personal and substantial participation in the transaction, by personal presence, telephone conversation, or similar involvement with representatives of a defense contractor. For example, if a contracting officer had been the person conducting all negotiations with a major defense contractor on a defense contract action of \$10,000,000 or more, but a superior (e.g., an Assistant Secretary) intervened directly in the negotiation process to make a decision, he or she might become a primary Government representative for that defense contract action.

(13) *Procurement related function (or "procurement function").* Any function relating to:

- (i) The negotiation, award, administration or approval of a contract;
- (ii) The selection of a contractor;
- (iii) The approval of a change in a contract;
- (iv) The performance of quality assurance, operational and developmental testing, the approval of payment, or auditing under a contract; or
- (v) The management of a procurement program.

(14) *Separation of a member of the Armed Forces.* A person who is a retired or former member of the Armed Forces shall be considered to have been separated from service in the Department of Defense on the date of the person's discharge or release from active duty.

(15) *Special government employee.* A person who is retained, designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis. The term also includes a reserve officer who is serving on active duty involuntarily or for training for any length of time, and one who is serving voluntarily on extended

active duty for 130 days or less. It does not include enlisted personnel.

§ 40.15 Administrative enforcement provisions.

(a) *Applicability and scope.* (1) These provisions shall apply to all DoD Components, other than those DoD Components that establish provisions of their own in accordance with this section and which receive approval from the General Counsel, OSD.

(2) This section is adopted pursuant to 18 U.S.C. 207 and 10 U.S.C. 2397, 2397a, and 2397c which require the Department of Defense to develop administrative procedures for the review and disposition of reported violations of post employment restrictions and reporting requirements.

(3) The procedures set forth in this part may be used, at the discretion of the General Counsel, OSD, to accomplish administrative enforcement of all statutes and regulations which would require or allow their use.

(b) *Policy—(1) Administrative Procedure Act (APA).* In cases in which an Administrative Procedure Act (APA) hearing is required by statute, APA rules shall be used. See 5 U.S.C. 551 et seq.

(2) *Rules of Evidence.* In the discretion of the hearing examiner, the rules of evidence may be relaxed from those established in the Federal Rules of Evidence. Evidence must be relevant and material to be considered.

(3) *Burden of proof.* The Department of Defense bears the burden of proof. A violation must be established by substantial evidence.

(4) *Protection of privacy.* The privacy of suspected individuals or entities shall be protected by safeguarding information concerning allegations and evidence, especially before initiation of administrative disciplinary action.

(5) *Reporting suspected violations.* (i) If any DoD officer or employee has reason to suspect that an individual or entity has violated a statute or regulation, as referenced in paragraphs (a) (2) and (3) of this section the suspicion shall be reported immediately to the Designated Agency Ethics Official (DAEO) or designee.

(ii) If other individuals have reason to suspect that an individual or entity has violated a statute or regulation, the suspicion may be reported to any DoD officer or employee.

(c) *Responsibilities—(1) The General Counsel, Office of the Secretary of Defense (GC, OSD) shall:*

(i) Administer the provisions of this section for all DoD Components, except for cases arising in DoD Components that establish their own approved

provisions in accordance with paragraph (a)(1) of this section,

(ii) Receive reports of alleged violations from the Inspector General, Department of Defense (IG, DoD),

(iii) Receive memoranda of results of preliminary investigations from the IG, DoD,

(iv) Review copies of reports and memoranda from the IG, DoD, to determine if it is reasonable to believe there may have been a violation,

(v) Provide copies of reports and memoranda regarding cases where it is reasonable to believe there may have been a violation, to the Director, Office of Government Ethics (OGE),

(vi) Provide copies of reports and memoranda regarding cases where it is reasonable to believe there may have been a violation, to the Criminal Division, Department of Justice (DoJ),

(vii) Coordinate investigations and administrative disciplinary actions with the DoJ Criminal Division, unless DoJ advises that criminal proceedings will not be pursued,

(viii) Initiate administrative disciplinary action, in cases where it is reasonable to believe there may have been a violation, by providing the suspected individual or entity with notice as described in paragraph (d)(2) of this section,

(ix) Request the head of the DoD Component in which the case arose to appoint a Government representative to present evidence of violations,

(x) In cases not subject to the APA, request the head of a DoD Component, other than the DoD Component in which the case arose, to appoint a hearing examiner,

(xi) In cases subject to the APA, request Administrative Law Judge to be appointed by the Office of Administrative Law Judges to serve as hearing examiner,

(xii) Receive written appeals from suspected individuals or entities,

(xiii) Make appeal decisions, when appeals are timely submitted, after reviewing the findings of facts and decision of the hearing examiner and the appeal,

(xiv) Impose administrative disciplinary sanctions when applicable,

(xv) Mail copies of appeal decisions and/or any sanctions to be imposed to the suspected individuals of entities along with statements notifying of the right to seek judicial review of administrative decisions.

(2) *The Inspector General, Department of Defense (IG, DoD), shall:*

(i) Receive reports of suspected violations directly from DAEOs or designees,

- (ii) Submit copies of reports of suspected violations to the GC, OSD,
- (iii) Perform preliminary investigations of cases reported by DAEOs or designees,
- (iv) Submit memoranda reporting results of investigations to the GC, OSD.
- (3) The *Designated Agency Ethics Official (DAEO) or Designee* shall:
- (i) Receive reports of suspected violations from DoD personnel and other individuals,
- (ii) Review reports of suspected violations to determine whether the report is frivolous,
- (iii) Submit written reports of suspected violations, when the information regarding the violations is not frivolous, directly to the IG, DoD, and not through ordinary DoD Component channels.
- (4) The *Hearing Examiner* shall:
- (i) Hear each case in accordance with the hearing procedures specified in paragraph (d)(4) of this section,
- (ii) Make a written report of all findings of fact and conclusions of law, including mitigating factors,
- (iii) Make a written decision and recommendation of administrative disciplinary sanctions to be imposed,
- (iv) Submit the report, the decision, and any recommendations to the GC, OSD, through the DoD Component Head,
- (v) Mail a copy of the report, the decision, and any recommendations to the suspected individual or entity,
- (d) *Procedures—(1) Initiation of administrative disciplinary action.* (i) Administrative disciplinary actions are initiated by providing suspected individuals or entities with notice of the report of a violation and notice of the intention to begin administrative disciplinary proceedings at least 20 calendar days prior to the beginning of such proceedings.
- (ii) When hearings are required by statute, a hearing shall be conducted before imposition of administrative disciplinary sanctions unless the suspected individual or entity waives the hearing in writing in accordance with paragraphs (d)(2) (iii) and (iv) of this section.
- (iii) When hearings are not required by statute, a hearing may be requested in writing by the suspected individual or entity in accordance with paragraphs (d)(2) (v) and (vi) of this section.
- (2) *Content of notice.* Notice to initiate administrative disciplinary proceedings shall include the following:
- (i) A statement of allegations, and the basis thereof, sufficiently detailed to enable the suspected individual or entity to prepare an adequate defense,
- (ii) Notification of the right to a hearing when a hearing is required by statute,
- (iii) The procedure for waiving the right to appear at the hearing when a hearing is required by statute,
- (iv) A copy of a written waiver that shall include a statement that the signer understands that the signer has the right to appear at a hearing and that administrative disciplinary sanctions may be imposed even if the signer does not appear at a hearing,
- (v) When a hearing is not required by statute, a statement to the effect that if the suspected individual or entity fails to request such a hearing in writing, the Department of Defense may take administrative disciplinary action which may result in imposition of administrative disciplinary sanctions,
- (vi) The procedure for requesting a hearing when a hearing is not required by statute,
- (vii) Notice that the failure to appear at a scheduled hearing shall constitute a constructive waiver of the right to appear at the hearing,
- (viii) The date, time, and place of a scheduled hearing; however, suspected individuals or entities shall be scheduled to appear for hearings in the Federal judicial district in which the individual or entity resides or in the Federal judicial district in which the alleged violation occurred.
- (ix) A statement of hearing rights in accordance with paragraph (g)(4)(i) of this section.
- (x) A copy of these Administrative Enforcement Provisions (§ 40.14).
- (3) *Hearing examiners.* (i) Hearing examiners shall be attorneys with not less than three years experience in the practice of law subsequent to admission to the bar.
- (ii) A hearing examiner shall be impartial. An individual who has participated in the decision to initiate proceedings shall not serve as a hearing examiner in those proceedings.
- (iii) In cases not subject to the APA, the GC, OSD, shall request the Head of a DoD Component, other than the DoD Component in which the case arose, to appoint a hearing examiner.
- (iv) In cases subject to the APA, Administrative Law Judges (ALJ) shall be used as hearing examiners. The GC, OSD, shall forward a written request to the Office of Administrative Law Judges, Office of Personnel Management. See 5 U.S.C. 3344. The request shall contain the following:
- (A) The requisite authority requiring an APA hearing for the particular statutory violation.
- (B) The status of the case,
- (C) The tentative hearing date,
- (D) The point of contact within the Department of Defense and,
- (E) An acknowledgment that that request is being made on a reimbursable, intermittent basis.
- (4) *Hearings.* (i) The hearing examiner shall have the power to do the following:
- (A) Administer oaths and affirmations,
- (B) Issue subpoenas authorized by law,
- (C) Rule on offers of proof and receive relevant evidence,
- (D) Take depositions or have depositions taken when justice shall be served,
- (E) Regulate the course of the hearing,
- (F) Hold conferences for the settlement or simplification of the issues by comment from the suspected individual or entity and the Government representative,
- (G) Dispose of procedural requests or similar matters, and
- (H) Make decisions, in writing, on the merits of the particular case, as well as written recommendations of administrative disciplinary sanctions.
- (ii) Suspected individuals and entities shall have hearing rights which include the following:
- (A) The right to self-representation, or to be represented by counsel,
- (B) The right to introduce evidence and witnesses and the right to examine adverse witnesses,
- (C) The right to stipulate to facts,
- (D) The right to present oral argument,
- (E) The right to receive a transcript or recording of the proceedings upon request, and
- (F) Additional rights that may be in the Administrative Procedure Act, if applicable.
- (iii) Before the hearing examiner makes a decision, or the GC, OSD, makes an appeal decision, the suspected individual or entity and the Government representative may submit the following material for consideration:
- (A) Proposed findings and conclusions, or
- (B) Exceptions to the decisions of the hearing examiner, or to the tentative decisions of the GC, OSD, and
- (C) Supporting reasons for the exceptions or proposed findings or conclusions.
- (iv) The record shall reflect the ruling on each finding, conclusion, or exception. All decisions by the hearing examiner or the GC, OSD, shall be a part of the record, along with the reasons and basis for such findings and decisions.
- (5) *Appeals.* (i) Within 20 days following the date on the report and recommendations from the hearing examiner, the suspected individual or

entity may file an appeal with the GC, OSD. An appeal shall be in writing, and shall set forth all errors of fact, law, or both, together with the reasons, alleged to exist in the report from the hearing examiner.

(ii) Extensions of time to file an appeal may be granted at the discretion of the GC, OSD, upon receipt of a written request for an extension from the individual or entity concerned.

(iii) The GC, OSD, shall make a written appeal decision if any appeal is submitted timely, after reviewing the report of findings of facts, the decision, and recommendations from the hearing examiner.

(iv) If the appeal decision is not in accordance with the report of findings of facts, the decision, or recommendations from the hearing examiner, the reasons shall be specified.

(v) The decision of the GC, OSD, shall be the final administrative determination. The appeal decision shall be mailed to the suspected individual or entity along with a statement, if applicable, that the individual or entity may seek judicial review of the administrative determinations.

(6) *Administrative sanctions.* (i) The GC, OSD, may take appropriate disciplinary action when indicated by the outcome of a case involving a violation of 18 U.S.C. 207 by:

(A) Prohibiting the individual or entity from making, on behalf of any other person except the United States, any formal or informal appearance before, or any oral or written communication with the intent to influence, to the Department of Defense, its officers or employees, or any matter of business for a period not to exceed five years. This may be enforced by directing DoD officers and employees to refuse to participate in any such appearance, or to accept any such communication.

(B) Barring the individual or entity from employment by the Department of Defense for a period not to exceed five years.

(ii) The GC, OSD, may take appropriate disciplinary action whenever indicated by the outcome of a case involving violations of 10 U.S.C. 2397, 2397a, or 2397c by:

(A) Imposing an administrative penalty, not to exceed \$10,000.

(B) With respect to violations of 10 U.S.C. 2397a, imposing an additional administrative penalty of a particular amount if the individual is determined to have accepted or continued employment with a defense contractor during a 10-year period beginning with the date of separation from Government service.

(iii) The GC, OSD, may take other appropriate disciplinary action when

indicated by the outcome of a case in accordance with the laws or regulations violated.

(7) *Judicial review.* Any individual or entity found in violation as described, and against whom an administrative sanction is imposed, may seek judicial review of the final administrative determination.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

June 12, 1987.

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BILLING CODE 3810-01-M

32 CFR Parts 40a and 166

Defense Contracting; Reporting Procedures on Defense Related Employment

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This part reports the names of defense contractors who have been awarded \$10,000,000 or more in defense contracts during the fiscal year. The list is intended to inform DoD employees and former employees who are subject to the DD Form 1787 filing requirement detailed in the DoD Standards of Conduct Directive (32 CFR Part 40). This part has been transferred from the formerly established 32 CFR Part 166 (§ 166.11) and redesignated as Part 40a. It also removes Part 166 in its entirety.

EFFECTIVE DATE: May 6, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. J.R. Sungenis, Director for Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Telephone (202) 746-0334.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 40a

Armed Forces, Conflict of interests, Government employees, Government procurement, Reporting and recordkeeping requirements.

Accordingly, Title 32 is amended to remove Part 166 in its entirety:

PART 166—[REMOVED]

Accordingly, Title 32 is amended by adding Part 40a as follows:

PART 40a—DEFENSE CONTRACTING; REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Authority: 10 U.S.C. 2397.

§ 40a.1 Department of Defense contractors receiving contract award of \$10 million or more.

Fiscal year 1986:

3D/International, Inc.
A A I Corp.
A C S Construction Co. of Miss.
A L M, Inc.
A L S Corp.
A T & T Information Systems
A T & T Technologies, Inc.
A/S Kongsberg Vaapenfabrikk
Aar Brooks & Perkins Corp.
Abbott Products, Inc.
Abex Corp.
Accudyne Corp.
Ace Industries, Inc.
Action Manufacturing Co.
Actus Corp/Escon, Inc., JV
Actus Corp.
Acurex Corp.
Addscio Industries, Inc.
Advanced Computer Communications
Advanced Technology, Inc.
Aero Corp.
Aerodyne Investment Castings
Aerojet-General Corp.
Aeroquip Corp.
Aerospace Corp., The
Agip Deutschland
Agip Petroli Spa
Airspace Technology Corp.
Aksarben Foods
Alabama Power Co.
Alamo Technology, Inc.
Alascom, Inc.
Alexander, H.B. & Son, Inc.
Algernon Blair, Inc.
All-Bann Enterprises, Inc.
Allen, J.F. Co.
Allied Corp. Prestolite
Allied Corp.
Allis-Chalmers Corp.
Alpha Industries, Inc.
Altama Delta Corp.
AM General Corp.
Amerada Hess Corp.
American Airlines, Inc.
American Cyanamid Co. Inc.
American Development Corp.
American Electronic Laboratories, Inc.
American Export
American Express Co.
American Fuel Cell
American Management Systems
American President Lines, Ltd.
American Puff Corp.
American Satellite Co.
American Systems Corp.
American Telephone & Telegraph Co.
American Trans Air, Inc.
Amertex Enterprises, Inc.
Ametek, Inc.
Amex Systems, Inc.
Amoco Corp.
Ampex Corp.
Amron Corp.
Amstar Technical Products Co.

- Analysis & Technology, Inc.
Analytic Sciences Corp., The
Analytic Services, Inc.
Analytical Systems Engineering
Analytics Inc.
Andersen, Arthur & Co.
Anker Kolen Maatschappij BV
Annuss GMBH Co.
Apex Oil Co.
Applied Companies, Inc.
Applied Research, Inc.
Applied Technology Associates
Arcwel Corp.
Ardox Corp.
Argosystems, Inc.
Arinc Research Corp.
Arkla, Inc.
Arral Industries, Inc.
Arrow Air, Inc.
Asco Falcon II Shipping Co.
Ashland Oil, Inc.
Asis Oil Co., Ltd.
Associated Aerospace
Astrocom Electronics, Inc.
Astronautics Corp. of America
Atacs Corp.
Atkins, Claude E. Enterprises
Atlantic Marine, Inc.
Atlantic Research Corp.
Atlantic Richfield Co.
Atlas Processing Co.
Auburn Electric, Inc.
Aul Instruments, Inc.
Austin Co., The
Autek Systems Corp.
Automated Data Management, Inc.
Automated Sciences Group, Inc.
Avantek, Inc.
Avco Corp.
Avondale Industries, Inc.
Aydin Corp.
Ayer, NW, Inc.
Bahrain National Oil
Balimony Manufacturing Co. of Venice
Ball Corp.
Baltimore Gas & Electric Co.
Barrett Refining Corp.
Basil, Frank E., Inc. of Delaware
Bates, Ted Worldwide, Inc.
Bateson, J.W. Co. Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Bay City Marine, Inc.
BBN Communications Corp.
BDM Corp., The
Beacon Oil Co.
Bean Dredging Corp.
Beatrice Companies, Inc.
Becharas Brothers Coffee Co.
Bechtel Operating Service
Beech Aerospace Services, Inc.
Beech Aircraft Corp.
Bei Electronics, Inc.
Belcher New England, Inc.
Belcher Oil Company of NY, Inc.
Belcher Oil Co.
Bell Boeing
Bell Helicopter Textron, Inc.
Belleville Shoe
Bender, Allen L.
Bender Shipbuilding
Bendix Field Engineering Corp.
Beretta USA Corp.
Berg, Chris, Inc.
Bertolini, J.D. Industries
Bertucci, Anthony Construction Co.
Betac Corp.
Bethlehem Steel Corp.
Bilfinger & Berger Bauaktieng
Bionetics Corp., The
Blake Construction Co., Inc.
Blount Brothers Corp.
Blue Cross & Blue Shield of Rhode
Island
Blue Cross & Blue Shield of South
Carolina
Blue Cross of Washington & Alaska, Inc.
Bodenhamer Building Corp.
Boeing Co., The
Boeing Technical Operations
Boeing Vertol Co.
Boland David, Inc.
Bolt, Beranek, and Newman, Inc.
Booz, Allen & Hamilton, Inc.
Borg-Warner Corp.
Braintree, V. Maritime Corp.
Brintec Systems Corp.
British Aerospace
Brockway Standard, Inc.
Brunswick Corp.
Brussels Steel America, Inc.
Bulova Systems & Instruments
Bundesamt Fuer Wehrtechnik
Burlington Industries, Inc.
Burnside-Ott Aviation Training Center
Burroughs Corp.
Butler Aviation International
C 3, Inc.
C Construction Co., Inc.
C F S Aircargo, Inc.
Caci, Inc.
Caddell Construction Co.
Cadillac Gage Co.
Cal State Electric, Inc.
Calcasieu Refining Co.
California Microwave, Inc.
California Pacific Associates
California Storage Concepts
Calspan Corp.
Caltex Oil Products Co.
Caltex Petroleum Corp.
Camel Manufacturing Co.
Campbell, E.C., Inc.
Campbell Soup Co.
Can-Am Industries, Inc.
Cantu Services, Inc.
Carbon Hill Manufacturing Co.
Carlson, Henry Co.
Carnation Co.
Carnegie-Mellon University
Carolina Power & Light Co.
Carothers Construction, Inc.
Cas, Inc.
Case, J.I. Co.
Caterpillar, Inc.
Cates Construction, Inc.
CBI Industries, Inc.
CBI Marine Co.
Centex Construction Co.
Central Power Engineering Corp.
Central Texas College
Centre Manufacturing Co., Inc.
Cerberonics, Inc.
Cessna Aircraft Co., Inc.
CFM International, Inc.
Chamberlain Manufacturing Corp.
Chancellor & Son, Inc.
Chesapeake and Potomac Telephone Co.
of Virginia
Chevron USA, Inc.
Chin II Engineering, Ltd
Chromalloy American Corp.
Chrysler Corp.
Ciba-Geigy Corp.
Cincinnati Electronics Corp.
Cincinnati Milacron, Inc.
Cinpac, Inc.
City Public Service
Clearwater Constructors, Inc.
Clement Brothers Co.
Cleveland Pneumatic Co.
Coastal Dry Dock & Repair Corp.
Coastal Refining & Marketing
Coastal States Trading, Inc.
Cobro Corp.
College of Lake County
Colonnas Shipyard, Inc.
Colorado Springs, City of
Colsa, Inc.
Colt Industries, Inc.
Columbia Research Corp.
Comarco, Inc.
Comptek Research, Inc.
Computer Sciences Corp.
Computer Software Analysts, Inc.
Computer Technology Association
Computervision Corp.
Comstock Communications, Inc.
Condec Corp.
Conner Brothers Construction Co.
Conoco, Inc.
Construcciones Aeronauticas Sa
Contel Page Systems, Inc.
Continental Airlines, Inc.
Continental Maritime San Diego
Control Data Corp.
Cooper & Lybrand
Copper Tire & Rubber Co.
Cornell University, Inc.
CPT Corp.
Craddock-Terry Shoe Corp.
Craft Machine Works, Inc.
Cray Research, Inc.
Creech J.W., Inc.
Crysen Corp.
Cubic Corp.
Cummins Engine Co. Inc.
DAE Woo Corp.
Daimler Benz AG
Dart & Kraft, Inc.
Data General Corp.
Datagraphix, Inc.
Dataproducts New England, Inc.
Davey Compressor Co.
Day & Zimmermann, Inc.
Day Zimmermann & Basil Corp.

- Dayron Corp.
Dayton Power & Light Co.
Defense Research, Inc.
Del Manufacturing Co.
Del Monte Corp.
Delta Industries, Inc.
Designer & Planners, Inc.
Detyens Shipyards, Inc.
Deutsche Bundespost
Deutsche Pam Mineraloel GMBH
Deval Corp.
Developmental Sciences, Inc.
Devils Lake Sioux Manufacturing
Deweys Electronics
Dewitt, J.E., Inc.
DGWT Netherlands
Diagnostic & Retrieval Systems
Diamond Shamrock
Digital Equipment Corp.
Dillingham Construction
Diversified Group, Inc.
Doster Construction Co., Inc.
Draper Charles Stark Laboratories
Dresser Industries, Inc.
Du Pont, E.I. De Nemours and Co.
Dun & Bradstreet Corp.
Dynalec Corp.
Dynalectron Corp.
Dynamac Corp.
Dynamics Research Corp.
Dynateria, Inc.
E C Corp., The
E G & G Washington Analytical Services Center
E G & H, Inc.
E I P Microwave, Inc.
E-Systems, Inc.
Eagle Technology, Inc.
Earth Technology Corp.
Eastern Canvas Products, Inc.
Eastern Marine, Inc.
Eastman Kodak Co.
Eastport International, Inc.
Eaton Corp.
Ebasco Services, Inc.
Eberharter Construction Group
Edcar Industries, Inc.
Edo Corp.
Educational Computer Corp.
Eldyne, Inc.
Electro-Methods, Inc.
Electronic Data Systems Corp.
Electrospace Systems, Inc.
ELF France
Elle Petroleum Corp.
Emco, Inc.
Emerson Electric Co.
Engineered Air Systems, Inc.
Engineering & Economics Research
Engineering Research Association
Environmental Research Institute, Michigan
Environmental Science & Engineering
Equipment & Supply, Inc.
ESL, Inc.
ESSO AG
Evaluation Research Corp.
Evergreen International Airlines
Ex-Cell-O Corp.
- Expander Transport Corp.
Expediter Transport Corp.
Exporter Transport Corp.
Expresser Transport Corp.
Extender Transport Corp.
Exxon Co., U.S.A.
Exxon Corp.
F E L Corp.
F N Manufacturing, Inc.
Fabrique Nationale Herstal SA
Fairchild Aircraft Corp.
Fairchild Industries, Inc.
Fairchild Weston Systems, Inc.
Fairey Marine, Ltd.
Farmers Union Central Exchange
Farrell Lines, Inc.
Federal Cartridges Corp.
Federal Data Corp.
Federal Data Systems, Inc.
Federal Electric Corp.
Figgie International, Inc.
Fina Oil & Chemical Co.
Firestone Tire & Rubber Co.
Fisher Controls, Ltd.
Flight International Group, Inc.
Flight Systems, Inc.
Florida Power & Light Co.
Fluke John Manufacturing Co., Inc.
Flying Tiger Line, Inc., The
FMC Corp.
Ford Aerospace Communications
Forstmann & Co., Inc.
Fraass Survival Systems, Inc.
Freightliner Corp.
Fruin-Colnon Corp.
G & C Enterprises, Inc.
G A Technologies, Inc.
G E C Avionics, Ltd.
G T E Service Corp.
Gardner-Zemke Co.
Garrett Corp., The
Gates Learjet Corp.
Gay, Robert Construction Co.
Gayston Corp.
General Battery Corp.
General Defense Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Instrument Corp., Delaware
General Motors Corp.
General Railroad Equipment & Services
General Research Corp.
General Ship Corp.
General Signal Corp.
Genrad, Inc.
Geo-Centers, Inc.
Georgia Institute Technology
Georgia Power Co.
Giant Industries, Inc.
Gibbs & Cox, Inc.
Global Associates, A Joint Venture
GNB Inc.
Goodrich, B.F. Co., The
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Goosby Building Corp.
Gortons of Gloucester
Gould Computer Systems, Inc.
- Gould, Inc.
Grace Industries, Inc.
Graham Contracting, Inc.
Great Lakes Dredge & Dock Co.
Greenhut Construction Co., Inc.
Grey Advertising, Inc.
GRG Engineering, Inc.
Grid Systems Corp.
Grumman Aerospace Corp.
Grumman Data Systems Corp.
Grumman Houston Corp.
GTE Government Systems, Inc.
GTE Products Corp., Delaware
GTE Sylvania, Inc.
GTE Telecom, Inc.
Gulf Power Co.
Gulfstream Aerospace Corp., Delaware
Gulfstream Aerospace Corp., Georgia
H & H Meat Products, Inc.
H L J Construction & Management Group
H R Textron, Inc.
Halton Marine, Inc.
Hamilton Technology, Inc.
Hans Heede GMBH
Hanson Construction Co.
Harley-Davidson Motor Co., Inc.
Harnischfeger Corp.
Harris Corp.
Harsco Corp.
Hartec Enterprises, Inc.
Harvard University
Hawaiian Electric Co., Inc.
Hawaiian Independent Refinery
Hawaiian Telephone Co.
Hayes International Corp.
Hazeltine Corp.
HCA Mideast, Ltd.
Heckethorn Manufacturing Co.
Held & Francke
Hellenic Fuel & Lubricant Ind.
Henderson, H.F. Industries
Hensel Phelps Construction Co.
Hercules Inc.
Hess Oil Virgin Islands Corp.
Hewlett-Packard Co.
Heydt, Francis E. Co.
Hill Petroleum
Hochtief AG
Hoffman Construction Co., Oregon
Hoffmann-La Roche, Inc.
Hollingsworth, John R. Co.
Holmes & Narver, Inc.
Holmes & Narver/Morrison-Knudson
Holston Defense Corp.
Honam Oil Refinery Co., Ltd.
Honeycomb Co. of America
Honeywell, Inc.
Honeywell Information Systems
Hooks Mike, Inc.
Horizons Technology, Inc.
Howell & Howell
Howmet Turbine Components Corp.
HRB-Singer, Inc.
Hudgins Construction Co., Inc.
Hudson Institute, Inc.
Hughes Aircraft Co.
Hughes Communication International

- Hunt Building Corp.
Hunt Oil Co.
Hydraulic International, Inc.
Hydroscience, Inc.
Hyster Co.
IIT Research Institute
ILC Data Device Corp., Del.
IBIS Corp.
ICI Americas, Inc.
Illinois Tool Works, Inc.
INCO, Inc.
Industrial Pump & Compressor
Information System & Network Corp.
Informatics General Corp.
Information Spectrum, Inc.
Infotec Development, Inc.
Ingersoll-Rand Co.
Institute for Defense Analyses
Integrated Systems Analysts
Intelcom Support Services, Inc.
Inter-Community Telephone Co.
Intercontinental Mfg Co.
Intergraph Corp.
Intermetrics, Inc.
International Business Machines
International Terminal Operating Co.
Intersystems Corp.
ISC Defense Systems, Inc.
Isometrics, Inc.
Israel Aircraft Industries
Israel Military Industries
Itel Corp.
ITT & Varo Joint Venture
ITT Corp.
ITT Westinghouse Joint Venture
Jacksonville Shipyards, Inc.
James, T.L. & Co., Inc.
Jaycor
Jersey Central Power & Light Co.
Jet Electronics & Technology
Jonathan Corp., The
Jones Group, Inc., The
Jordon & Nobles, Inc.
Jowett Inc.
JR Son, Inc.
Kaiser Aerospace & Electronics Co.
Kaiser Engineers & Constructors
Kaiser Engineers, Inc.
Kaman Aerospace Corp.
Kaman Sciences Corp.
Kansas Power & Light Co.
Kay & Associates, Inc.
Kaydon Corp.
KDI Precision Products, Inc.
Kellogg Sales Co.
Kelsey-Hayes Co.
Kentron International, Inc.
Kern County Refinery, Inc.
Key Airlines, Inc.
Kilgore Corp.
Kimberly-Clark Corp.
Kinross Manufacturing Corp.
Kisco Co. Inc.
Koch Fuels, Inc.
Kock Refining Co., Inc.
Koehring Co.
Koppers Co., Inc.
Korea Electric Power Corp.
Korean Air Lines Co., Ltd.
Kovatch Corp.
Kraus Peter
Kronenberger & Sohn KG
Kurz & Root Co.
Kuwait National Petroleum Co.
Kvaas Construction Co., Inc.
LSI Avionic Systems
La Forge & Budd Construction Co.
Lake Shore, Inc.
Laketon Refining Corp.
Land O Frost, Inc.
Landau, H. & Co.
Landoll Corp.
Lane Construction Corp.
Lanson Industries, Inc.
Lanthier Robert J., Co., Inc.
Lathrop, F.P. Construction Co.
Lavino, E.J. & Co.
Leal Petroleum Corp.
Lear Siegler, Inc.
Lewis, Jerry M. Truck Parts Equipment
Libby Corp.
Light Helicopter Turbin Eng
Lilly, David B. Co., Inc.
Lilly Eli & Co.
Lite Industries, Inc.
Little, Arthur D., Inc.
Litton Industries, Inc.
Litton Systems, Inc.
Lock 28 Constructors
Lockheed Corp.
Lockheed Electronics Co.
Lockheed Missile & Space Co.
Lockheed Shipbuilding Co.
Lockport Marine Co.
Loggins Meat Co.
Logicon Inc.
Logistics Management Institute
Loral Corp.
Loral Electro-Optical Systems
Loral Electronic Systems
Loral Hycor, Inc.
Louisville Gas & Electric Co.
LTV Aerospace & Defense Co.
LTV Corp., The
Lucas Industries, Inc.
Luh Bros, Inc.
Lundy Electronics & Systems
Lyda Inc.
Lykes Bros Steamship Co., Inc.
MHK Minerolhandel GMBH & Co.
M/A COM Linkabit, Inc.
M/A-COM, Inc.
Mabco Prefabricated Building
Magnavox Co., Inc., The
Magnavox Government & Industrial
Electronics Co.
Management & Technical Services Co.
Mandex, Inc.
Mantech International Corp.
Mapco, Inc.
MAR, Inc.
Marable WM, Inc.
Maremont Corp.
Marinette Marine Corp.
Marion Laboratories, Inc.
Marquardt Co., Inc.
Martin Marietta Aerospace
Martin Marietta Corp.
Martin Marietta, D.E. JV
Martin-Baker Aircraft Co., Ltd.
Maruzen Oil Co., Ltd.
Marvin Engineering Co., Inc.
Maschinenfabrik Augsburg
Mason Chamberlain, Inc.
Mason Hanger-Silas Mason Inc., WV
Massachusetts Institute of Technology
Massman Construction Co.
Matra Co.
Maxwell Laboratories Inc.
Mayer Oscar Foods Corp.
McAlister Construction Co.
McCann Bill, Inc.
McCarthy Building Systems, Inc.
McCarthy Construction
McDermott Inc.
McDonnell Douglas Corp.
McDonnell Douglas Helicopter
McGraw-Edison Co.
McKee, Robert E., Inc.
McLaughlin Research Corp.
McMullan Robert & Son, Inc.
McMullen, John J. Associates
McRae Industries, Inc.
McGaughan, A.S. Co., Inc.
Mechanical Equipment Co.
Menasco, Inc.
Merck & Co., Inc.
Metal Trades, Inc.
Metric Construction Co., Inc.
Metric Constructors, Inc.
Metric Systems Corp.
Metro Machine Corp.
Meyer Tool, Inc.
MI Ryung Construction Co., Ltd
Michelson Organization
Midland-Ross Corp.
Midwest Construction Co.
Milcom Systems Corp.
Miltope Corp.
Mine Safety Appliances Co.
Miner Industries, Inc.
Minnesota Mining & Mfg Co.
Minowitz Manufacturing Co., Inc.
MIP Instandsetzungsbetric
Mission Research Corp.
Mitre Corp., The
Mobil Oil Corp.
Montedipe Spa
Moog, Inc.
Moon Engineering Co., Inc.
Morrison Knudsen Corp.
Mortenson, M.A. Co.
Morton Thiokol, Inc.
Moss Point Marine, Inc.
Motor Oils Hellas Corinth Refi
Motorola Communications Elcr
Motorola Computer Systems, Inc.
Motorola, Inc.
Munro & Co., Inc.
NI Industries, Inc.
Nabisco Brands, Inc.
Natco Limited Partnership
National Aeronautic Association, USA
National Airmotive Corp.
National Steel Shipbuilding Co.
National Structure, Inc.

- National Systems Management
Navajo Refining Co.
Navistar International Corp.
NCR Corp.
Needham, Inc.
Nero & Associates, Inc.
Network Systems Corp.
New Mexico State University
Newberg-Brinderson, JV
Newhall Refining Co.
Newport News Shipbuilding & Dry Dock Co.
Nichols Research Corp.
NL Industries, Inc.
Norden Systems, Inc.
Norfolk Dredging Co., Inc.
Norfolk Shipbuilding Dry Dock
North Atlantic Industries, Inc.
Northeast Construction Co.
Northeast Petroleum Corp.
Northern Research & Engineering
Northern Telecom, Inc., Delaware
Northrop Corp.
Northrop Services, Inc.
Northrop Worldwide Aircraft Services
Northwest Airlines, Inc.
Northwest Marine Iron Works
Nuclear Metals, Inc.
OAO Crop.
OTO Melara Spa
Ocean Technology, Inc.
Ohbayashi Corp.
Okinawa Electric Power Co.
Oklahoma Aerotronics, Inc.
Oklahoma Gas and Electric Co.
Olin Corp.
Omi Bulk Transport, Inc.
Onan Corp.
Oregon Freeze Dry Foods, Inc.
Ori, Inc.
Oshco Pae Somc
Oshkosh Truck Corp.
Overton Constructors
PCC Technical Industries, Inc.
Paccar, Inc.
Pacer Systems, Inc.
Pacific Construction Co., Ltd.
Pacific Gas & Electric Co.
Pacific Refining Co.
Pacific Services, Inc.
Pan Am World Services, Inc.
Pan American World Airways, Inc.
Panama Canal Commission
Papa Mario & Sons, Inc.
Papago Chemicals, Inc.
Parker-Hannifin Corp.
Parsons, Ralph M. Co., The
Patrol Ofisi AS Genel Mud
Peco Enterprises, Inc.
Pennsylvania Shipbuilding Co.
Pennsylvania State University
Perceptronics, Inc.
Percor, Inc.
Perkin-Elmer Corp., The
Peterson Builders, Inc.
Petroleos Del Mediterraneo SA
Petroleum Traders Corp.
Petron Trading Co., Inc.
Pfizer, Inc.
- Philip Morris Companies, Inc.
Phillipp Holzmann AG
Physics International Co.
Picker International, Inc.
Pike, John P. & Son, Inc.
Pioneer Construction Co.
Piqua Engineering, Inc.
Planning Research Corp.
Planning Systems, Inc.
Plastoid Corp.
Pneumo Abex Corp.
Poloron Products Bloom
Poong Lim Industry Co., Ltd.
Potomac Electric Power Co.
Power Conversion, Inc.
PPG Industries, Inc.
Price/Ciri Construction, JV.
Pride Refining, Inc.
Procter & Gamble Co., The
Property Service Agency
Propper International, Inc.
Prudential Lines, Inc.
Public Service Co. of New Mexico
Puerto Rico Sun Oil Co., Inc.
Purdy Corp.
QED Systems, Inc.
Questech Inc.
Quintron Corp.
Quintron Systems, Inc.
R&D Associates
Raae Karchert
Racal Corp., The
Radian Corp.
Rail Co.
Rand Corp., The
Raymond Engineering, Inc.
Raymond-Brown & Root-Mowlem
Raytheon Co.
Raytheon Service Co.
RCA Corp.
RCA Global Communications, Inc.
Reach-All Manufacturing & Engineering Co.
Recon/Optical, Inc.
Reeves Brothers, Inc.
Refinery Associates, Inc.
Reflectone, Inc.
Reid, J. H. General Contractor
Remploy, Ltd.
Rensselaer Polytechnic Institute
Republic Electronics, Inc.
Resource Consultant, Inc.
Rexon Technoogy Corp.
Reynolds, R.J. Tobacco Co.
Rheinmetal GMBH
Rice, James ED
Ridgeline Industries, Inc.
Right, Away Foods Corp.
River City Petroleum, Inc.
Riverside Research Institute
RJR Nabisco, Inc.
Roberts, J.R. Corp.
Rockwell International Corp.
Roe Enterprises Inc.
Roebbelen Engineering, Inc.
Roh, Inc.
Rolls-Royce, Inc.
Rohm Mil-Spec Computer
Rosemount, Inc.
- Rosenblatt, M. & Son, Inc.
Ross Bicycles, Inc.
Royal Norwegian Naval Material
Royal Ordnance Factories
Royal Ordnance Ammunition, Ltd.
Rubber Crafters of West Virginia
Rum Yang Construction Co., Ltd.
Russell Corp., The
S B Construction, Inc.
S Cubed
S F W Corp.
Sachs-Freeman Associates, Inc.
Sadelmi New York, Inc.
San Diego Diversified Builders
Sander Associates, Inc.
Santa Fe Engineers, Inc.
Sargent Fletcher Co.
Sargent Industries, Inc.
Sasc Technologies, Inc.
Sasebo Heavy Industries Co., Ltd.
Saudi Maintenance Co. Siyanco
Scallop Corp.
Schneider, Inc.
Science Applications International
Scientific Support Services
Scientific-Atlanta, Inc.
Scope, Inc.
Scripps Inst. of Oceanography
Sea-Land Service, Inc.
Sears Petroleum & Transport
Seaward International
Sechan Electronics, Inc.
Sellers Oil Co., Inc.
Selm Servizi Elettrici Montedi
Selma Apparel Corp.
Semcor, Inc.
Seav-Air, Inc.
Service Engineering Co.
Sharpe Contractors, JV
Shell Eastern Petroleum PTE Ltd
Shell International Petroleum
Shell Oil Co.
Sheller-Globe Corp.
Shirley Construction Corp.
Siemens Capital Corp.
Siemens Medical Systems, Inc.
Sierra Research Corp.
Sierracin Sylmar
Sikorsky Support Services, Inc.
Silverton Construction Co., Inc.
Simmonds Precision Products
Sinclair Marketing, Inc.
Singer Co., The
Sippican, Inc.
SKF Industries, Inc.
Smithkline French Inter-American
SMS Data Products Group, Inc.
Sociedade De Construcors
Sofec, Inc.
Softech, Inc.
Solar Turbines, Inc.
Sonicraft, Inc.
Sooner Defense of Florida, Inc.
Southeast Machine Co.
Southern Air Transport, Inc.
Southern Packaging & Storage Co.
Southwest Gas Corp.
Southwest Mar San Francisco

- Southwest Marine, Inc.
Southwest Mobile Systems Corp.
Southwest Research Institute
Southwestern Bell Telephone Co.
Space Communication Co.
Space Data Corp.
Sparta, Inc.
Sparton Corp.
Sperry Corp.
Squibb, E. R. & Sons, Inc.
SRI International
SRS Technologies
Staatsbauamt
Standard Manufacturing Co.
Standard Oil Company Ohio Corp.
Standard Products Co., The
Stanford, Leland Jr. University
Stanford Telecommunications
Star Food Processing, Inc.
Stearns Catalytic Corp.
Stearns-Roger, Inc.
Steinberg Brothers, Inc.
Stellar Industries, Inc.
Sterling Systems, Inc.
Steuart Petroleum Co.
Stewart & Stevenson Services
Stewart-Warner Corp.
Stolte, Inc.
Stone & Webster Engineering
Storage Technology Corp.
Strong Bill Enterprises, Inc.
Sumitomo Heavy Industries, Ltd.
Sun Chemical Corp.
Sun Refining & Marketing Co.
Sundstrand Corp.
Sundstrand Data Control, Inc.
Sunkyong, Ltd.
Superior Engineers Electronic Co.
Support Systems Associates, Inc.
Supreme Beef Processor, Inc.
Survival Technology, Inc.
Sverdrup Technology, Inc.
Swann Oil, Inc.
Swiftships, Inc.
Syscon Corp.
System Development Corp.
System Planning Corp.
Systemhouse, Inc.
Systems & Applied Sciences
Systems Engineering Assoc.
System Management American
Systems Research Laboratories
Systron-Donner Corp.
TRW Electronic Products, Inc.
TRW, Inc.
Tadiran Electronic Industries
Tan-Tex Industries Corp.
Tandem Computers, Inc.
Taylor, T. H., Inc.
Techdyn Systems Corp.
Technology Applications, Inc.
Tecom Inc.
Tektronix, Inc.
Tele-Signal Corp.
Teledyne, Inc.
Teledyne Industries, Inc.
Telos Corp.
Tentex Products, Inc.
Tennessee Apparel Corp.
Tennessee, State of
Tennier Industries, Inc.
Termomeccanica Italiana Spa
Tesoro Alaska Petroleum Co.
Tetra Tech., Inc.
Teval Corp.
Texaco, Inc.
Texas Capital Contractors, Inc.
Texas Instruments, Inc.
Texas Mil-Tronics, Inc.
Texas Power & Light Co.
Texstar Plastics Co., Inc.
Textron, Inc.
Therm, Inc.
Thompson, J. Walter Co.
Todd Pacific Shipyards Corp.
Todd Shipyards Corp.
Tohoku, Denryoku K.K.
Tokyo Denryoku, K.K.
Torrington Co., The
Tower Air, Inc.
Townsend & Bottum, Inc.
Tracor Aerospace Austin, Inc.
Tracor Applied Sciences, Inc.
Tracor, Inc.
Tracor Marine, Inc.
Tracor MBA
Trailer Marine Transport Corp.
Trans World Airlines, Inc.
Transamerica Airlines, Inc.
Transamerica Delaval, Inc.
Trataros Construction, Inc.
Trataros Industries, Ltd.
Travenol Laboratories, Inc., Delaware
Treadwell Corp.
Triad Aviation
Triad Microsystems, Inc.
Tridair Ind Fastener Div.
Triple A Machine Shop, Inc.
TSC Corp.
Turner International Industries
Turtle Mountain Mfg. Co.
Tyger Construction Co., Inc.
U.S. Oil & Refining Co.
U.S. Oil Co., Inc.
Ultramar Petroleum, Inc.
Ultrasystems, Inc.
Unidynamics Corp.
Unified Industries, Inc.
Union Carbide Corp.
Union Corp., The
Union Explosivos Rio Tinto SA
Union Underwear Co., Inc., New York
Uniroyal, Inc.
United Airlines Aircrew Training
United Chem-Con Corp.
United States Lines, Inc.
United Technologies Corp.
Universal Canvas, Inc.
Universal Energy Systems, Inc.
Universal Propulsion Co.
University of California
University of Dayton
University of Illinois
University of Maryland
University of New Mexico,
The University of Southern California
University of Texas System
Upjohn Co., The
Urdan Industries, Ltd.
Usibelli Coal Mine, Inc.
Utah Power & Light Co.
Utah State University
Valleydale Packers, Inc.
Valmac Industries, Inc.
Vaneer Foods Co.
Varian Associates, Inc.
Veda Inc.
Ver-Val Enterprises, Inc.
Verac, Inc.
Vertac Chemical Corp.
Vickers, Inc.
Viereck Co., Inc., The
Vinnell Corp.
Virginia Electric and Power Co.
Vitro Corp.
VIZ Manufacturing Co., Inc.
VSE Corp.
Walters, E. & Co., Inc.
Wang Laboratories, Inc.
Washington, University of
Waterman Steamship Corp.
Watkins Engineers & Constructors
Watkins-Johnson Co.
Wedtech Corp.
Wellco Enterprises, Inc.
Westerchil Construction Co., Inc.
Western Alaska Contractors JV
Western Gear Corp.
Western Petroleum Co.
Western Pioneer, Inc.
Western Research Corp.
Western Union International
Western Union Telegraph Co.
Westinghouse Electric Corp.
Westminster Co., Inc.
Westmont Industries
Westphal GMBH & Co. KG
White Consolidated Industries
White Engines, Inc.
White, T.A. Co., Inc.
Whitesell-Green, Inc.
Whittaker Corp.
Wickes Companies, Inc.
Willbros Butler Engineers, Inc.
Williams Electric Co., Inc.
Williams International Corp.
Williams Steel Industries, Inc.
William-Mc Williams Co., Inc.
Wilson Machine Company, Inc.
Winfield Manufacturing Co., Inc.
Wisconsin Physicians Service Insurance
Woods Hole Oceanographic Institute
Woodward Governor Co.
World Airways, Inc.
Wylie, C.E. Construction Co.
Wynn Construction Co.
Wyoming Refining Co.
Xerox Corp.
Zantop International Airlines
Zaroco, Inc.
Zenith Data Systems Corp.
Zenith Electronics Corp.
Zwick Energy Research Organization

June 12, 1987.

Linda M. Lawson,

Alternate OSD Federal Register Liaison
Officer, Department of Defense.

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BILLING CODE 3810-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Rocky Mountain National Park, CO; Mountain Climbing and Winter Backcountry Trip Regulations

AGENCY: National Park Service, Interior.

ACTION: Final rule.

SUMMARY: This final rulemaking is a deletion of registration and check out requirements for technical climbing and overnight winter backcountry trips in Rocky Mountain National Park. The deleted regulations requiring technical climbers and overnight winter backcountry users to register and check out after completion of their activity were intended to provide information necessary to initiate search and rescue responses. Actual experience over the years has shown that the intended purpose of these regulations had not been achieved. Nearly all search and rescue responses were generated by reports from sources other than the check out system. Instead of aiding rescuers, these regulations burdened the park rangers with the task of checking on countless cases of climbers and backpackers who failed to check out. The deletion of these regulations has been supported by the climbing and backpacking community for over two years. The deletion of these regulations will not result in the reduction of visitor protection services provided by park personnel.

EFFECTIVE DATE: July 20, 1987.

FOR FURTHER INFORMATION CONTACT: David J. Essex, Chief Park Ranger, Rocky Mountain National Park, Estes Park, CO 80517, Telephone: 303-586-2371.

SUPPLEMENTARY INFORMATION:

Background

The deleted National Park Service (NPS) special regulations that pertained to mountain climbing and winter backcountry trips were codified as 36 CFR 7.7 (d) and (e). They required all technical climbers and all winter overnight backcountry users to register or check in prior to undertaking these activities and to check out with a ranger upon completion of the activity. The

original intent was to provide park search and rescue personnel with the knowledge that a park user was, in essence, overdue from a potentially dangerous activity. In reality, almost all perceived overdue parties concerned climbers and backcountry users failing to properly check out. In addition, a portion of the climbing community opposed the registration system and deliberately violated the conditions of the system. The net effect of the regulations was a combination of non-compliance, failure to check out, failure to contact a ranger in a timely manner and wasted time and energy on the part of the park staff administering the system. After a reasonable period of time working with these restrictions, it was determined that they were not achieving their original purpose of saving lives. In reality, almost all park search and rescue efforts were the result of initial reports by climbing partners, other park backcountry users, friends or relatives. The registration forms themselves were not the basis for search and rescue responses. For over two years, the climbing and backpacking community has supported the deletion of these regulations.

A proposed rule was published February 3, 1987, in the *Federal Register* (52 FR 3285). Only one response was received during the following thirty (30) day public review and comment period. The respondent fully supported the repeal of the regulation and at one point suggested a modified registration system, but later felt it would be feasible to eliminate the registration system without replacing it with an alternative plan. No other comments were received. Consequently, the rule promulgated here is the same as the one proposed.

The NPS believes the deletion of these rules makes the management of mountain climbing and winter backcountry trips more consistent with the practices of both state and federal agencies whose lands are contiguous with Rocky Mountain National Park. Overnight backcountry trips will continue to be regulated by 36 CFR 2.10 Camping and Food Storage.

Drafting Information

The primary authors of this rulemaking are David J. Essex, Chief Park Ranger, and James L. Protto, South District Ranger, Rocky Mountain National Park.

Paperwork Reduction Act

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

Compliance With Other Laws

The Department of the Interior has determined that this document is not a major rule within the meaning of Executive Order 12291, 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.*). This rulemaking has no economic effect.

The NPS has determined that this final 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 on this determination, this final 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 and recordkeeping requirements.

In consideration of the foregoing, 36 CFR Chapter 1 is amended to read 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).

§ 7.7 [Amended]

2. § 7.7 is amended as follows:
- By removing paragraphs (d) and (e).
 - By redesignating paragraphs (f) as (d), (g) as (e) and (h) as (f).
 - By revising the cross-reference in paragraph (b), now reading "paragraph (g)", to read "paragraph (e)".
 - By revising the cross-reference in newly redesignated paragraph (f)(4), now reading "paragraph (h)(5)", to read "paragraph (f)(5)".

* * * * *

Dated: May 29, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and
Wildlife and Parks.

[FR Doc. 87-14051 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-70-M

**FEDERAL COMMUNICATIONS
COMMISSION****47 CFR Part 73**

[MM Docket No. 86-347; RM-5374]

**Radio Broadcasting Services;
Newberry, PA**

AGENCY: Federal Communications
Commission.

ACTION: Final rule; denial of petition.

SUMMARY: This document denies the request of Victor A. Michael, Jr. to allocate Channel 300B1 to Newberry, Pennsylvania, as the community's first local FM service. The request is denied since Newberry is not a separate community but is within the corporate boundaries of Williamsport, Pennsylvania. Therefore, Newberry is not a community for allotment purposes. With this action, this proceeding is terminated.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report

and Order, MM Docket No. 86-347, adopted May 5, 1987, and released June 10, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this Decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media
Bureau.

[FR Doc. 87-13650 Filed 6-18-87; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register

Vol. 52, No. 118

Friday, June 19, 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

Agricultural Marketing Service

7 CFR Parts 1033 and 1046

[Docket Nos. AO-166-A57 and AO-123-A58]

Milk in the Ohio Valley and Louisville-Lexington-Evansville Marketing Areas; Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider several proposals to amend the Ohio Valley and Louisville-Lexington-Evansville milk orders. The principal proposal would insure that a pool distributing plant physically located in the Louisville-Lexington-Evansville marketing area would be regulated under that order irrespective of the market in which a majority of its fluid milk products may be distributed. Other proposals would reduce the requirements for pooling a cooperative balancing plant under the Ohio Valley order and reduce to one day's production the amount of milk of a producer that must be physically received at a pool plant in order for the rest of that producer's milk to be moved directly from the farm to nonpool manufacturing plants and retain producer status under the Louisville-Lexington-Evansville order. Proponents contend that the modifications are needed to reflect changed marketing conditions.

DATE: The hearing will convene at 9:30 a.m. on June 30, 1987.

ADDRESS: The hearing will be held at the Executive West Motor Hotel, 830 Phillips Lane (Freedom Way at Fairgrounds), Louisville, Kentucky 40209, (502) 367-2251.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7311.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Notice is hereby given of a public hearing to be held at the Executive West Motor Hotel, 830 Phillips Lane (Freedom Way at Fairgrounds), Louisville, Kentucky 40209, beginning at 9:30 a.m., on June 30, 1987, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Ohio Valley and Louisville-Lexington-Evansville marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Actions under the Federal milk order program are subject to the "Regulatory Flexibility Act" (Pub. L. 96-354). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. For the purpose of the Federal order program, a small business will be considered as one which is independently owned and operated and which is not dominant in its field of operation. Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

List of Subjects in 7 CFR Parts 1033 and 1046

Milk marketing orders, Milk, Dairy products.

1. The authority citation for Parts 1033 and 1046 continues to read as follows:

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

2. The proposed amendments, as set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc. and Milk Marketing, Inc.

Proposal No. 1

In § 1046.7, revise paragraph (e)(2) and add a new paragraph (e)(3) to read as follows:

§ 1046.7 Pool plant.

* * * * *

(e) * * *

(2) Unless determined otherwise by the Secretary, a milk plant during any month in which the milk at such plant would be subject to the pricing and pooling provisions of another order issued pursuant to the Act except:

(i) A plant which meets the requirements for a pool plant pursuant to paragraph (a), (b), (c) or (d) of this section and a greater volume of fluid milk products, except filled milk, is disposed of from such plant in the Louisville-Lexington-Evansville marketing area to other pool plants and to retail or wholesale outlets that in the marketing area regulated pursuant to such other order during the current month; or,

(ii) A plant in the marketing area that qualifies pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition shall be subject to all the provisions of this part so long as this order's Class I price applicable at such plant location is not less than the other order's Class I price applicable at this same location.

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines route disposition, except filled milk, during the month in this marketing area is greater than route

disposition in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

Proposal No. 2

In § 1033.56, revise the first sentence of paragraph (a) through the first comma and add a new paragraph (c) to read as follows:

§ 1033.56 Plants subject to other Federal orders.

(a) Except as specified in § 1033.31 and in paragraphs (b) and (c) of this section, * * *

(c) A plant qualified pursuant to paragraph (a) of § 1033.12 which also meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order on the basis of distribution in such other marketing area and from which the Secretary determines route disposition, except filled milk, during the month in this marketing area is greater than route disposition in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order.

Proposed by National Farmers Organization

Proposal No. 3

Revise § 1033.12(c) to change the pooling percentage for a cooperative association plant from 50 percent to 40 percent.

Proposal No. 4

Revise § 1046.13(c)(2) and (c)(3) to read as follows:

§ 1046.13 Producer milk.

(c) * * *

(2) Not less than one day's production of a producer whose milk is diverted to a nonpool plant is physically received at a pool plant during the month;

(3) In any month of September through February, any cooperative association or the operator of a pool plant may divert the milk of any producer so long as the total quantity of milk diverted during the month does not exceed 60 percent of the producer milk pooled under the Order during such month by such cooperative association or pool plant operator.

Proposed by the Dairy Division, Agricultural Marketing Service

Proposal No. 5

Make such changes as may be

necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of each of the aforesaid marketing orders or from the Hearing Clerk, Room 1079, South Building, United States Department of Agriculture, Washington, DC 20250, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture
Office of the Administrator, Agricultural Marketing Service
Office of the General Counsel
Dairy Division, Agricultural Marketing Service (Washington office only)
Office of the Market Administrator, Ohio Valley and Louisville-Lexington-Evansville Marketing Areas

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, DC, on June 15, 1987.

J. Patrick Boyle,

Administrator.

[FR Doc. 87-13971 Filed 6-18-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 207

[INS Number: 1018-87]

Admission of Refugees; Withdrawal of Proposed Rule

AGENCY: Immigration and Naturalization Service, Department of Justice.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Immigration and

Naturalization Service is withdrawing its proposal to amend 8 CFR Part 207 which would have modified the procedure to be used in determining eligibility to be considered for refugee admission under section 207 of the Immigration and Nationality Act, as amended by the Refugee Act of 1980. After careful consideration of all comments received in response to the proposed rule making we believe there was a misunderstanding on what this Service was attempting to accomplish. Consequently, we have decided to withdraw the proposal at this time. The modification would have required that applicants eligible for immigrant visas under the preference classes established in subsection 203(a) of the Act and for whom a visa number would be available within one year not be admitted as refugees unless it was in the public interest. As a result of this action, we will continue with the status quo on refugee processing.

FOR FURTHER INFORMATION CONTACT:

Daniel Solis, Immigration Inspector, Office of Refugee, Asylum and Parole, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536, Telephone: (202) 633-5463.

SUPPLEMENTARY INFORMATION: On December 12, 1986, the Immigration and Naturalization Service published a notice of proposed rule making seeking comment on a proposed modification to 8 CFR Part 207 which would have required that applicants for the United States Refugee Program who were eligible for immigrant visas under the preference classes established in subsection 203(a) of the Act and for whom a visa number would be available within one year not be admitted as refugees unless it was in the public interest. After careful consideration of all comments received in response to the proposed rule making, the Service has decided to withdraw the proposal.

Accordingly, the proposed rule to modify 8 CFR Part 207, § 207.1, paragraph (d), published in the **Federal Register** of December 12, 1986, (FR DOC. 86-27881), is hereby withdrawn.

Dated: May 8, 1987.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 87-13980 Filed 6-18-87; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF THE TREASURY**Internal Revenue Service****26 CFR Parts 1 and 602**

[LR-95-86]

Information Reporting on Real Estate Transactions; Public Hearing on Proposed Regulations**AGENCY:** Internal Revenue Service, Treasury.**ACTION:** Notice of public hearing on proposed regulations.**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to information reporting on real estate transactions.**DATES:** The public hearing will be held on Wednesday, July 22, 1987, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Wednesday, July 8, 1987.**ADDRESS:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-95-86) Washington, DC 20224.**FOR FURTHER INFORMATION CONTACT:** Angela Wilburn of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone 202-566-3935 (not a toll-free call).**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under section 6045(e) of the Internal Revenue Code of 1986. The proposed regulations appeared in the *Federal Register* for Friday, April 3, 1987 (52 FR 10774).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Wednesday July 8, 1987 an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

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

government and answers to these questions.

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

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

By direction of the Commissioner of Internal Revenue.

Donald E. Osteen,

Director, Legislation and Regulations Divisions.

[FR Doc. 87-14015 Filed 6-18-87; 8:45 am]

BILLING CODE 4830-01-M

POSTAL SERVICE**39 CFR Part 111****Use of Sampling Process for Mailers Filing 2,000 or More COD Indemnity Claims Annually****AGENCY:** Postal Service.**ACTION:** Proposed rule.

SUMMARY: The processing of COD claims one at a time is very costly. Under this proposal postal regulations would be changed to make mandatory a currently optional sampling procedure for mailers submitting large numbers of claims. Any mailer who files 2,000 or more COD claims annually would have them adjudicated through a process of sampling a representative number of claims, unless the St. Louis Postal Data Center approves an exception. Adjudication would be handled by the St. Louis Postal Data Center instead of Postal Service Headquarters. This proposal would reduce administrative costs for both the Postal Service and for most mailers filing large numbers of claims.

DATE: Comments must be received on or before July 20, 1987.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service, Room 8430, 475 L'Enfant Plaza, West SW., Washington, DC 20260-5360. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 8430 at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Edmund J. Wronski (202) 268-5320.**SUPPLEMENTARY INFORMATION:** Currently, when mailers desire to file a large number of COD indemnity claims,

they are contacted by the Postal Service to have them processed through a sampling procedure. In order to use the sampling process, mailers must sign an agreement with the Postal Service. All of the arrangements to process the claims, including adjudication, are made at Postal Service Headquarters.

There is now no requirement that mailers with large numbers of COD claims accept the sampling procedures. Processing claims individually is very costly to the Postal Service. A significant number of work hours is required both at the post office accepting the claims and at other post offices nationwide.

There are a number of advantages to mailers who use the sampling procedures:

1. Fewer individuals claims need to be presented by the mailer. Since claims filed by most large mailers are computer-generated, the savings to them are significant.

2. No inquiries or follow up claims have to be filed.

3. The mailer's open accounts for the time period covered by the sample are closed more quickly than when claims are filed individually.

4. Previous claims experience shows that where a mailer receives a lump sum payment determined by sampling a large number of claims during a set period of time, such as six months or a year, the lump sum amount received tends to be greater than the sum of the amounts received by individually processing the same claims over the same period.

Furthermore, the Postal Service has the opportunity to avoid a number of costs as well as satisfy the customer's claims with a minimum amount of time and resources. Postal Service costs affect the fees charged for COD service.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation of 39 CFR Part 111 continues to read as follows:

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

PART 149—INDEMNITY CLAIMS

2. Renumber 149.6 through 149.8 as 149.7 through 149.9, respectively. Add new 149.6 reading as follows:

149.6 Sample Claims

149.61 *Who must file.*

.611 Any mailer who files 2,000 or more COD claims annually must file under the sampling procedures outlined in this section unless the Manager,

Claims and Inquiry Branch, at the St. Louis PDC allows an exception (see 149.613). The mailer and the Manager may rely on the number of claims filed during the previous calendar year or on mailing or claims experience during the current year.

.612 Any mailer who files less than 2,000 COD claims annually may request permission to file under these procedures from the Manager, Claims & Inquiry Branch, Postal Data Center, P. O. Box 14677, St. Louis, MO 63180-9000. The manager will approve the request when found to be in the best interest of the Postal Service.

.613 Any mailer who files 2,000 or more COD claims annually who desires to be exempted from participating in the sampling process may apply for an exception in writing to the Manager, Claims & Inquiry Branch, Postal Data Center, P. O. Box 14677, St. Louis, MO 63180-9000. The mailer must explain in detail the reasons why the exception is necessary. The manager will authorize an exception when this is found to be in the best interest of both the mailer and the Postal Service. The general criteria to be considered in making the exception include:

- a. Expense to the mailer
- b. Expenditure of the claims process
- c. Availability of labor and resources to process the claims at the accepting post office
- d. Other interests of the Postal Service

Mailers have the right to appeal the determination of the manager in accordance with 149.91.

149.62 Procedures.

.621 *List of Claims and Number of Articles Mailed.* The mailer must present a list of all COD items eligible for claim to the Claims and Inquiry Section or employee in the post office who has been designated to handle insurance claims. The list must contain the COD number (in numerical order), followed by the name and address of the addressee, date of mailing, postage, free, and amount due sender. The list must contain a summary sheet showing the total number of claims and total amount due sender. In addition, the mailer must submit a statement showing the total number of COD articles mailed during the time period represented by the sample.

.622 *Computing the Number of Claims to be Sampled.* The postmaster will send a memorandum containing the name and address of the mailer, the total number of claims on the listing, and the name(s) and phone number(s) of the employee(s) primarily responsible for processing the sample to:

General Manager, Statistical Analysis Division, Office of Revenue and Cost System, Rates and Classification Department, Washington, DC 20260-5331

Manager, Claims & Inquiry Branch, Postal Data Center, PO Box 14677, St. Louis, MO 63180-9000

A copy of the mailer's statement showing the total number of COD articles mailed during the time period represented by the sample should be included in the memorandum submitted to the St. Louis PDC.

The General Manager, Statistical Analysis Division will issue a memorandum to the postmaster showing the total number of claims to be sampled, the first claim on the list to be sampled, and the interval for sampling the remaining claims. Upon receipt, the postmaster will provide a copy of the memorandum to the mailer. The Manager, Claims and Inquiry Branch, will coordinate the sample, and will provide additional instructions to the responsible employee.

.623 *Marking the List of Claims.* The claims and inquiry employee will annotate the list showing all of the claims which will be sampled starting with the first claim specified by the memorandum. The market list will be returned to the mailer.

.624 *Completion of Claim Forms.* Using the marked list, mailers will complete the portions of the claim form (Form 3812) normally completed by customers who file individual claims (see 149.313). Information on the claim form must be identical to the entries on the mailing manifest. The actual date of mailing must be used. In addition, the mailer will be required to complete other portions of the form (e.g. inserting the claim number or special identification marking by computer).

Note.—The name and address of the mailer shown on the mailing manifest and Form 3812 must be the same as the name and address of the mailer shown on the COD tags.

.625 *Submission of Claim Forms.* Mailers will return the marked list and completed claim forms (along with proof of mailing, and evidence of value) within two weeks of receipt of the marked list. Claim forms must be submitted in the order on which they appear on the list.

.626 *Verification of Claims Submitted by Mailer.* After receiving the claim forms from the mailer, count the total number of claims submitted and compare them to the claims checked off on the list to ensure the accuracy of the claims submitted. The mailer will be required to complete new claim forms whenever there are any discrepancies.

.627 Initial Processing of Claims.

Claims must be forwarded to the addressee post office within two weeks of receipt from the mailer (see 149.33).

.628 *Duplicate Claims.* After a period of 30 days, contact the St. Louis PDC to determine which claims have not been returned by the addressee post office. Complete and process duplicate claim forms in accordance with section 149.342a(2)(a) and 149.342a(3).

.629 *Final Claims Action.* After a period of 15 days, contact the St. Louis PDC to determine which claims remain outstanding. Contact each post office by telephone for information on the delivery of the article.

.63 Adjudication.

.631 *Computation of Payable Claims.* The St. Louis PDC will determine the number of payable and non-payable claims. The total number of claims will not include any articles or contents returned to sender without a COD tag.

.631 *Notification of results.* The St. Louis PDC will prepare a report to the mailer showing the following:

- a. Number of claims submitted by the mailer
- b. Number of claims deducted from the total number submitted by the mailer and the reason for the deduction
- c. Number of payable claims in the sample
- d. Number of nonpayable claims in the sample
- e. Percent of payable claims
- f. Number of payable claims from the total number of claims submitted by the mailer
- g. Average value of claims in the sample less the COD fee
- h. Number and dollar value of any checks and money orders submitted by COD recipients
- h. Total amount due the mailer.

.632 *Mailer Review.* A check will be issued to the mailer after the mailer reviews and concurs with the report. (Note: at no time during the sample will a partial payment check be issued.) The mailer has the option of reviewing the results of the addressee post office's search of delivery records shown on the completed claim forms. Photocopies of completed claim forms or delivery records cannot be provided to mailers.

This review must take place with postal personnel at the post office where the claims were filed prior to the issuance of the check. Any discrepancies must be resolved before the check is issued. Each sample must be completed before a new one begins.

.633 *Appeal.* If any discrepancies cannot be resolved, the mailer may

appeal the decision in accordance with 149.91.

.64 Time Limits. The sampling process should be completed within the schedule outlined in Exhibit 149.6. This exhibit is for planning purposes only.

Exhibit 149.6.—Time Limits for Completing Claims Sample

Action	Time limit
*1. Mailer submits list of claims.	*Within 1 yr. of date of mailing.
*2. Post office sends memorandum to Headquarters and St. Louis PDC.	*Within 2 days of receipt of the list of claims from mailer.
*3. Headquarters responds.....	*Within 1 week of receipt of notification.
*4. Post office provides copy of response to mailer.	*Immediately upon receipt.
*5. Post office marks list of claims and returns to mailer.	*Within 1 week of receipt of response.
*6. Mailer completes claim forms and returns claims and list to post office.	*Within two weeks from receipt of marked list.
*7. Verification of claim forms.	*Immediately upon receipt.
*8. Initial processing of claims by accepting post office.	*Within two weeks of receipt from mailer.
*9. Duplicate claims completed and processed by accepting post office.	*30 days after last claim is processed, complete and process immediately.
*10. Final claims action.....	*Two weeks after last duplicate claim is processed, begin telephone inquiries. Remain on phone until delivery information is received. Forward results to St. Louis PDC immediately.
*11. Adjudication and preparation of report by St. Louis PDC.	*One week.
*12. Mailer review of report.....	*Immediately upon receipt.
*13. Mailer review of claim forms (optional).	*Within two weeks of notification to St. Louis PDC.
*14. Issuance of check.....	*Immediately.

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

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-13984 Filed 6-18-87; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6913]

Proposed Flood Elevation Determinations; California et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with section 110 and section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4.

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer

of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

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

2. The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
CALIFORNIA	
Lemon Grove (City), San Diego County	
<i>Spring Valley Creek:</i>	
Approximately 50 feet upstream of Blossom Lane.....	*300
At Idica Street.....	*308
400 feet upstream of Idica Street.....	*309
Maps are available for inspection at City Hall, 3232 Main Street, Lemon Grove, California. Send comments to Mayor James Dorman, City Hall, 3232 Main Street, Lemon Grove, California 92045.	
FLORIDA	
Mt. Dora (City), Lake County	
Lake Dora: At shoreline.....	*66
Lake Gertrude: At shoreline.....	*73

PROPOSED BASE (100-YEAR) FLOOD
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
<i>Lake John</i> : At shoreline.....	*82
<i>Lake Tom</i> : At shoreline.....	*82
<i>Lake Nettie</i> : At shoreline.....	*87
<i>Lake Franklin</i> : At shoreline.....	*105
Maps available for inspection at the City Hall, Mt. Dora, Florida. Send comments to The Honorable Tony Segretto, City Manager, City of Mt. Dora, City Hall, P.O. Box 176, Mt. Dora, Florida 32777.	
Tavares (City), Lake County	
<i>Lake Dora</i> : Along shoreline.....	*66
<i>Lake Eustis</i> : Along shoreline.....	*66
<i>Lake Junieta</i> : Along shoreline.....	*69
<i>Lake Frances</i> : Along shoreline.....	*69
<i>Lake Tavares</i> : Along shoreline.....	*72
Maps available for inspection at the City Hall, 201 East Main Street, Tavares, Florida. Send comments to The Honorable Tony Otte, City Manager, City of Tavares, City Hall, 201 East Main Street, Tavares, Florida 32778.	
INDIANA	
Converse (Town), Miami and Grant Counties	
<i>Dolin Young Ditch</i> : Just upstream of Chessie System Railroad bridge.....	
.....	*812
About 1,000 feet upstream of State Route 18.....	*817
Maps available for inspection at the Clerk-Treasurer's Office, Town Hall, Converse Indiana. Send comments to The Honorable Howard Leap, President, Town Board, Town of Converse, Town Hall, Converse, Indiana 46919.	
MINNESOTA	
Renville County (Unincorporated Areas)	
<i>Minnesota River</i> : About 4.6 miles downstream of confluence of Three Mile Creek.....	
.....	*818
About 5.2 miles upstream of confluence of Hawk Creek.....	*861
Maps available for inspection at County Auditor's Office, County Building, 500 East DePue, Oliva, Minnesota. Send comments to The Honorable Gene Dillion, Chairman, Board of Commissioners, Renville County, County Building, 500 East DePue, Oliva, Minnesota 56277.	
TENNESSEE	
Dunlap (City), Sequatchie County	
<i>Sequatchie River</i> : Just upstream of Rankin Avenue.....	
.....	*690
At confluence of Big Brush Creek.....	*702
<i>Big Brush Creek</i> : At mouth.....	
.....	*702
Just downstream of Elliott Road.....	*784
<i>Little Brush Creek</i> : At mouth.....	
.....	*728
About 550 feet upstream of Old State Route 8.....	*824
<i>Coops Creek</i> : At mouth.....	
.....	*698
About 850 feet upstream of Mountain View Road.....	*837
<i>Cordell Lane Branch</i> : At mouth.....	
.....	*711
About 1,200 feet upstream of Jones Drive.....	746
Maps available for inspection at the City Hall, Dunlap, Tennessee. Send comments to The Honorable Danny Wallace, Mayor, City of Dunlap, City Hall, P.O. Box 546, Dunlap, Tennessee 37327.	

Issued: June 15, 1987.

Harold T. Duryee,

Administrator, Federal Insurance
Administration.

[FR Doc. 87-13965 Filed 6-18-87; 8:45 am]

BILLING CODE 6718-05-M

**DEPARTMENT OF HEALTH AND
HUMAN SERVICES****Office of the Secretary****45 CFR Part 13****Implementation of the Equal Access to
Justice Act in Agency Proceedings****AGENCY:** Office of the Secretary, HHS.**ACTION:** Notice of proposed rulemaking.

SUMMARY: This proposed regulation would extend the coverage of the Department's regulation implementing the Equal Access to Justice Act, 5 U.S.C. 504 and 504 note, to include administrative adjudications filed after September 30, 1984. It would also amend the eligibility criteria and certain other aspects of that regulation, primarily to conform with recent amendments to the Act.

DATE: The Department proposes to make this regulation effective, retroactively, on October 1, 1984. The Department will accept comments on this proposed regulation through August 18, 1987.

ADDRESS: Comments must be in writing and sent to: Darrel Grinstead, Associate General Counsel, Room 5362—HHS North Bldg., Department of Health and Human Services, 330 Independence Ave., SW., Washington DC 20201.

FOR FURTHER INFORMATION CONTACT: Darrel Grinstead, Associate General Counsel, Room 5362—HHS North Bldg., Department of Health and Human Services, 330 Independence Ave., SW., Washington, DC 20201. Telephone (202) 475-0150.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act (EAJA), Pub. L. 96-481, was revived and amended by Pub. L. 99-80. Some of the changes effected by Pub. L. 99-80 necessitate changes in the Department of Health and Human Services (HHS) regulation implementing the Act, 45 CFR Part 13. These changes are discussed below.

1. The Act included a sunset provision, section 203(c), whereby the Act would not apply to administrative adjudications initiated after September 30, 1984. HHS's regulation includes a similar provision, 45 CFR 13.2. Section 6(b)(1) of Pub. L. 99-80 repealed the sunset provision in the Act. The

proposed regulation would similarly amend § 13.2.

2. Section 1(c)(1) of Pub. L. 99-80 increased the net worth limitations on parties eligible to recover fees under EAJA. It also added local government units to the categories of eligible entities. Section 7 of Pub. L. 99-80 makes these expanded eligibility criteria applicable to proceedings pending on or after August 5, 1985 (the effective date of that statute), and to proceedings commenced after September 30, 1984 (the sunset date of the original EAJA), even if finally disposed of before August 5, 1985. The proposed regulation would amend § 13.4(b) to make the same changes with respect to the same categories of newer cases, while preserving the former eligibility criteria for older cases. The regulation would also amend § 13.10(a)(5) to the same effect.

3. Section 1(c)(3) of Pub. L. 99-80 defines the "position of the agency" to include the action or omission that was the basis for the proceeding, and section 1(a)(1) restricts the analysis of whether that position was substantially justified to the administrative record. The proposed regulation would revise §§ 13.5(a) and 13.10(a)(2) likewise, and it would also amend § 13.25(a) to the same end.

4. HHS no longer takes the position that the applicant must have actually paid (or must have actually become obligated to pay) the attorney fees and expenses in order to recover those fees and expenses under EAJA. Accordingly, the proposed regulation would delete the sentence in § 13.6(a) that stated this position.

5. The proposed regulation would amend § 13.12(d) to make clear that the adjudicative officer may require further substantiation of fees as well as expenses.

6. The EAJA and the HHS regulation require the prevailing party to file its fee application within 30 days of the final disposition of the administrative proceeding, 5 U.S.C. 504(a)(2); 45 CFR 13.22(a). Section 7(b) of Pub. L. 99-80 provides that, in cases commenced after September 30, 1984 (the sunset date of the original EAJA), and finally disposed of before August 5, 1985 (the effective date of the new law), this 30-day period runs from the latter date. The proposed regulation would amend § 13.22(a) to this effect.

7. Section 1(b) of Pub. L. 99-80 provides that when the Government appeals the merits of a proceeding, any fee application is stayed until the appeal is finally resolved, and it specifies that a court decision is deemed to finally

dispose of such an appeal only when that decision is final and unreviewable. There is a similar, but more inclusive, stay provision in § 13.22(d), and the proposed regulation would add a similar specification regarding unreviewability of a court order. The proposed regulation would also revise § 13.23(a) to make clear that, when a fee proceeding is stayed in these circumstances, the agency need answer the fee application only after the final disposition of the underlying controversy.

8. Appendix A to the regulation lists the HHS proceedings that are covered by the regulation if the agency's litigating party enters an appearance and participates. The proposed regulation would amend the appendix to correct the descriptions of two categories of proceedings (Provider Reimbursement Review Board proceedings and civil monetary penalty proceedings), to correct the statutory citations for five categories of proceedings (proceedings provided to fiscal intermediaries, all three categories of Food and Drug Administration proceedings, and Title VI Civil Rights Act proceedings), and to add regulatory citations for two categories (civil monetary penalty proceedings and proceedings provided to fiscal intermediaries).

9. The legislative history of Pub. L. 99-80 contains several references to the Social Security Administration (SSA) Representation Project, under which SSA representatives participated in certain disability hearings involving Social Security benefits or Supplemental Security Income benefits. This project was codified at 20 CFR 404.965, 416.1465. HHS halted the project in response to a district court order on July 16, 1986, and we subsequently discontinued the project and revoked the above-cited regulatory provisions. See 52 FR 17285 (May 7, 1987). HHS has taken the position that proceedings in this project were not within the scope of the EAJA as originally enacted, and thus Appendix A to the regulation does not list them. The legislative history of Pub. L. 99-80 evidences the intent of some current members of Congress that the EAJA as revived and amended should apply to cases in this project. HHS has determined that the EAJA should be applied to all cases in this project where the project representative, at a hearing, represented an agency position opposing entitlement to benefits and where there was no final agency decision on the underlying merits before August 5, 1985, the effective date of Pub. L. 99-80. Thus, the proposed regulation would add these

proceedings to Appendix A. Because the project has been discontinued, this reference in Appendix A will cover only those proceedings in which hearings were held while the project was still in effect.

10. The proposed regulation would also add certain other proceedings for which the statutory entitlement to a hearing rests either on a statute tracking the language of the provision underlying the disability hearings (section 205(b) of the Social Security Act, 42 U.S.C. 405(b)), or on a statute incorporating that provision by reference. The only such proceedings that would be added to the appendix are ones where the implementing regulations provide for representation of an agency position in the hearing. As is already stated in § 13.3 of the EAJA regulation, a specific proceeding falling into one of the categories listed in Appendix A will be considered as covered by the EAJA and by the regulation only if the agency's litigating party enters an appearance and participates in that case. Finally, since the basis for including these proceedings is Congressional intent that the EAJA as amended should apply to them, the proposed regulation would specify that they are covered only where the case was still pending on its merits on the effective date of the statutory amendments, namely August 5, 1985.

Impact of Regulation

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. The basis for the Secretary's certification is that, although small entities are eligible to apply for awards, the regulation would apply only to a small number of the proceedings held by the Department each year, and in many of those proceedings the Department's position will be substantially justified. Also, most of the changes reflected in the regulation are mandated by the statute, so it is the statute rather than the regulation that has the impact.

The Secretary has also determined, in accordance with Executive Order 12291, that the proposed rule does not constitute a "major rule" because it would not have an annual effect on the economy of \$100 million or more; result in a major increase in costs or practices for consumers, any industries, any governmental agencies or geographic regions; or have significant and adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises in domestic or export

markets. A regulatory analysis is not required.

Some of the proposed amendments would affect Subpart B, which has been found by the Office of Management and Budget (OMB) to be a collection of information subject to the Paperwork Reduction Act, 44 U.S.C. 3501-3520. We are submitting a copy of those amendments to OMB for its review. Interested persons may send comments on those amendments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for HHS.

List of Subjects in 45 CFR Part 13

Administrative practice and procedure, Equal Access to Justice.

For the reasons set out in the preamble, the Department proposes to amend 45 CFR Part 13 as follows:

PART 13—[AMENDED]

1. The authority citation for Part 13 is revised to read as follows:

Authority: 5 U.S.C. 504(c)(1).

2. Section 13.2 is revised to read as follows:

§ 13.2 When these rules apply.

These rules apply to adversary adjudications before the Department that were pending after September 30, 1981.

3. Section 13.4(b) is revised to read as follows:

§ 13.4 Eligibility of applicants.

(b) The categories of eligible applicants are as follows:

(1) Charitable or other tax-exempt organizations described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with no more than 500 employees;

(2) Cooperative associations as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees;

(3) In the case of adversary adjudications commenced before October 1, 1984, and finally decided before August 5, 1985:

(i) Individuals with a net worth of not more than \$1 million;

(ii) Sole owners of unincorporated businesses if the owner has a net worth of not more than \$5 million, including both personal and business interests, and if the business has no more than 500 employees; and

(iii) All other partnerships, corporations, associations or public or

private organizations with a net worth of not more than \$5 million and with not more than 500 employees; and

(4) In the case of adversary adjudications commenced after September 30, 1984, or pending after August 4, 1985:

(i) Individuals with a net worth of not more than \$2 million;

(ii) Sole owners of unincorporated businesses if the owner has a net worth of not more than \$7 million, including both personal and business interests, and if the business has no more than 500 employees; and

(iii) All other partnerships, corporations, associations, local governmental units, and public and private organizations with a net worth of not more than \$7 million and with not more than 500 employees.

4. Section 13.5(a) is revised to read as follows:

§ 13.5 Standards for awards.

(a) Awards will not be made for fees and expenses where the Department's position in the proceeding was substantially justified. The Department's position includes, in addition to the position taken by the agency in the proceeding, the agency action or failure to act that was the basis for the proceeding. Whether or not the Department's position was substantially justified is to be determined on the basis of the administrative record as a whole. The fact that a party has prevailed in a proceeding does not create a presumption that the Department's position was not substantially justified. The burden of proof as to substantial justification is on the agency's litigating party, which may avoid an award by showing that its position was reasonable in law and fact.

§ 13.6 [Amended]

5. In § 13.6(a), the second sentence ("Awards will not be made for more than the applicant's actual expenses.") is removed.

6. Section 13.10(a)(2) is revised to read as follows:

§ 13.10 Contents of application.

(a) * * *
(2) A declaration that the applicant believes it has prevailed, and an identification of the position of the Department that the applicant alleges was not substantially justified;

7. In § 13.10(a)(5), the first sentence of the introductory text is revised to read as follows:

§ 13.10 Contents of application.

(5) A statement that the applicant's net worth as of the date on which the proceeding was initiated did not exceed the appropriate limits as stated § 13.4(b). * * *

8. Section 13.12(d) is revised to read as follows:

§ 13.12 Documentation of fees and expenses.

(d) The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any fees or expenses claimed, pursuant to § 13.25.

9. Section § 13.22(a) is amended by adding the following sentence at the end:

§ 13.22 When an application may be filed.

(a) * * * With respect to proceedings commenced after September 30, 1984, and finally decided before August 5, 1985, the applicant must file and serve

its application no later than September 4, 1985.

10. Section 13.22(d) is amended by adding the following sentence at the end:

§ 13.22 When an application may be filed.

(d) * * * For purposes of this paragraph, a court decision is a final disposition only when it becomes unreviewable.

11. In § 13.23(a), the first sentence is revised to read as follows:

§ 13.23 Responsive pleadings.

(a) The agency's litigating party shall file an answer within 30 calendar days after service of the application or, where the proceeding is stayed as provided in § 13.22(d), within 30 calendar days after the final disposition of the underlying controversy. The answer shall either consent to the award or explain in detail any objections to the award requested and identify the facts relied on in support of its position. * * *

12. Section 13.25(a) is amended by adding the following sentence at the end:

§ 13.25 Further proceedings.

(a) * * * In no such further proceeding shall evidence be introduced from outside the administrative record in order to prove that the Department's position was, or was not, substantially justified.

13. Appendix A to Part 13 is revised to read as follows:

APPENDIX A

Proceedings covered	Statutory authority	Applicable regulations
Office of the Inspector General		
Proceedings to impose civil monetary penalties or assessments for fraudulent or other claims under Medicare, Medicaid, and Title V.	42 U.S.C. 1320a-7a	43 CFR Part 1003.
Appeals of suspensions from Medicare and Medicaid based on criminal convictions of program-related crimes, or based on imposition of a civil monetary penalty or assessment, where there was no final disposition before August 5, 1985.	42 U.S.C. 1320a-7(e)	42 CFR 1001.128; 42 CFR Part 1003.
Appeals of exclusions from Medicare because of fraud or abuse, where there was no final disposition before August 5, 1985.	42 U.S.C. 1395j(d)(3)	42 CFR Part 405, Subpart 0; 42 CFR 1001.107.
Appeals of exclusions from Medicare on the recommendation of a Peer Review Organization where there was no final disposition before August 5, 1985.	42 U.S.C. 1320c-5(b)(4)	42 CFR 1004.130.
Health Care Financing Administration		
Proceedings to suspend or revoke licenses of clinical laboratories.	42 U.S.C. 263a(e), (g)	
Proceedings provided to a fiscal intermediary before assigning or reassigning Medicare providers to a different fiscal intermediary.	42 U.S.C. 1395h(e)(1)-(3)	42 CFR 421.114, 421.128.
Appeals of determinations that an institution or agency is not a Medicare provider of services, and appeals of terminations of Medicare provider agreements, where there was no final disposition before August 5, 1985.	42 U.S.C. 1395f(c)	42 CFR Part 405, Subpart 0; 42 CFR 405.1905(b), 489.53(c).
Proceedings before the Provider Reimbursement Review Board when Department employees appear as counsel.	42 U.S.C. 1395oo	42 CFR Part 405, Subpart R.

APPENDIX A—Continued

Proceedings covered	Statutory authority	Applicable regulations
Appeals of determinations that a skilled nursing facility (SNF) or intermediate care facility (ICF) no longer qualifies as an SNF or ICF for Medicaid purposes, where there was no final disposition before August 5, 1985.	42 U.S.C. 1396i.....	42 CFR Part 405, Subpart 0; 42 CFR 431.153.
Food and Drug Administration		
Proceedings to withdraw approval of new drug applications.....	21 U.S.C. 355(e).....	21 CFR Part 12; 21 CFR 314.200.
Proceedings to withdraw approval of new animal drug applications and medicated feed applications.....	21 U.S.C. 360b(e), (m).....	21 CFR Part 12; 21 CFR Part 514, Subpart B.
Proceedings to withdraw approval of medical device premarket approval applications.....	21 U.S.C. 306e(e), (g).....	21 CFR Part 12.
Office for Civil Rights		
Proceedings to enforce Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance.	42 U.S.C. 2000d-1.....	45 CFR 80.9.
Proceedings to enforce Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap by recipients of Federal financial assistance.	29 U.S.C. 794.....	45 CFR 84.61.
Proceedings to enforce the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age by recipients of Federal financial assistance.	42 U.S.C. 6101, 6104(a).....	45 CFR 90.47.
Proceedings to enforce Title IX of the Education Amendments of 1972, which prohibits discrimination on basis of sex in certain education programs by recipients of Federal financial assistance.	20 U.S.C. 1681, 1682.....	45 CFR 86.71.
Social Security Administration		
Appeals of disability determinations under the SSA Representation Project, while it was in existence, and where there was no final disposition before August 5, 1985. The project was discontinued on July 16, 1986, and the regulatory authority for the project was revoked on May 7, 1987.	42 U.S.C. 405(b), 421(d), 1383(c)(1).....	20 CFR 404.929-404.965, 416.1429-416.1465 (§§ 404.965 and 416.1465, which specifically provided for the project, were revoked on May 7, 1987. 52 FR 17285.)

Dated: April 9, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-13978 Filed 6-18-87; 8:45 am]

BILLING CODE 4110-60-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-301; RM-5311]

Television Broadcasting Services; Panama City, FL

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: This document dismisses a proposal to allot UHF television Channel 62 to Panama City, Florida, in response to a petition filed by National Hispanic Broadcasters Association (51 FR 26284). The rule making is dismissed due to lack of interest by the petitioner or other interested parties. With this action, this processing is terminated.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Rule Making, RM-5311, MM Docket No. 86-301, adopted May 5, 1987, and released June 10, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service,

(202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Mark N. Lipp,

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

[FR Doc. 87-13851 Filed 6-18-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 73-34; Notice 08]

Federal Motor Vehicle Safety Standards; School Bus Body Joint Strength

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This notice requests comments on three items, all related to Federal Motor Vehicle Standard (FMVSS) No. 221, *School Bus Body Joint Strength*. These are,

(1) A possible new standard designed to set minimum requirements for the strength of floors of large school buses over 10,000 pounds GVWR.

(2) Revision of the exemption provisions for maintenance access panels in FMVSS No. 221.

(3) Revision of the test procedures of FMVSS No. 221.

DATE: Comments on this notice must be received by August 3, 1987.

ADDRESS: Comments should refer to the docket and notice number for this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, NRM-12, Room 5320, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, Telephone (202) 366-4919.

SUPPLEMENTARY INFORMATION:

Background

In 1974, the Congress enacted Pub. L. 93-492, an amendment to the National Traffic and Motor Vehicle Safety Act of 1966, which in part, directed NHTSA to issue safety standards applicable to vehicles transporting school children to or from school or related events. In light of that statutory requirement, the agency issued several safety standards, one of which is Standard No. 221, *School Bus Body Joint Strength*. Standard No. 221 resulted from a particular Congressional directive (section 202, *Mandatory School Bus Standards*) which required the agency to publish proposed standards for, among other items, interior protection for occupants, floor strength, and the crashworthiness of school bus body and frame. FMVSS No. 221 was designed to strengthen school bus bodies so that body panels would not loosen and become cutting edges that could seriously injure children riding in buses during an accident.

Standard No. 221 has substantially corrected the previous safety problem involving body panels that became

easily detached in accidents. However, the agency became concerned that manufacturers were circumventing the joint strength standard to a limited extent by the excessive use of "maintenance access" panels, which were exempted from the joint strength requirements of Standard No. 221. To address this concern, the agency published a Notice of Proposed Rulemaking (NPRM), (49 FR 57939 November 27, 1981), which proposed to remove the exemption for all maintenance access panels except for a few that were considered critical to proper maintenance. Based on available information, including comments from the public, school bus manufacturers, and school bus purchasers, the proposed rulemaking was eventually terminated (49 FR 27181 July 2, 1984). The termination was based on the lack of evidence that maintenance access panel separations in crashes were creating a safety problem, the lack of evidence that manufacturers were abusing the maintenance access panel exemption provision by providing unnecessary panels, and on the possibility that requiring compliance by maintenance access panels would make maintenance more difficult and, once such panels were removed, they might be replaced using a minimum number of fasteners, thus potentially creating a greater safety problem. At that time the agency had no evidence that a personal injury had been actually experienced due to failure of a maintenance access panel.

Since that rulemaking action was terminated, the Agency has been reassessing this issue in light of additional information. This information includes the documentation of separated maintenance access panels in actual crashes with evidence of injury, such as blood stains, and evidence that panels on some buses that were originally complying panels have been redesignated maintenance access panels. At least four manufacturers are known to claim that all the panels comprising the interior rear wall of their buses are maintenance access panels. The National Transportation Safety Board (NTSB), in several recommendations (H-86-54 through-56) has proposed elimination of the maintenance access panel exemption, as well as other agency actions to improve school bus safety. These recommendations were based on the Board's investigation of a number of serious school bus accidents.

Standard No. 221 established minimum strength requirements for all joints involving attachment of body panels. Joints are required to exhibit

loading strength of at least 60% of the tensile strength of the weakest member. These joints may involve dissimilar materials and present problems of interpretation, specimen preparation and testing. The school bus floor has been identified as an area of special concern because of these factors. The flooring of a large school bus may consist of various materials, such as plywood and steel and include various joint and structural combinations and configurations. Materials variation can result in test results that seem paradoxical when floor joints are tested in accordance with Standard No. 221. For example, a plywood floor joint could pass the test requirements at a very low absolute strength value (e.g., 1400 lbs.) compared to a steel floor joint which might fail the 60 percent requirement at a loading test value substantially higher than plywood (e.g., 6,000 lbs. or higher). In view of this, the Advance Notice seeks comments on a proposal that the floors of large school buses be removed from the coverage of Standard No. 221 and be treated as the subject of a separate new standard with certain minimum requirements established incidental to crash testing with a moving barrier. Such a compliance test could be performed using the moving barrier test specified in Standard No. 301, "Fuel System Integrity," for the large school bus, and the same speed, 30 mph, as specified in that standard. Comments are sought on the need for, specifications and performance requirements for such a test.

The agency recognizes that issuing this notice represents a potential change in agency position regarding dynamic testing of school bus floor joints. In 1985, NHTSA denied a petition by Wayne Corporation to amend Standard No. 221 to require dynamic testing the entire school bus body. In denying the petition, the agency suggested that such testing might substantially increase testing costs and yet not yield quantifiable benefits. While this concern persists, the agency notes that Standard No. 221 was issued pursuant to a mandate for establishing special safety requirements for school buses. The agency notes further that the mandate was adopted by Congress after hearing testimony that the potential benefits from such requirements could be limited. Accordingly, the agency believes that it should consider anew the possibility that a dynamic test would be more readily enforceable than the current static test and therefore more effectively implement that mandate. It should be emphasized that since this dynamic test would address floor joints only, it would

be more limited and impose less cost than the test sought by Wayne.

The test procedures of Standard No. 221 have been criticized for their apparent lack of flexibility and ambiguity, especially in the area of sample preparation and the utilization of other means of assuring compliance, such as calculations and simple inspection. Areas of criticism include complex joints, which often cannot be evenly loaded into a testing machine and if altered for testing, such as flattening, may be altered so as to no longer be representative of their actual use. Also imprecise definitions also present difficulty. For example, the test sample is to be mounted in the testing machine in an "approximately perpendicular" orientation.

"Approximately perpendicular" is not quantitatively defined. Another area of ambiguity is the consideration of the weakest member of the joint being tested. The compliance test requires the loading strength of the joint to be no less than 60% of the tensile strength of the joint's weakest member. If that member is quite weak (wood or plastic) the joint may fail at a very low value compared to the stronger members (such as steel or aluminum), yet might possibly pass the test. This has been pointed out as a "loophole" in the standard, providing an area of possible circumvention in which a manufacturer could make one joint member out of a weak, but passable, material.

Comments are solicited on the above three areas of consideration, as well as on the NTSB recommendations to the agency. The agency asks that respondents categorize their comments under the following topics. Comments should address the questions outlined under each topic, but need not be restricted to these topics. Commenters should feel free to address any new area that may seem appropriate.

(1) *New standard:* Minimum integrity requirements of large school bus floors (GVWR over 10,000 pounds).

1. Type of compliance tests to be used: If crash test with moving barrier, what should the minimum requirements be? What should be the height and speed of the barrier? Should a maximum allowable value for floor distortion be established? If so, what? Are there alternative tests which could be used?

2. What would be the impacts on the industry of a dynamic test requirement, including compliance costs, leadtime considerations, and testing capabilities?

3. Is sufficient information currently available to formulate a meaningful bus floor standard without further extensive research?

(2) Maintenance Access Panels:

1. What safety problems have been noted with maintenance access panels?

2. Is there a continuing need for an exemption for particular maintenance access panels?

3. Is the maintenance access panel exemption being abused by the inappropriate designation of some panels as maintenance access panels?

4. When an unexempted panel is removed from a bus, is it typically replaced with all of the fasteners originally used by the vehicle manufacturer?

5. What criteria should be used to determine which panels are properly designated as maintenance access panels?

6. Should the exemption be narrowed to include only those panels in a few critical areas, such as engine and transmission maintenance?

7. If the exemption were narrowed in that fashion, what effect would this have on the bus manufacturer? Purchaser? Are power or manual tools typically used in removing and reinstalling access panels?

8. How often is each available access panel actually removed for service in the following three major areas located within the bus interior:

a. Panels at the rear wall which provide access to lights, wiring, door hardware, etc.

b. Panels on each side that provide access to wiring harness, lights, speakers, etc.

c. Panels that cover the heater and/or heater hoses.

(3) Test Procedures of FMVSS No. 221:

1. In testing joints for FMVSS No. 221 compliance, the loading value (in pounds) will vary from one joint to another depending on the strength of the weakest member. A joint which includes a plastic member may thus pass the test at a relatively low loading figure but another joint, with steel or aluminum as the weakest member, might fail at a much higher loading figure. Does this apparent paradox raise any questions about the appropriateness of the joint strength requirement from the standpoint of "meeting the need for safety" or "objectivity," both of which are statutory requirements for safety standards? Does it otherwise cause any problems in enforcement?

2. The test specimen is a large "hourglass" shape. Would alternate shapes facilitate fabrication and still provide meaningful test results?

2a. Current joint segment length for testing is 8 inches. Should segments longer or shorter be tested? Currently, the agency may test any 8 inch joint segment, randomly chosen, and treat a

failure in such a segment as evidence of noncompliance. Should it be made clear that this requirement applies to such relatively short segments regardless of the total length of the "joint" from which the segments are selected? Should there be a requirement that test specimens be representative of the joints or portions of joints from which they are taken? In instances in which supporting members or beams contribute to the strength of a joint segment, should that segment be tested with or without those members or beams in place?

3. Specimen length is currently 4 feet. By what criteria is a person to judge whether a given length of specimen can be "satisfactorily tested?"

4. Should "occupant space" be defined? If so, please suggest a definition.

5. The function and/or dangers posed by the separation of floor coverings and their molding strips is a concern. Should these be exempted? Defined? If so, how? Many manufacturers use a linoleum cover over the floor panels. The cover is held in place with adhesives and various types of small molding strips. Should the standard include these items?

6. Are alternative means of determining compliance that would satisfy the requirements of the Vehicle Safety Act available? If so, please elaborate. (Note that some joint segments were observed which were not fastened by any method or that had widely spaced fasteners.)

7. Should school bus interior trim and decorative panels be required to pass the 60% test? On what basis would the decision be made as to whether or not a sample could be cut for tensile testing? What types of items are considered trim and/or decorative items?

8. Should terms such as "approximately perpendicular", as used in connection with sample mounting in testing machines, be further defined (e.g., with a quantitative tolerance specified).

9. Could the "design to conform" concept be applied to all joints in the bus? How would that be enforced?

Submission of Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments must be limited not to exceed 15 pages in length (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation (49 CFR Part 512).

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail. (15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50)

Issued on June 15, 1987.

Barry Felrice,

Associate Administrator for Rulemaking,

[FR Doc. 87-13970 Filed 6-18-87; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION**49 CFR Parts 1201 and 1241**

[Ex Parte No. 393 (Sub-No. 2)]

Supplemental Reporting of Consolidated Information for Revenue Adequacy Purposes

AGENCY: Interstate Commerce Commission.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Commission is amplifying the request for comments concerning the Railroad Accounting Principles Board's (RAPB) definition of which companies are to be included in a consolidated entity.

DATES: Comments are due June 26, 1987.

ADDRESSES: An original and 10 copies, if possible of any comments should be sent to: Ex Parte No. 393 (Sub-No. 2), Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Brian A. Holmes, 275-7510.

SUPPLEMENTARY INFORMATION: In our Notice of Proposed Rulemaking (NPR), served May 11, 1987, (52 FR 17792) we proposed additional reporting requirements in order to incorporate changes adopted in Ex Parte No. 393 (Sub-No. 1) *Standards for Railroad Revenue Adequacy* served December 31, 1986 (not printed.) On paragraph two of page two of the NPR the Commission requested comments on the preferability of the ICC or RAPB definition in determining which railroad affiliates are considered "rail-related" for purposes of including them in a consolidated entity for revenue adequacy purposes. In describing the RAPB tentative position taken in its Exposure Draft issues February 20, 1987 we may not have included all the language necessary to fully explain the RAPB position. In order that respondents will fully understand the RAPB's position we are modifying paragraph two of page two of the Commission's May 11, 1987, NPR to read as follows:

On February 20, 1987, the Railroad Accounting Principles Board (RAPB) issued an Exposure Draft on accounting and cost principles tentatively established by the RAPB for ICC-regulated railroads. In the Exposure Draft, the RAPB proposed in the Entity Principle that railroad affiliates be included or excluded from the railroad entity on the basis of whether or not the affiliate is railroad-related. When the railroad entity includes nonrailroad-related activities, those activities generally must be segregated and reported separately. However, if such segregation is impractical, the RAPB's proposed Practicality Principle permits the inclusion or exclusion of the entire affiliate on the basis of whether or not the affiliate is predominantly railroad-related. An affiliate is predominantly railroad-related if it could not exist but for the revenue derived from, or the support provided for railroad operations. We invite comments on whether the ICC definition or the RAPB definition of which companies to include

in the railroad entity is preferable and how they should be reported.

List of Subjects in 49 CFR Parts 1201 and 1241

Railroads, Uniform system of accounts, Reporting and recordkeeping requirements.

(49 U.S.C. 11142, 11145 and 5 U.S.C. 553)

Decided: June 12, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Simmons did not participate.

Noreta R. McGee,

Secretary.

[FR Doc. 87-13977 Filed 6-18-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Public Hearing and Extension of Comment Period; California Freshwater Shrimp

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and extension of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that a public hearing will be held on the proposed determination of endangered status for the California freshwater shrimp (*Syncaris pacifica*) and that the comment period on the proposal is extended. The shrimp is known from only 11 streams in Napa, Marin and Sonoma Counties, California. The hearing and extension of the comment period will allow comments on this proposal to be submitted from all interested parties.

DATES: The public hearing is scheduled for Wednesday, July 15, 1987, from 7:30 to 9:00 p.m., Santa Rosa, California. The comment period, which originally closed on June 22, 1987, now closes August 1, 1987.

ADDRESSES: The hearing will be held at the County Administration Building, 575 Administration Drive, Room 100A, Santa Rosa, California 95401. Written comments and materials should be sent to the Regional Director, U.S. Fish and Wildlife Service, 500 NE Multnomah Street, Suite 1692 Portland, Oregon 97232. Comments and materials received will be available for public inspection, by appointment, during normal business

hours at the Regional Endangered Species Office at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503-231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The California freshwater shrimp is a decapod crustacean of the family Atyidae. The species, a true freshwater shrimp, inhabits quiet portions of tree-lined streams with underwater vegetation and exposed tree roots. The species is threatened by introduced predatory fish and deterioration or loss of habitat. A proposal of endangered status was published in the *Federal Register* (52 FR 13254) on April 22, 1987.

Section 4(b)(5)(E) of the Endangered Species Act of 1973, as amended, requires that a public hearing be held, if requested within 45 days of the publication of a proposed rule. On June 8, 1987, a request of public hearing on this proposal was received from S. Reid Gustafson, Vice President, Shea Homes, San Jose, California. The Service has scheduled the hearing for July 5, 1987, County Administration Building, 575 Administration Drive, Room 100A, Santa Rosa, California from 7:30 to 9:00 p.m. Those parties wishing to make statement for the record should have available a copy of their statements to be presented to the Service at the start of the hearing. Oral statements may be limited to 5 or 10 minutes, if the number of parties present that evening necessitates some limitation. There are no limits to the length of written comments presented at this hearing or mailed to the Service.

The comment period on the proposal originally closed on June 22, 1987. In order to accommodate the hearing, the Service also reopens the public comment period. Written comments may now be submitted until August 1, 1987, to the Service office in the Addresses section.

Author

The primary author of this notice is Ms. Robyn Thorson, U.S. Fish and Wildlife Service, 500 NE Multnomah Street, Suite 1692, Portland, Oregon 97232 (503-231-6131 or FTS 429-6131).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411).

List of Subjects in 50 CFR Part 17

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

Dated: June 15, 1987.

E.B. Chamberlain, Jr.,
Acting Regional Director.

[FR Doc. 87-13975 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register

Vol. 52, No. 118

Friday, June 19, 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

Federal Grain Inspection Service

Designation Renewal of the Barton & Gray (KY) and North Dakota (ND) Agencies

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Barton & Gray Grain Inspection Service, Inc. (Barton & Gray) and North Dakota Grain Inspection Service, Inc. (North Dakota), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: July 1, 1987.

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

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

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

The Service announced that Barton & Gray's and North Dakota's designations terminate on June 30, 1987, and requested applications for official agency designation to provide official services within specified geographic areas in the January 2, 1987, **Federal Register** (52 FR 117). Applications were to be postmarked by February 2, 1987. Barton & Gray and North Dakota were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency.

The Service announced the applicant names in the March 2, 1987, **Federal Register** (52 FR 6204) and requested comments on the designation renewal of Barton & Gray and North Dakota. Comments were to be postmarked by April 16, 1987; one comment was received. The commenter, while not within the geographic boundary of Barton & Gray, expressed an interest in being serviced by that agency. No comments were received regarding North Dakota's designation renewal.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Barton & Gray and North Dakota are able to provide official services in the geographic area for which the Service is renewing their designation. Effective July 1, 1987, and terminating June 30, 1990, Barton & Gray and North Dakota will provide official inspection services in their entire specified geographic area, previously described in the January 2 **Federal Register**.

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

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or the agencies at the following addresses:

Barton & Gray Grain Inspection Service, Inc., 121 Pearl Street, P.O. Box 91, Owensboro, KY 42301.

North Dakota Grain Inspection Service, Inc., 1601 Seventh Avenue North, Fargo, ND 58102.

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

Dated: June 15, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87-14025 Filed 6-18-87; 8:45 am]

BILLING CODE 3410-EN-M

DEPARTMENT OF COMMERCE International Trade Administration [A-437-601]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the Hungarian People's Republic (Hungary); Antidumping Duty Order

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

ACTION: Notice.

SUMMARY: In separate investigations concerning tapered roller bearings and parts thereof, finished or unfinished (tapered roller bearings), from Hungary, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that tapered roller bearings are being sold at less than fair value and that sales of tapered roller bearings from Hungary are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of tapered roller bearings from Hungary made on or after February 6, 1987, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries and withdrawals from warehouse for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT: John Brinkmann (202) 377-3965 or Mary Jenkins 377-1756, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The products covered by this investigation are tapered roller bearings currently classified under *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 under TSUS item number 681.10; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles.

whether or not for automotive use, and currently classified under TSUS item number 692.32 or elsewhere in the TSUS.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on February 2, 1987, the Department made its preliminary determination that there was reason to believe or suspect that tapered roller bearings from Hungary were being sold at less than fair value (52 FR 3835, February 6, 1987). On May 4, 1987, the Department made its final determination that these imports were being sold at less than fair value (52 FR 17428, May 8, 1987).

On June 5, 1987, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such imports materially injure a United States industry.

Therefore, in accordance with section 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of merchandise exceeds the United States price for all entries of tapered roller bearings from Hungary. These antidumping duties will be assessed on all unliquidated entries of tapered roller bearings entered, or withdrawn from warehouse, for consumption on or after February 6, 1987, the date on which the Department published its "Preliminary Determination."

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margin of 7.42 percent.

This determination constitutes an antidumping duty order with respect to tapered roller bearings from Hungary pursuant to section 736 of the Act and 19 CFR 353.48. We have deleted from the Commerce Regulations (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact the Central Records Unit, Room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and 19 CFR 353.48.

June 12, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-13990 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-485-602]

Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the Socialist Republic of Romania (Romania); Antidumping Duty Order

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

ACTION: Notice.

SUMMARY: In separate investigations concerning tapered roller bearings and parts thereof, finished or unfinished (tapered roller bearings), from Romania, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that tapered roller bearings are being sold at less than fair value and that sales of tapered roller bearings from Romania are materially injuring a United States industry. The ITC ruled that critical circumstances do not exist with regard to tapered roller bearings from Romania. Therefore, based on these findings, we will discontinue suspension of liquidation of all entries 90 days prior to our preliminary determination. Suspension of liquidation will begin for all unliquidated entries, or warehouse withdrawals, for consumption of tapered roller bearings from Romania made on or after February 6, 1987, the date on which the Department published its "preliminary determination" notice in the *Federal Register*. These entries will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries and withdrawals from warehouse for consumption on or after the date of publication of this antidumping duty order in the *Federal Register*.

EFFECTIVE DATE: June 9, 1987.

FOR FURTHER INFORMATION CONTACT: John Brinkmann (202) 377-3965 or Mary Jenkins 377-1756, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: The products covered by this investigation are tapered roller bearings currently classified under *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 under TSUS item number 681.10; and tapered roller housings (except pillow blocks) incorporating tapered rollers, with or without spindles, whether or not for automotive use, and currently classified under TSUS item number 692.32 or elsewhere in the TSUS.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on February 2, 1987, the Department made its preliminary determination that there was reason to believe or suspect that tapered roller bearings from Romania were being sold at less than fair value (52 FR 3838, February 6, 1987). On May 4, 1987, the Department made its final determination that these imports were being sold at less than fair value (52 FR 17433, May 8, 1987) and that critical circumstances did exist.

On June 5, 1987, in accordance with section 735(d) of the Act (19 U.S.C. 1673(d)), the ITC notified the Department that such imports materially injure a United States industry and that critical circumstances do not exist.

Therefore, in accordance with section 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of merchandise exceeds the United States price for all entries of tapered roller bearings from Romania. These antidumping duties will be assessed on all unliquidated entries of tapered roller bearings entered, or withdrawn from warehouse, for consumption on or after February 6, 1987, the date on which the Department published its preliminary determination.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margin of 8.70 percent.

This determination constitutes an antidumping duty order with respect to tapered roller bearings from Romania pursuant to section 736 of the Act (19 U.S.C. 1673e) and 19 CFR 353.48. We have deleted from the Commerce Regulations, Annex I of 19 CFR Part 353, which listed antidumping duty findings and orders currently in effect. Instead, interested parties may contact

the Central Records Unit, Room B-099, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and 19 CFR 353.48.

June 16, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-13991 Filed 6-18-87; 8:45 a.m.]

BILLING CODE 3510-DS-M

[A-580-007]

Certain Circular Welded Carbon Steel Pipes and Tubes From Korea; Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to a request from the petitioner, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Korea that was in effect prior to October 1, 1984. The review covers three exporters of this merchandise and the period October 24, 1983 through September 30, 1984. The review indicates the existence of *de minimis* dumping margins during the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the calculated differences between United States price and foreign market value.

On October 21, 1985, the Department of Commerce published in the *Federal Register* (50 FR 42582) the final results of an administrative review and revocation of the antidumping duty order on certain circular welded carbon steel pipes and tubes from Korea, effective October 1, 1984. Therefore, no antidumping duties cash deposits are required on this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT:

G. Leon McNeill or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601/5255.

SUPPLEMENTARY INFORMATION: Background

On May 7, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 19369) an antidumping duty order on certain circular welded carbon steel pipes and tubes from Korea. We began this review of the antidumping duty order under our old regulations. After the promulgation of our new regulations, the petitioner requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published a notice of initiation of the antidumping duty administrative review in the *Federal Register* on July 9, 1986 (51 FR 24883). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of circular welded carbon steel pipes and tubes currently classifiable under items 610.3231, 610.3234, 610.3241 and 610.3252 of the Tariff Schedules of the United States Annotated.

The review covers three manufacturers/exporters of Korean circular welded carbon steel pipes and tubes to the United States, Hyundai Steel Pipe Co., Korea Steel Pipe Co., and Pusan Steel Pipe Co., and the period October 24, 1983 through September 30, 1984.

United States Price

In calculating United States price, the Department used purchase price or exporter's sales price, both as defined in section 772 of the Tariff Act, as appropriate. Purchase price was based on the packed f.o.b., c&f, c.i.f. or ex-dock duty-paid price either to unrelated purchasers in the United States or to unrelated Korean trading companies for export to the United States. Exporter's sales price was based on the f.o.b. duty-paid packed price to the first unrelated purchaser in the United States. We made adjustments, where applicable, for U.S. and foreign inland freight, U.S. and foreign brokerage charges, ocean freight, marine insurance, wharfage, handling charges, U.S. customs duties, and U.S. selling expenses. We made an addition for import duties collected and rebated on imported raw materials used to produce subsequently exported merchandise, in accordance with § 353.10(d)(1)(ii) of the Commerce Regulations. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Home market price was based on the packed f.o.b. or delivered price to unrelated purchasers in Korea. We made adjustments, where applicable, for inland freight, rebates, advertising, U.S. commissions, and differences in credit, packing and the physical characteristics of the merchandise. We made no adjustments for indirect selling expenses to offset the U.S. selling expenses or U.S. commissions because respondent failed to provide information regarding such expenses on the home market merchandise. No other adjustments were claimed or allowed.

On April 22, 1987, counsel for petitioner requested that we initiate an investigation to determine if sales in the home market were at prices below the cost of production. We denied the request because it was untimely filed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value we preliminarily determine that the following margins exist for the period October 24, 1983 through September 30, 1984:

Manufacturer/exporter	Margin (percent)
Hyundai Steel Pipe Co.	0.013
Korea Steel Pipe Co.	0.121
Pusan Steel Pipe Co.	0.094

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice, may request disclosure within 5 days of the date of publication, and may request a hearing within 8 days of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages

stated above. The Department will issue appraisal instructions directly to the Customs Service.

The Department revoked the antidumping duty order of certain circular welded carbon steel pipes and tubes from Korea, effective October 1, 1984 (50 FR 42582, October 21, 1985). This administrative review, covering the period October 24, 1983 through September 30, 1984, does not affect the revocation of the antidumping duty order. Therefore, we will instruct the Customs Service to continue to liquidate entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984 without regard to antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 3532.53a).

Dated: June 12, 1987.

Gilbert B. Kaplan,
Deputy Assistant Secretary, Import
Administration.

[FR Doc. 87-13986 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-504]

Preliminary Affirmative Countervailing Duty Determination: Certain Light Iron Construction Castings From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Brazil of certain light iron construction castings (light castings). The estimated net subsidy is 6.08 percent *ad valorem*, and the rate for duty deposit purposes is 5.58 percent *ad valorem*. We have notified the U.S. International Trade Commission (ITC) of our determination. We are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and to require a cash deposit or bond for each such entry equal to 5.58 percent *ad valorem*.

If this investigation proceeds normally, we will make our final

determination not later than August 31, 1987.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT: Thomas Bombelles or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 377-3174 or 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Brazil of light castings. For purposes of this investigation, the following programs are found to confer subsidies:

- Preferential Working Capital Financing for Exports—Resolutions 674 and 950/1009
- Income Tax Exemption for Export Earnings
- Export Financing under Resolution 509 (FINEX)

We preliminarily determine the estimated net subsidy to be 6.08 percent *ad valorem*. However, consistent with our policy of taking into account program-wide changes that occur before our preliminary determination, we are adjusting the cash deposit rate to reflect changes in the Preferential Working Capital Financing for Exports Program, and, therefore, the rate for duty deposit purposes is 5.58 percent *ad valorem*.

Case History

On May 13, 1985, we received a petition in proper form from the Municipal Castings Fair Trade Council, a trade association representing domestic producers of certain iron construction castings and 15 individually-named members of the association. Those members are: Alhambra Foundry, Inc.; Allegheny Foundry Co.; Bingham & Taylor, Inc.; Campbell Foundry Co.; Charlotte Pipe & Foundry Co.; Deeter Foundry Co.; East Jordan Iron Works, Inc.; E.L. LeBaron Foundry Co.; Municipal Castings, Inc.; Neenah Foundry Co.; Opelika Foundry Co. Inc.; Pinkerton Foundry, Inc.; Tyler Pipe Corp.; U.S. Foundry & Manufacturing Co.; and Vulcan Foundry, Inc. filing on behalf of the U.S. industry producing of certain iron construction castings. In compliance with 19 CFR 355-26, the petition alleged that manufacturers, producers, or exporters in Brazil of certain iron construction

castings receive, directly or indirectly, benefits which constitute subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on June 3, 1985, we initiated such an investigation (50 FR 24269, June 10, 1985). We stated that we expected to issue a preliminary determination by August 6, 1985.

Since Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act, an injury determination is required for this investigation. Therefore, we notified the ITC of our initiation. On June 27, 1985, the ITC preliminarily determined that there is a reasonable indication that imports of certain heavy iron construction castings materially injure, or threaten material injury to, a U.S. industry (50 FR 27498, July 3, 1985). The ITC also determined that there is no reasonable indication that imports of light castings allegedly subsidized by the Government of Brazil cause or threaten material injury to a U.S. industry. Therefore, we continued the countervailing duty investigation only with respect to certain heavy iron construction castings (heavy castings). The ITC also made an affirmative preliminary determination of injury with respect to imports of allegedly dumped heavy and light iron construction castings from Brazil, India, Canada and the People's Republic of China.

On August 6, 1985, we issued a notice of "Preliminary Affirmative Countervailing Duty Determination: Certain Heavy Iron Construction Castings from Brazil" (50 FR 32462, August 10, 1985), and a "Final Affirmative Countervailing Duty Determination" on the same products on March 12, 1986 (51 FR 9491, March 19, 1986). On April 25, 1986, the ITC determined that a U.S. industry is materially injured by reason of subsidized imports from Brazil of heavy castings and on May 8, 1986 we issued a "Final Countervailing Duty Order" (51 FR 17786, May 15, 1986). (See those notices for a complete case history of that investigation and product description.)

In the course of our investigation on heavy castings, the petitioner appealed the ITC's preliminary negative injury determination on light castings to the Court of International Trade (CIT). On February 14, 1986, the CIT entered a judgement remanding the initial determination back to the ITC, with an

order to issue a redetermination in accordance with the CIT's opinion and judgement. (Bingham & Taylor, Div. of Virginia Industries, Inc. et. al. V. United States, 10 CIT —, Slip Op. 86-14, February 14, 1986). On March 31, 1986, in compliance with the CIT's remand and order, the ITC found a reasonable indication that a domestic industry is materially injured, or threatened with material injury, by reason of imports of light iron construction castings that are allegedly subsidized by the Government of Brazil (51 FR 12217, April 9, 1986). The ITC issued this determination without prejudice to its appeal to the Court of Appeals for the Federal Circuit (CAFC) of the CIT's remand. On March 31, 1987, the CAFC affirmed the CIT's original decision. Pursuant to the CAFC's ruling and final order, we are now continuing the investigation with respect to light castings.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States, Annotated (TSUSA)* item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the *TSUSA*, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item numbers as well as the *TSUSA* item numbers in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation in the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

The merchandise covered by this investigation consists of certain light iron construction castings, limited to valve, service and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters. These articles must be of cast iron, not alloyed, and not malleable, and are currently classified under item 657.0990 of the *Tariff Schedules of the United States, Annotated (TSUSA)*.

These products are currently classified under HS item number 7325.1000.

Analysis of Programs

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These principles are described in the "Subsidies Appendix" attached to the notice of "Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order," which was published in the April 26, 1984 issue of the *Federal Register* (49 FR 18006).

For purposes of this preliminary determination, the period for which we are measuring subsidization (the review period) is calendar year 1984. When we initiated the investigation on certain iron construction castings we requested information for 1984 from the Government of Brazil on all producers and exporters of certain iron construction castings, which include both light and heavy castings. Since this is a continuation of the investigation of light castings, we are using the 1984 data provided by the Government of Brazil for purposes of calculating the estimated net subsidy on exports of light castings to the United States.

During our investigation of heavy castings, we gathered and verified information that showed that three companies, Fundicao Aldebara Ltda. (Aldebara), Usina Siderurgica Paraense—Usipa Ltda. (Usipa), and Sociedade de Metalurgica e Processos Ltda. (Somep) accounted for substantially all exports of all types of construction castings to the United States. Further examination of the countervailing duty record and the public documents in the antidumping duty investigation of certain iron construction castings from Brazil indicates that only Usipa and Aldebara produce and export light iron construction castings. Therefore, to calculate the estimated net subsidy on exports of light iron construction castings to the United States, we have used the information already submitted by the Government of Brazil concerning benefits received by Aldebara and Usipa. We consider that we have sufficient, verified information on the record to measure any subsidies bestowed on the production and exportation of light castings. Therefore, we have not issued, and do not intend to issue, additional questionnaires or further verify the information already in the record of this investigation. Based upon our analysis of this record, we determine the following:

I. Programs Preliminarily Determined to Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Brazil of light castings under the following programs:

A. Preferential Working-Capital Financing for Exports

The Carteria do Comercio Exterior (Foreign Trade Department, or CACEX) of the Banco do Brasil administers a program of short-term working capital financing for the purchase of inputs. During the review period, these loans were authorized under Resolution 674. On January 1, 1984, Resolution 674 was superseded by Resolution 882, which was itself substantially amended by Resolution 950 on August 21, 1984.

Eligibility for this type of financing is determined on the basis of past export performance or of an acceptable export plan. The amount of available financing is calculated by making a series of adjustments to the dollar value of exports. During the review period, the maximum level of eligibility for such financing was 30 percent of the value of exports; at present, financing is capped at 20 percent of the value of exports.

Following approval by CACEX of their applications, participants in the program receive certificates representing portions of the total dollar amount for which they are eligible. The certificates, which must be used within one year of their issue, may be presented to banks in return for cruzeiros at the exchange rate in effect on the date of presentation.

Use of a certificate establishes a loan obligation with a term of up to one year (360 days). Certificates must be used within 12 months of the date of issue, and loans incurred as a result of their use must be repaid within 18 months of that date.

The interest rate ceiling was raised from 40 to 60 percent on loans obtained under Resolution 674 on June 11, 1983. This interest rate is below our commercial benchmark rate for short-term loans in Brazil, which is the short-term discount rate for accounts receivable in Brazil, published in *Business Trends* magazine. On January 1, 1984, Resolution 882 changed the payment date for both interest and principal to the expiration date of the loan. On August 21, 1984, Resolution 950 made this working-capital financing available from commercial banks at prevailing market rates, with interest calculated at time of repayment.

Under Resolution 950, the Banco do Brasil paid the lending institution an equalization fee of up to 10 percent of the interest (after monetary correction). In May 1985, the equalization fee was increased up to 15 percent of the interest. Therefore, if the interest rate charged to the borrower is less than full monetary correction plus 15 percent, the Banco do Brasil pays the lending bank the difference, up to 15 percent. In our "Final Affirmative Countervailing Duty Determination: Certain Agricultural Tillage Tools from Brazil" ("Tillage Tools") (50 FR 34525, August 26, 1985), we verified that the lending bank, in turn, passes the 15 percent equalization fee on to the borrower in the form of a reduction of the interest due or a credit to the borrower's account. Receipt of the equalization fee by the borrower reduces the interest rate on these working capital loans below the commercial rate of interest. In addition, Resolution 950 working capital loans are exempted from the Imposto Sobre Opercoes Financieras, (IOF), which is charged on all Brazilian financial transactions.

Since receipt of working-capital financing under both Resolution 674 and Resolution 950 is contingent on export performance, and since the loans are provided at interest rates lower than those available from commercial sources, we determine that this program confers an export subsidy.

During the review period, exporters of light castings received loans based on the criteria set forth in Resolution 674. Therefore, to determine the *ad valorem* subsidy bestowed by this program during the review period, we compared the actual interest rates charge on the loans received under Resolution 674 by the respondents and on which interest was paid during the review period, to the benchmark and multiplied the difference by the loan principal. We then allocated the benefit over total exports of the two light castings producers, which resulted in an estimated net subsidy of 2.86 percent *ad valorem*.

Consistent with our stated policy of taking into account program-wide changes that go into effect after the review period but before our preliminary determination, we calculated a subsidy rate for duty deposit purposes based on the interest rate rebate provided for under Resolution 950. The Methodology used is consistent with that relied upon in our most recent final determination in a Brazil countervailing duty case "Final Affirmative Countervailing Determination: Brass Sheet and Strip from Brazil" (51 FR 408377, November

10, 1986). To do this, we first determined the historical utilization rate of this program. Only one company made interest payments on Resolution 674 loans during the review period. The other company had financing outstanding during the review period, but with interest payments due in 1985; therefore, we are only using the experience of the company which benefited from the loan program in 1984 to determine the historical utilization rate. We divided the total value of loans on which interest payments were made during the review period, by the total value of financing for which the company was eligible in order to determine what percentage of its eligibility the company used. We multiplied this figure by the maximum percentage amount of financing for which the company is eligible. We then multiplied that percentage by, first, the sum of the 15 percent interest rate rebate plus the IOF, and, second, by the value of the company's 1984 exports. We allocated this amount over the total value of both companies' 1984 exports, resulting in an estimated net subsidy of 2.36 percent *ad valorem* for duty deposit purposes.

B. Income Tax Exemption for Export Earnings

Under Decree-Laws 1185 and 1721, exports of certain light iron construction castings are eligible for an exemption from income tax on a portion of profits attributable to export revenue. Because this exemption is tied to exports and is not available for domestic sales, we determine that this exemption confers an export subsidy. One producer of certain light iron construction castings took an exemption from income tax payable in 1984 on the portion of taxable income earned from export sales in 1983.

According to information developed and verified in past investigations in Brazil [e.g., "Tillage Tools," 13d "Final Affirmative Countervailing Duty Determination: Fuel Ethanol from Brazil" (51 FR 3361, January 27, 1986)], companies in Brazil may opt to invest up to 26 percent of their tax liability, as stated on their federal tax return, in specified companies and funds, thereby lowering their effective corporate tax rate. In the two cases cited above, we accepted this investment in calculating an effective corporate tax rate, because the respondents furnished all requested documentation demonstrating that investments made under this program can yield returns and are not merely a means by which the government of Brazil targets a firm's taxes.

During the heavy castings investments, we asked the one respondent company which claimed the income tax exemption on export earnings on its 1983 tax form, filed in 1984, for documentation regarding the investments made through this program. We requested this information as further evidence of the appropriateness of calculating an effective tax exemption on export earnings. The respondent did not furnish the requested documents regarding these investments either during the September 1985 verification or following the verification. Because the company did not respond to our request during the heavy castings investigation, we are not accepting respondents' arguments that the benefit from the income tax exemption on export earnings should be measured on the basis of the company's effective tax rate. Therefore, to determine the benefit from this program in this investigation, we indexed the exempted profit from exports, as required by Brazilian tax laws, and multiplied it by the nominal corporate tax rate, and allocated the benefit over the total value of respondents' 1984 exports to calculate an estimated net subsidy of 1.89 percent *ad valorem*.

C. FINEX Export Financing

Resolution 509 of the Conselho Nacional do Comercio Exterior (CONCEX) provides that CACEX may draw upon the resources of the Fundo de Financiamento a Exportacao (FINEX) to subsidize short-and long-term loans to foreign importers of Brazilian goods. The loans are extended to the importer by a bank in the importer's country at interest rates set by FINEX. These interest rates are based on LIBOR plus a spread. CACEX will in turn provide the lending bank, via a correspondent bank in Brazil, with an "equalization fee" which makes up the difference to the bank between the subsidized interest rate and the prevailing commercial rate. CACEX also provides the lending bank with a "handling fee" equal to two percent of the loan principal to encourage foreign bank participation in the program.

During verification, we discovered that Usipa's U.S. importer had used short-term Resolution 509 loans to finance 100 percent of its imports of light iron construction castings from Brazil to the United States during the review period. We verified that Aldebara's U.S. importer did not apply for or use Resolution 509 financing during the review period.

Because use of Resolution 509 FINEX financing is contingent upon exports, we

determine that it is countervailable to the extent that it is offered on preferential terms. We learned from the government officials in Brazil who administer the FINEX program, from examination of company documents, and from the information published in the *Jornal do Brasil* and the *Gazeta Mercantil* that the interest rates on Resolution 509 loans for financing the products under investigation during the review period ranged from eight to nine percent per annum. Since these are short-term loans which are given in U.S. dollars to U.S. importers, we chose as a benchmark interest rate for comparable loans in the United States, the mean average interest rate for commercial and industrial short-term loans as published by the U.S. Federal Reserve Board. Comparison of the FINEX interest rate to this domestic U.S. rate published by the Federal Reserve indicates that FINEX financing is made at preferential interest rates.

The FINEX loans to Usipa's U.S. importer cover shipments that include both light and heavy castings, therefore, the benefit on light castings is not segregable. To measure the benefit conferred by Resolution 509 financing on exports of light castings from Brazil, we multiplied the value of financing on which interest was paid during the review period by the difference between the U.S. benchmark rate and the actual interest rate paid by Usipa's U.S. importer. We then divided the resulting benefit over total exports of iron construction castings to the United States, and calculated an estimated net subsidy of 1.33 percent *ad valorem*.

II. Programs Preliminarily Determined Not To Confer a Subsidy, Programs Determined Not To Be Used and Program Preliminarily Determined To Be Terminated.

For a listing and full description of programs preliminarily determined not to confer a subsidy, not to be used, and to be terminated, please refer to our "Final Affirmative Countervailing Duty Determination: Certain Heavy Iron Construction Castings from Brazil.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all unliquidated entries of certain light iron construction castings from Brazil entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the *Federal Register*, and to require a cash deposit or bond for each such entry of this merchandise of 5.58 percent *ad*

valorem. This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry 120 days after the Department makes its preliminary affirmative determination or 45 days after its final affirmative determination, whichever is latest.

Public Comment

In accordance with 19 CFR 355.35, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination on July 15, 1987 at 10:00 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, room B-099, at the above address within 10 days of the publication of this notice.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, at least 10 copies of pre-hearing briefs must be submitted to the Deputy Assistant Secretary by July 8, 1987.

Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.34, within 30 days of the publication of this notice, at the above address and in at least 10 copies.

This notice is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)).

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

June 15, 1987.

[FR Doc. 87-13993 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-DS-M

[Docket Nos.: 6676-01, 6676-2]

Export Privileges; Herbert Brandstetter Individually and Doing Business as Scanvest EDB GmbH

Appearance for Respondents: Mr. Herbert Brandstetter (pro se) c/o SCAN TRADE Handelsgesellschaft m.b.h., Wiednerhauptstrasse 135, A-1050 Vienna, Austria.

Appearance for Agency: Margo E. Jackson, Esq., Attorney-Advisor, Office of the Deputy Chief Counsel for Export Administration, U.S. Department of Commerce, Room H-3329, 14th & Constitution Ave., NW., Washington, DC 20230.

Decision

Procedural Background

On June 4, 1986, the Office of Export Enforcement (the "Agency"), International Trade Administration, U.S. Department of Commerce, issued a charging letter against Mr. Herbert Brandstetter, individually and doing business as Scanvest EDB GmbH. This letter was issued under the authority of Part 388 of the Export Administration Regulations (15 CFR Parts 368 through 399 (1986)) (the "Regulations"), promulgated pursuant to the Export Administration Act (50 U.S.C.A. app. 2401-2420) (the "Act"). The letter charged that Respondents had violated §§ 387.4 and 387.6 of the Regulations in their 1983-84 reexporting, from Austria to Eastern Europe, of 15 shipments of U.S.-origin computer-related equipment.

Respondent Brandstetter's answer, dated June 24, 1986, to the charging letter was filed August 7, 1986. Neither Respondent nor Agency Counsel requested a hearing. Consequently, this matter was addressed by the Administrative Law Judge (ALJ) by reference to the record alone. Respondent and Agency Counsel each made several submissions for the record, with April 17, 1987 as the last date for making a filing. The ALJ issued his Recommended Decision and Order on May 15, 1987.

ALJ's Recommended Decision and Order

Following a review of the facts which had been submitted by the parties, and which alone constitute the record in this case, the ALJ recommended dismissal of the charges against both Herbert Brandstetter individually and doing business as Scanvest EDB GmbH. The ALJ based his recommendation on a reading of the facts and law which, according to the ALJ, left open to question the allocation of burden for complying with U.S. Export Regulations 387.4 and 387.6. For the reasons that are

set forth below, the Recommended Decision and Order of the ALJ is clearly in error, is not supported by the law or the facts, and must be vacated. The following shall constitute the Final Decision and Order of the Assistant Secretary of Commerce for Trade Administration.

Facts

The following facts are established by the filings of the parties and are not disputed:

1. In 1983 Scanvest Ring A/S established an independent subsidiary corporation in Austria: Scanvest EDB GmbH. Government Exhibits 1 and 2, letter of Brandstetter dated June 24, 1986.
2. In its 1983 Annual Report, Scanvest Ring indicated that its management philosophy dictated a "decentralized operating model with small business units" with operating "responsibility and authority . . . fully delegated; the general follow up and control . . . done through an effective reporting system". Government Exhibit 2.
3. Herbert Brandstetter was, during the time in question, a Managing Director of Scanvest EDB GmbH. Government Exhibit 2, letter of Brandstetter, dated June 24, 1986.
4. Herbert Brandstetter had worked for twelve years for a U.S. company marketing in Europe the types of U.S. products at issue in the present case, holding the position of General Manager, Eastern European Operations when he resigned to go to work for Scanvest EDB GmbH. Government Exhibit 3.
5. Brandstetter was familiar with U.S. export control procedures. Government Exhibit 23.
6. During the period October 26, 1983, through approximately March 7, 1984, Scanvest EDB GmbH purchased in its own name from Scanvest Ring A/S and then sold to proscribed destinations for its own account fifteen orders of commodities requiring prior reexport authorization from the U.S. Department of Commerce, Office of Export Licensing without having first obtained the same. Government Exhibits 4-18.
7. The interaction between Scanvest Ring A/S and a Hungarian customer in 1983 occurred prior to the operational existence of Scanvest EDB GmbH. Brandstetter undated submission filed March 23, 1987.
8. The two documents upon which Brandstetter relies to show ultimate responsibility for export licensing resting with another are in one case undated, and in the other, dated after the investigation in question took place.

9. Scanvest EDB GmbH is no longer in existence.

The Law

Brandstetter and Scanvest EDB GmbH are charged with the violation of §§ 387.4 and 387.6 of The Export Administration Regulations. Section 387.4 prohibits acts, including reexportation by implication and general reference, with respect to controlled commodities if the person so acting knows or has reason to know that the act or acts do or will amount to a violation or violations of the Export Administration Act. Section 387.6 specifically prohibits reexport of controlled commodities without proper authorization, without regard to knowledge.

Discussion

Brandstetter does not deny that the violations alleged occurred. His defense rests solely on his claim that Scanvest Ring A/S, the parent corporation, was responsible for obtaining any reexport authority required by The Regulations. With the content of his submissions, he was able to convince the ALJ that as between Scanvest Ring A/S and Scanvest EDB, there was no clear showing of where the responsibility lay. This led the ALJ to conclude that although admitted violations had occurred in the name of Scanvest EDB, the failure of the Department to prove in absolute terms which corporate office was responsible for filing the necessary papers dictated dismissal of charges against both Brandstetter and the corporation of which he was the General Manager. This constituted clear error on the part of the ALJ. Responsibility for compliance with the law attached to Scanvest EDB in as much as it was a separate legal entity. The fact that it may have had an agreement with a related corporation with regard to who might file what cannot relieve it of its independent responsibility to assure that transactions done in its name are done according to applicable laws. This, on the facts, it is clear that Scanvest EDB violated the Regulations as charged.

The question of personal responsibility relating to a corporate agent, in this case Brandstetter, is a matter which involves other considerations. Was the agent in a position of direct and active control of the corporation? Did he know or have specific reason to know of the laws in question? Did he fail to take action which would be reasonable under the circumstances to assure no violation of the law? These are questions which must be addressed in this case.

With respect to direct and active control, Brandstetter has admitted in his letter of June 24, 1986 that he was "responsible for daily operations and sales." The fact that he goes on to say that he reported to superiors in Scanvest Ring A/S and that another, Jan Fronth Pedersen, had more direct involvement with export approvals, cannot relieve him from his admitted general management responsibility. This statement is all the more supported by the fact that Brandstetter had direct and long term knowledge of U.S. export laws because of his past association with Datapoint International GmbH. Without a doubt, Brandstetter knew that U.S. Export Regulation might apply to any shipment Scanvest EDB wished to make. He had only to ask for copies of the documentation he was already familiar with to place his corporation within the confines of the law. There is nothing in the record to explain his failure to take this step. Instead, he makes the argument that the notation "Export Licens (sic) No. 83279" which appeared on most of the Scanvest Ring A/S invoices to Scanvest EDB was sufficient to convince him as a general manager that all laws had been complied with. This defies logic since it is clear from Government Exhibit 23 that Brandstetter was familiar with the forms and procedures necessary to comply with U.S. Regulations. Further, the same number is used to attempt to validate sales to several customers pursuant to different contracts written at different times. To one knowledgeable in the business, as Brandstetter was, such a number might reasonably apply only to shipments made to one destination (e.g. Austria) or consignee (e.g. Scanvest EDB). The transactions between the parent and the subsidiary were separate from, although certainly related to, the subsidiary's business transactions. Brandstetter either knew this and refused to act within the confines of U.S. Export Regulations, or should have known it and cavalierly refused to act to ensure the legality of his corporation's actions. He is personally culpable and should be penalized.

Findings

In accordance with the facts and discussion above, I hereby make the following findings:

1. Between the period of October 26, 1983 and March 7, 1984, Scanvest EDB GmbH committed fifteen violations of §§ 387.4 and 387.6 of the Export Administration Regulations.
2. During the time in question, and with respect to the violations, Herbert Brandstetter was charged with, and in

fact, had the responsibility for general management of Scanvest EDB GmbH.

3. Herbert Brandstetter's actions with respect to the violations were done knowingly, or under such circumstances that he should have known that violations were being committed by the corporation.

4. Herbert Brandstetter's actions in themselves constitute violations of §§ 387.4 and 387.6 of the Export Administration Regulations.

5. Scanvest EDB GmbH is no longer in existence as a corporate entity.

Order

Therefore, pursuant to § 388.23 of the Regulations,

It is hereby ordered:

I. That the Recommended Decision and Order of the Administrative Law Judge be vacated and the following Order be the final Order in this case.

II. That Scanvest EDB, GmbH is dismissed as a party to this proceeding; without prejudice, however, to a motion to reopen these proceedings for the purpose of imposing sanctions should the company reopen for business.

III. All outstanding validated export licenses in which Herbert Brandstetter or any related party, appears or participates, in any manner or capacity, are hereby revoked and shall be returned to the Office of Export Licensing for cancellation. Further, all of Respondent's privileges of participating in any manner or capacity, in any special licensing procedures, including, but not limited to, distribution licenses, are hereby revoked.

IV. For a period of 20 years from the date of this Order, Herbert Brandstetter, his successors or assignees, officers, partners, representatives, agents, and employees are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in preparing or filing any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling,

delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend to those commodities and technical data which are subject to the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401-2420 (1982 and Supp. III 1985)) and the Regulations.

V. After notice and opportunity for comment, such denial may also be made applicable to any person, firm, corporation, or business organization with which the respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services.

VI. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with respondent or any related party, or whereby Respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This Order constitutes final agency action in this matter.

Dated: June 15, 1987.

Paul Freedenberg,

Assistant Secretary for Trade Administration.

[FR Doc. 87-13994 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-DT-M

[A-122-047]

Elemental Sulphur From Canada; Preliminary Results of Antidumping Duty Administrative Review, Tentative; Determination To Revoke in Part, and Intent To Revoke in Part

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

ACTION: Notice of preliminary results of antidumping duty administrative review, tentative determination to revoke in part, and intent to revoke in part.

SUMMARY: In response by the petitioner, the Department of Commerce has conducted an administrative review of the antidumping finding on elemental sulphur from Canada. The review covers 11 producers and/or exporters of this merchandise and periods between December 1, 1982 and March 31, 1986. The review indicates the existence of dumping margins for certain firms during the period.

As a result of the review, the Department has tentatively determined to revoke in part the antidumping finding with respect to Petrogas Processing, Ltd. (Canadian Occidental), and intends to revoke the finding with respect to Canadian Superior Oil, Chevron Standard, Gulf Oil Canada, Hudson's Bay Oil & Gas, and Shell Canada Resources.

Interested parties are invited to comment on these preliminary results, tentative determination to revoke in part, and intent to revoke in part.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION: On December 17, 1986, the Department of Commerce ("the Department") published in the *Federal Register* (51 FR 45152) the final results of its last administrative review of the antidumping finding on elemental sulphur from Canada (38 FR 35655, December 17, 1973). We began the current review of the finding under our old regulations. After the promulgation of our new regulations, the petitioner requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published a notice of initiation on May 30, 1986 (51 FR 19580). The Department has now conducted that administrative review in

accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of elemental sulphur, currently classifiable under item 415.4500 of the Tariff Schedules of the United States Annotated.

The review covers 11 producers and/or exporters of Canadian elemental sulphur to the United States and the periods between December 1, 1982 and March 31, 1986. Timshel (U.S.) failed to respond to the Department's antidumping questionnaire, and we used the best information available for assessment and cash deposit of estimated antidumping duties for that firm.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act. Purchase price was based on the ex-factory price to unrelated purchasers in the United States. No deductions were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Home market prices were based on ex-factory prices to unrelated purchasers in the home market. We made adjustments, where applicable, for differences in commissions to unrelated parties. No other deductions were claimed or allowed.

Preliminary Results of the Review, Tentative Determination to Revoke in Part, and Intent to Revoke in Part

As a result of our review, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Period of review	Margin (percent)
Burza Resources	12/01/82-11/30/84	4.57
Petrogas Processing, Ltd.	12/01/82-11/30/84	0
Canadian Superior Oil	04/01/84-03/31/86	0

Manufacturer/exporter	Period of review	Margin (percent)
Chevron Standard	04/01/84-03/31/86	0
Gulf Oil Canada	04/01/84-03/31/86	0
Home Oil	12/01/82-11/30/84	1.48
Hudson's Bay Oil & Gas	04/01/84-03/31/86	0
InterRe-dec Incorporated	12/01/82-11/30/84	0
Petro-Canada Resources	12/01/82-11/30/84	3.11
Shell Canada Resources	04/01/84-03/31/86	0
Timshel (U.S.)	12/01/82-11/30/84	4.57

¹ No Shipments During the Period.

Interested parties may submit written comments on these preliminary results, tentative determination to revoke in part, and intent to revoke in part, within 14 days of the date of publication of this notice and may request disclosure and/or hearing within 5 days of the date of publication. Any hearing, if requested, will be held 21 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

Petrogas Processing (Canadian Occidental), Canadian Superior Oil, Chevron Standard, Gulf Oil Canada, Hudson's Bay Oil & Gas, and Shell Canada Resources requested revocation of the finding and, as provided for in § 353.54(e) of the Commerce Regulations, have agreed in writing to an immediate suspension of liquidation and reinstatement in the finding under circumstances specified in the written agreement. These firms made all sales at not less than fair value for two years, with the exception of Petrogas Processing Co., which made no shipments for four years.

Therefore, we tentatively determine to revoke the antidumping finding on elemental sulphur from Canada with respect to Petrogas Processing Co., and intend to revoke the antidumping finding

on elemental sulphur from Canada with respect to Canadian Superior Oil, Chevron Standard, Gulf Oil Canada, Hudson's Bay Oil & Gas, and Shell Canada Resources. If this partial revocation is made final, it will apply to all unliquidated entries of this merchandise exported by Petrogas Processing Co. and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. It will also apply to all unliquidated entries of this merchandise exported by Canadian Superior Oil, Chevron Standard, Gulf Oil Canada, Hudson's Bay Oil & Gas, and Shell Canada Resources entered, or withdrawn from warehouse, for consumption on or after May 30, 1986. The May 30th effective date was selected because the finding on these five companies had previously been revoked and was reinstated pursuant to court order on May 30, 1986.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required for the other firms listed above. For any shipments from the remaining known producers and/or exporters not covered by this review, the cash deposit will continue to be at rates published in the final results of the last administrative review for each of those firms.

For any future entries of this merchandise from a new exporter, not covered by this or prior administrative reviews, whose first shipments occurred after March 31, 1986 and who is unrelated to any reviewed firm or any previously reviewed firm, no cash deposit shall be required. These deposit requirements are effective for all shipments of Canadian elemental sulphur entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

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

Dated: June 12, 1987.

Gilbert B. Kaplan,
Deputy Assistant Secretary for Import Administration.
[FR Doc. 87-13987 Filed 6-18-87; 8:45 am]
BILLING CODE 3510-DS-M

[A-122-036]

Instant Potato Granules From Canada; Preliminary Results of Antidumping Duty Administrative Review and Intent to Revoke

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

ACTION: Notice of preliminary results of antidumping duty administrative review and intent to revoke.

SUMMARY: In response to a request by two respondents, the Department of Commerce has conducted an administrative review of the antidumping finding on instant potato granules from Canada. The review covers two producers and/or exporters of this merchandise and the period September 1, 1983 through November 30, 1984. The review indicates no sales at less than fair value of this merchandise to the United States during the period.

As a result of the review, the Department intends to revoke the finding.

Interested parties are invited to comment on these preliminary results and intent to revoke.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph A. Fargo or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5256.

SUPPLEMENTARY INFORMATION:**Background**

On November 30, 1984, the Department of Commerce ("the Department") published in the *Federal Register* (49 FR 47077) the tentative determination to revoke the antidumping finding on instant potato granules from Canada (37 FR 20175, September 27, 1972). On August 30, 1984, the Department published in the *Federal Register* (49 FR 27965) the final results of its last administrative review of the antidumping finding. We received a request for an administrative review from two respondents in accordance with § 353.53a(a) of the Commerce Regulations. We published a notice of initiation of antidumping duty administrative review in the *Federal Register* on July 9, 1986 (51 FR 24884).

Scope of the Review

Imports covered by the review are shipments of instant potato granules, currently classifiable under items 140.5000, 140.7000 and 141.8610 of the Tariff Schedules of the United States Annotated.

The review covers two producers and/or exporters of Canadian instant potato granules to the United States and the period September 1, 1983 through November 30, 1984.

United States Price

In calculating United States price the Department used purchase price or exporter's sales price, both as defined in section 772 of the Tariff Act, as appropriate. Purchase price and exporter's sales price were based on the delivered packed price to the first unrelated U.S. purchaser, with deductions, where applicable, for U.S. and Canadian inland freight, cash discounts, early payment discounts, U.S. customs duties, commissions to unrelated parties, and the U.S. subsidiary's selling expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773 of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis of comparison. Home market price was based on the delivered packed price to unrelated purchasers with adjustments, where applicable, for inland freight, cash discounts, and volume rebates. We also made an adjustment for indirect selling expenses to offset U.S. selling expenses for ESP calculations. No other deductions were claimed or allowed.

Preliminary Results of the Review and Intent to Revoke

As a result of our review, we preliminarily determine that no dumping margins exist for the period September 1, 1983 through November 30, 1984.

Consequently, we intend to revoke the antidumping finding on instant potato granules from Canada. McCain Foods Limited made all sales at not less than fair value, and Vauxhall Foods Limited had no shipments, during the period September 1, 1983 through November 30, 1984, the date of our tentative determination to revoke. As provided for in § 353.54(e) of the Commerce Regulations, McCain Foods Limited and Vauxhall Foods Limited have agreed in writing to an immediate suspension of liquidation and reinstatement of the finding under circumstances specified in the written agreement. If this revocation is made final it will apply to all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after November 30, 1984.

Interested parties may submit written comments on these preliminary results

and intent to revoke within 30 days of the date of publication of this notice, may request disclosure within 5 days of the date of publication, and may request a hearing within 8 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall instruct the Customs Service not to assess antidumping duties on all appropriate entries.

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

Dated: June 12, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-13988 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-006]

Certain Steel Pipes and Tubes From Japan; Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by two importers, a respondent, and a domestic manufacturer, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain steel pipes and tubes from Japan that was in effect prior to October 1, 1984. The review covers three exporters of this merchandise and the period March 1, 1982 through September 30, 1984. The Department has excluded Ontario Hydro (Canada) from this administrative review because the only merchandise subject to the antidumping duty order which this firm exported during the review period was purchased from a Japanese exporter that had been excluded from the order. The review indicates the existence of dumping margins during the period.

Two firms failed to respond, and one provided an inadequate response to our questionnaire. Therefore, we used the best information available for assessment purposes.

On October 29, 1985, the Department of Commerce published in the *Federal Register* (50 FR 43758) the final results of an administrative review and revocation of the antidumping duty order on certain steel pipes and tubes from Japan, effective October 1, 1984. Therefore, no antidumping duties cash deposits are required on this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984.

Interested parties are invited to comment on these preliminary results. **EFFECTIVE DATE:** June 19, 1987.

FOR FURTHER INFORMATION CONTACT: G. Leon McNeill or Maureen Flannery, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-3601/5255.

SUPPLEMENTARY INFORMATION:

Background

On March 1, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 8522) an antidumping duty order on certain steel pipes and tubes from Japan. We began this review of the antidumping duty order under our old regulations. After the promulgation of our new regulations, two importers, one respondent, and a domestic manufacturer requested in accordance with § 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published a notice of initiation of the antidumping duty administrative review in the *Federal Register* on July 9, 1986 (51 FR 24883). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by the review are shipments of seamless heat-resisting pipes and tubes currently classifiable under items 610.5206, 610.5229, and 610.5234 of the Tariff Schedules of the United States Annotated, and seamless stainless pipes and tubes currently classifiable under items 610.5202, 610.5229, and 610.5230 of the Tariff Schedules of the United States Annotated.

The review covers three manufacturers/exporters of Japanese steel pipes and tubes, Kuze Bellows, Sanko Seisakusho and Tokyo Seimitsukan, and the period March 1, 1982 through September 30, 1984. Kuze

Bellows and Sanko Seisakusho failed to respond and Tokyo Seimitsukan provided an inadequate response to the Department's questionnaire. Therefore, for all three firms, the Department used the best information available, which consists of the rates from the fair value investigation. A fourth firm, Ontario Hydro (Canada) was excluded from this administrative review because the only merchandise subject to the antidumping duty order which this firm exported during the review period was purchased from a Japanese manufacturer that had been excluded from the order.

Preliminary Results of the Review

As a result of our review we preliminarily determine that the following margins exist for the period March 1, 1982 through September 30, 1984:

Manufacturer/exporter	Margin (percent)	Stainless	Heat-resisting
Kuze Bellows	22.95	2.83	2.83
Sanko Seisakusho	22.95	2.83	2.83
Tokyo Seimitsukan	22.95	2.83	2.83

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice, may request disclosure within 5 days of the date of publication, and may request a hearing within 8 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. The Department will issue appraisal instructions on each exporter directly to the Customs Service.

The Department revoked the antidumping duty order on certain steel pipes and tubes from Japan, effective October 1, 1984 (50 FR 43758, October 29, 1985). This administrative review, covering the period March 1, 1982 through September 30, 1984, does not affect the revocation of the antidumping duty order. Therefore, we will instruct the Customs Service to continue to liquidate entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 1, 1984 without regard to antidumping duties.

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

Dated: June 12, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 87-13989 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-DS-M

Initiation of Antidumping and Countervailing Duty Administrative Reviews; Construction Castings From Brazil, etc.

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

ACTION: Notice of initiation of antidumping and countervailing duty administrative reviews.

SUMMARY: The Department of Commerce has received requests to conduct administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements. In accordance with the Commerce Regulations, we are initiating those administrative reviews.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT: William L. Matthews or Richard W. Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5253/2786.

SUPPLEMENTARY INFORMATION:

Background

On August 13, 1985, the Department of Commerce ("the Department") published in the *Federal Register* (50 FR 32556) a notice outlining the procedures for requesting administrative reviews. The Department has received timely requests, in accordance with § 353.53a (a)(1), (a)(2), (a)(3), and § 355.10(a)(1) of the Commerce Regulations, for administrative reviews of various antidumping and countervailing duty orders, findings, and suspension agreements.

Initiation of Reviews

In accordance with §§ 353.53a(c) and 355.10(c) of the Commerce Regulations, we are initiating administrative reviews of the following antidumping and countervailing duty orders, findings, and suspension agreements. We intend to issue the final results of these reviews no later than June 30, 1988.

Antidumping duty proceedings and firms	Periods to be reviewed
Construction Castings from Brazil:	
Cosigua.....	10/21/85-04/30/87
Industria Viana.....	10/21/85-04/30/87
Iron Construction Castings from India:	
Carnation Enterprises.....	10/28/85-04/30/87
Commex.....	10/28/85-04/30/87
East Coast.....	10/28/85-04/30/87
Govind Steel.....	10/28/85-04/30/87
Kamala Iron Foundry.....	10/28/85-04/30/87
Paharimata Iron Works.....	10/28/85-04/30/87
R.B. Agarwalla.....	10/28/85-04/30/87
Serampore.....	10/28/85-04/30/87
Shree Laxmi Metal.....	10/28/85-04/30/87
S.K. Iron Foundry & Engineering.....	10/28/85-04/30/87
Super Castings.....	10/28/85-04/30/87
Uma Iron & Steel.....	10/28/85-04/30/87
Victory Iron Works.....	10/28/85-04/30/87
Impression Fabric from Japan:	
Mitsui.....	05/01/86-04/30/87
Nissei.....	05/01/86-04/30/87
Portable Electric Typewriters from Japan:	
Brother.....	05/01/86-04/30/87
Canon.....	05/01/86-04/30/87
Matsushita.....	05/01/86-04/30/87
Nakajima.....	05/01/86-04/30/87
Silver Seiko.....	05/01/86-04/30/87
Offshore Platform Jackets & Piles from South Korea:	
Hyundai.....	11/25/85-04/30/87
Circular Welded Carbon Steel Pipes & Tubes from Taiwan:	
An Mau.....	05/01/86-04/30/87
Far East Machinery.....	05/01/86-04/30/87
Kao Hsing Chang.....	05/01/86-04/30/87
Yieh Hsing.....	05/01/86-04/30/87
Malleable Cast-Iron Pipe Fittings other than Grooved from Taiwan:	
Sai Yang Metal Industrial.....	01/14/86-04/30/87
Tai Yang Metal Industrial.....	01/14/86-04/30/87
Welded Carbon Steel Pipe & Tube from Turkey:	
Borusan.....	01/03/86-04/30/87
Erkbotu.....	01/03/86-04/30/87
Yucel Boru.....	01/03/86-04/30/87

Countervailing duty proceedings	Periods to be reviewed
Leather Wearing Apparel from Colombia.....	01/01/86-12/31/86
Bricks from Mexico.....	01/01/86-12/31/86
Ceramic Tile from Mexico.....	01/01/86-12/31/86
Offshore Platform Jackets & Piles from The Republic of Korea.....	07/09/85-12/31/86
Viscose Rayon Staple Fiber from Sweden.....	01/01/86-12/31/86

Interested parties are encouraged to submit applications for administrative protective orders as early as possible in the review process.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and §§ 353.53a(c) and 355.10(c) of the Commerce Regulations (19 CFR 353.53a(c), 355.10(c)).

Dated: June 12, 1987.

Gilbert B. Kaplan,
Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-13992 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Alaskan Coastal Resource Management Program

ACTION: Notice of preliminary approval of amendment.

LOCATION: Aleutians East Coastal Resource Service Area, Alaska.

SUMMARY: The office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA) received a request from the State of Alaska to amend the Alaska Coastal Management Program (ACMP) to incorporate the Aleutians East Coastal Resource Service Area (CRSA) Coastal Management Program (AECMP). The State's request was made pursuant to section 306(g) of the Coastal Zone Management Act of 1972, as amended (CZMA), 16 U.S.C. 14559(g) and implementing regulations at 15 CFR 923.81. The AECMP creates a new coastal boundary for the ACMP in the region and establishes goals and policies for activities taking place in Aleutians East Coastal Service Area. The AECMP follows the guidelines and standards for local program development set in the ACMP and will be administered both by the CRSA and the State.

The Director of the Office of Ocean and Coastal Resource Management has reviewed the amendment request and has made a preliminary determination that the ACMP as amended will still constitute an approvable program and that the procedural requirements of section 306(c) of the CZMA have been met.

The Director also determined that approval of the proposed change does not constitute a major Federal action having a significant effect on the environment. Therefore, an environmental impact statement on the approval of the amendment under the National Environmental Policy Act of 1969, as amended, is not required. Copies of the Finding of No Significant Impact (FONSI), including the supporting Environmental Assessment (EA) and the Director's preliminary determination of approvability, are available at the address below.

Comments on the Preliminary Determination to approve the Alaska amendment request and on the EA and FONSI should be made within 30 days from the date of this notice. Address comments to: Peter L. Tweedt, Director, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825

Connecticut Avenue, NW., Washington, DC 20235, (202) 673-5181.

(Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration)

Dated: June 11, 1987.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87-13979 Filed 6-18-87; 8:45 am]

BILLING CODE 3510-08-M

Marine Mammals; Issuance of Permit: The New York Aquarium (P112F)

On April 22, 1987, notice was published in the *Federal Register* (52 FR 13281) that an application had been filed by the New York Aquarium, Boardwalk & 8th Street, Brooklyn, New York 11224 for a permit to import two (2) beluga whales (*Delphinapterus leucas*) for the purpose of public display.

Notice is hereby given that on June 15, 1987 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 through 1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

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

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

Dated: June 15, 1987.

Nancy Foster, Director,

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service. [FR Doc. 87-14019 Filed 6-18-87; 8:45 a.m.]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange; Proposed Recommencement of Trading and Proposed Amendments Relating to the S&P 100 Stock Index Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rules changes.

SUMMARY: The Chicago Mercantile Exchange ("CME" or "Exchange") has

submitted a proposal to recommence trading in the S&P (Standard & Poors) 100 stock index futures contract, which now is dormant within the meaning of Commission Rule 5.2. In addition, the CME has submitted proposed amendments to its S&P 100 Stock Index futures contract. The amendments would reduce the size of the contract, to \$200.00 times the Index from \$500.00 times the Index, and would decrease the minimum price increment, to \$10.00 per contract from \$25.00 per contract. The amendments also would change the final settlement price for the S&P 100 futures contract, from a special quotation of the Index based on the opening prices of the component stocks in the Index as of the third Friday to the closing quotation of the S&P 100 Index as of the third Friday of the delivery month. Finally, the amendments would change the last day of trading, from the business day preceding the third Friday of the delivery month to the third Friday of the delivery month.

In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before July 20, 1987.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581. Reference should be made to the CME S&P 100 Stock Index futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC 20581 (202) 254-7303.

SUPPLEMENTARY INFORMATION: The Chicago Mercantile Exchange S&P 100 futures contract is not currently listed for trading and is dormant under Commission Rule 5.2 (47 FR 29515 (July 7, 1982)). Under Rule 5.2, an exchange must submit for Commission review and approval, pursuant to section 5a(12) of the Commodity Exchange Act (Act) and CFTC Rule 1.41(b), an appropriate bylaw, rule, regulation or resolution to

recommence trading in a dormant contract. Accordingly, the Exchange has submitted, pursuant to section 5a(12) of the Act and Commission Rule 1.41(b), a proposal to list additional months in the S&P 100 contract.

With respect to the proposal to recommence trading in the contract, the CME noted that futures trading in the S&P 100 contract was conducted from July 1983 through July 1986. The Exchange stated that, although the contract is now dormant, the Exchange expects an increased potential demand for the contract as a hedging vehicle for the following reasons:

First, the Exchange has observed renewed interest in the S&P 100 futures by CBOE market makers.

Second, even though S&P 100 option traders currently use the S&P 500 futures to hedge their risk, the option and futures contracts are based on somewhat different indices, implying non-negligible basis risk. Further, recent trading—termination and settlement—price rule changes have reduced the S&P 500 futures contract's hedging usefulness against the S&P 100 option still further. The proposed rule changes would facilitate using the S&P 100 futures to hedge the S&P 100 option contract, increasing demand for the futures product.

Third, the proposed rule changes would make the S&P 100 futures contract more accessible to the smaller investor and trader, increasing the pool of potential users and enhancing potential demand for the product still further.

In addition, as noted above, the Exchange has submitted for Commission approval proposed changes to the contract size, minimum price increment, final settlement price and last trading day of the contract. With respect to the changes to the final settlement price and last trading day, it should be noted that the same provisions currently being proposed for the S&P 100 contract originally were approved for the contract at the time the Commission designated the contract in July 1983. In February 1987, the Commission approved amendments to the contract to establish the existing rules regarding the final settlement price and last trading day. With the CME's current proposal, the originally approved provisions regarding the final settlement price and last trading day would be restored.

The Commission is seeking comment on the CME's proposal to recommence trading in the contract and with respect to the proposed amendments.

The materials submitted by the Exchange in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)). Requests for copies

of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW, Washington, DC, by July 20, 1987.

Issued in Washington, DC, on June 15, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87-13964 Filed 6-18-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Computer Applications to Training and Wargaming; Meeting Change

ACTION: Change in date of advisory committee meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Computer Applications to Training and Wargaming scheduled for June 16-17, 1987 as published in the *Federal Register* (Vol. 52, No. 59, Page 9912, Friday, March 27, 1987, FR Doc. 87-6709) will be held on July 17, 1987 at the Institute for Defense Analyses, Alexandria, Virginia. In all other respects the original notice remains unchanged.

June 16, 1987.

Patricia H. Means,

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

[FR Doc. 87-14026 Filed 6-18-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Security, Subgroup on Technological and Operational Surprise; Meeting Change

ACTION: Change in date and location of advisory committee meeting notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Security Subgroup on Technological and Operational Surprise scheduled for June 23, 1987 as published in the *Federal Register* (Vol. 52, No. 71, Page 12045, Tuesday, April 14, 1987, FR Doc. 87-8315) will be held on July 22-23, 1987 at Scripps Institute, LaJolla, California. In

all other respects the original notice remains unchanged.

June 16, 1987.

Patricia H. Means,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 87-14027 Filed 6-18-87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of the Army, DoD.

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 Form Number if applicable; (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 for whom a copy of the information proposal may be obtained.

Extension

Terminal and Transfer Facilities Survey; WRSC Forms 1, 2, 3, 4, 5, 6, 7, 8, and 9 (OMB Control Number 0702-0012)

Data compiled into Port Series Reports used within the Corps of Engineers for navigation and planning functions; by Coast Guard for marine safety inspections; by Navy for guidance in providing safe passage and terminalling in time of National emergency; by Army for mission deployment planning, and public for general reference, planning, and various studies.

State or local governments, businesses or other for-profit, Federal agencies or employees, small businesses or organizations.

Responses: 1,341
Burden Hours: 333

ADDRESSES: 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 number (202) 746-0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Angela R. Petrarca, SAIS-ADR, Room 1C638, The Pentagon, Washington, DC 20310-0107, telephone (202) 694-0754.

June 16, 1987.

Patricia H. Means,

OSD Federal Register Liaison Officer,
Department of Defense.

[FR Doc. 87-14029 Filed 6-18-87; 8:45 am]

BILLING CODE 3810-01-M

Defense Nuclear Agency (DNA); Scientific Advisory Group on Effects (SAGE); Meeting

The Scientific Advisory Group on Effects (SAGE) will meet in closed session on 21 July 1987 at the offices of Kaman Sciences Corporation, Alexandria, Virginia.

Agenda

21 July 1987 (0800-1700); Presentations, Discussions and Executive Sessions on Issues Related to DNA Technology supporting the Survivability and Security of Nuclear Weapons. The presentations and discussions in the above cited agenda will focus on current and planned activities of the Defense Nuclear Agency (DNA). Executive sessions will be held for the primary purpose of advising the Director, DNA, as to the adequacy of ongoing and planned activities. All planned presentations, discussions, and executive sessions will include classified defense information; therefore, under the provisions of sections 552b (c)(1) and (3), Title 5, U.S.C., this meeting is closed to the public. Any additional information concerning the meeting may be obtained from: Lt Col Gary C. Gibson, USAF, Scientific Secretary, SAGE, Headquarters, Defense Nuclear Agency, ATTN: PRSG, Washington, DC 20305-1000.

June 16, 1987.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87-14028 Filed 6-18-87; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Altered Record System

AGENCY: Defense Nuclear Agency (DNA) DOD.

ACTION: Notice of an altered record system.

SUMMARY: The Defense Nuclear Agency is altering a system of records identified as HDNA 009, Personnel Radiation Exposure Records. Alterations to the system include changes to computer hardware and software which will allow direct access between personnel in agency elements and approved contractor facilities for the purpose of maintaining required records of any radiation exposure which might occur from work related activities.

DATE: This alteration shall be effective without further notice on July 20, 1987 unless comments are received that would result in a contrary determination.

ADDRESS: Comments should be forwarded to the System Manager identified in the system notice.

SUPPLEMENTARY INFORMATION: The specific changes to the record system notice being altered are set forth below, followed by the record system notice, as amended, published in its entirety. The Defense Nuclear Agency notices of systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), were published in the Federal Register as follows:

FR Doc. 85-10237 (50 FR 22596) May 29, 1985.

An altered system report was submitted on May 21, 1987, pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985.

June 16, 1987.

Patricia H. Means,

OSD Federal Register Liaison Officer,
Department of Defense.

Amendments HDNA 009

System Name:

Personnel Radiation Exposure Records, 50 FR 22603, May 29, 1985.

Changes:

Purpose(s):

Change to read: For use by agency officials, employees, and authorized contractors, to provide documentation of any exposure to radiation which might be experienced by an individual in the course of work related activities or while present in agency facilities.

Routine Uses of Records Maintained in the System, including Categories of Users and the Purposes of Such Uses:

Change first sentence to read: Information may be released to support legal or medical claims for or against the government; to regulatory agencies for use in measuring quality of radiation protection programs, or for licensing procedures; to current or potential employers; to individuals or their authorized representatives; to contractors for use in processing uniquely identifiable dosimetry devices and for maintaining required dosimetry histories.

Safeguards:

Change to read: Computer equipment and records are in controlled access areas protected by either guards, intrusion alarms, or coded locks. Manual or hard copy records are further secured in locked cabinets or vaults. Automated programs are protected by user identification codes and passwords which limit access to the system.

Retention and Disposal:

Change to read: For employees, records are kept for 75 years. For visitors, records are retired after two years to record holding area for 75 year retention. Enewetak records are retained for 75 years.

HDNA 009

SYSTEM NAME:

Personnel Radiation Exposure Records.

SYSTEM LOCATION:

Armed Forces Radiobiology Research Institute (AFRRI), Defense Nuclear Agency, Bethesda, MD, 20814-5145, on the grounds of the National Naval Medical Center, and Field Command, Defense Nuclear Agency (FCDNA), Kirtland AFB, NM 87115-5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, contractors, or visitors who enter the AFRRI building; other DNA/FCDNA employees who work in positions which might result in exposure to radiation; and individuals who participated in the cleanup of Enewetak Atoll.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Account Number, Sex, Date of Birth, Current and Previous Radiation Exposure History, Dates and Places of Employment, Dates of Exposures, Citizenship, Information on Pregnancy, Areas Visited or Worked, Dates of Arrival and Departure, Organization, Assigned Department,

Bioassay Information, Grade/Rank, Work Phone and Location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Atomic Energy Act of 1954, 42 U.S.C. 2013, Military Construction Appropriation Act of 1977 (Pub. L. 94-367) and DNA OPLAN 600-77, Cleanup of Enewetak Atoll.

PURPOSE(S):

For use by agency officials, employees, and authorized contractors, to provide documentation of any exposure to radiation which might be experienced by an individual in the course of work related activities or while present in agency facilities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be released to support legal or medical claims for or against the government; to regulatory agencies for use in measuring quality of radiation protection programs, or for licensing procedures; to current or potential employers; to individuals or their authorized representatives; to contractors for use in processing uniquely identifiable dosimetry devices and for maintaining required dosimetry histories. See also blanket routine uses at the beginning of Defense Nuclear Agency listing.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card files, paper records in file folders, microfiche/film and automated records on magnetic tapes, disks and computer printouts.

RETRIEVABILITY:

Alphabetical by last name of individual. Automated records are selectable on all fields within the record.

SAFEGUARDS:

Computer equipment and records are in controlled access areas protected by either guards, intrusion alarms, or coded locks. Manual or hard copy records are further secured in locked cabinets or vaults. Automated Programs are protected by user identification codes and passwords which limit access to the system.

RETENTION AND DISPOSAL:

For employees, records are kept for 75 years. For visitors, records are retired after two years to record holding area for 75 year retention. Enewetak records are retained for 75 years.

SYSTEM MANAGER(S) AND ADDRESS:

Department Head, Radiation Safety Department, Armed Forces Radiobiology Research Institute, Defense Nuclear Agency, Bethesda, MD, 20814-5145; Health Physicist, Logistics Directorate, Field Command, Defense Nuclear Agency, ATTN: (FCLS), Kirtland AFB, NM 87115-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Information may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations may be obtained from the System Manager or the General Counsel, HQ, Defense Nuclear Agency, Washington, DC 20305-1000.

RECORDS SOURCE CATEGORIES:

Information is voluntarily submitted by individuals or derived from exposure data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 87-14030 Filed 6-18-87; 8:45 am]

BILLING CODE 3810-01-M

Uniformed Services University of the Health Sciences (USUHS)

Privacy Act of 1974; New Record Systems

AGENCY: Uniformed Services University of the Health Sciences (USUHS), DOD.

ACTION: Notice of three new record systems subject to the Privacy Act.

SUMMARY: The USUHS is publishing, for any public comment, the addition of three new record systems to its existing inventory or record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

DATE: This proposed action will be effective without further notice (July 20, 1987), unless comments are received which would result in a contrary determination.

ADDRESS: Send any comments to Dosimetry Manager, Department of Environmental Health and Occupational Safety, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Road, Bethesda, MD 20814-4799.

SUPPLEMENTARY INFORMATION: Uniformed Services University of the Health Sciences (USUHS) systems of

records notices subject to the Privacy Act of 1974 have been published in the **Federal Register** as follows:

FR Doc. 85-10237 (50 FR 22960) May 29, 1985 (compilation)

FR Doc. 86-7575 (51 FR 11807) April 7, 1986

FR Doc. 87-8141 (52 FR 11855) April 13, 1987

The new record systems, maintained by Financial Management Directorate, USUHS, are required to support its functional activities.

A new system report, as required by 5 U.S.C. 552a(o) of the Privacy Act was submitted on May 21, 1987, to the Director, OMB, the President of the Senate, and the Speaker of the House of Representatives, pursuant to paragraph 4b of Appendix I to OMB Circular No. A-130, "Federal Agency responsibilities for Maintaining Records About Individuals," dated December 12, 1985.

June 16, 1987.

Patricia H. Means,

OSD Federal Register Liaison Officer,
Department of Defense.

WUSU17

SYSTEM NAME:

Accounts Receivable Records.

SYSTEM LOCATION:

Uniformed Services University of the Health Sciences, Financial Management Directorate, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, USUHS civilian present and former employees, contracting officers and representatives, dependents of military personnel, foreign nationals residing in the United States and, other individuals who may be indebted to the Uniformed Services University of the Health Sciences or the U.S. Government.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained by the system include, but are not limited to, documentation pertaining to telephone billing, check issue discrepancies, dishonored checks, reports of surveys, freight losses in shipments, involuntary collections, erroneous payments, property losses and damages, loss of funds, Government losses in shipments, set-off of final pay, travel advances.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5512-5514, Withholding Pay; 31 U.S.C. 71, Public Accounts to be Settled in the General Accounting Office; 37 U.S.C. 1007 (B, E, F, G) Deductions from pay; 40 U.S.C. Chapter

15, Government Losses in Shipment; 49 U.S.C. 1, Transportation.

Debt Collection Act of 1982 (Pub. L. 97-365); 5 U.S.C. 552a(b)(12); 10 U.S.C. 2774; 15 U.S.C. 1681a(f); Federal Claims Collection Act of 1966 31 U.S.C. 952(d); 31 U.S.C. 3711; E.O. 9397.

PURPOSE(S):

To process, monitor, and post-audit accounts receivable. To administer the Federal Claims Collection Act of 1966 and the Debt Collection Act of 1982 and to answer inquiries pertaining thereto.

The information is used for credit investigations and for the determination of tax liabilities as well as Administration of Veterans benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The disclosures of information from the record system includes, but not limited, to credit bureaus for credit investigations and to private collection agencies for the purpose of credit information and for obtaining credit reports or skip traces. To the Internal Revenue Service for the determination of tax liabilities, Veterans Administration for administration of laws pertaining to veterans benefits and correspondence with all of the above and the dependents and survivors. To any Federal creditor agency with a valid claim against any current or former employee of the USUHS for the purpose of resolving any claims under the Debt Collection Act of 1982. To the Department of Treasury/Internal Revenue Service for the purpose of obtaining locator status for delinquent accounts receivable, and/or to report write-off amounts as taxable income as pertains to amounts compromised and accounts barred from litigation due to age, and for the purpose of offset, either administrative or salary. To the Department of Justice-U.S. Attorneys for legal action and/or final disposition of debt claims. For offsets, both to collect and to repay. To consumer reporting agencies pursuant to 5 U.S.C. 552a(b)(12) as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). See also the blanket routine uses set forth at the beginning of the USUHS's record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, notebooks, binders or visible file binders, cabinets, card files and on computer disks and magnetic tapes.

RETRIEVABILITY:

Records are accessed by name and Social Security Number, (SSN).

SAFEGUARDS:

Records are accessed by custodian of record system and by personnel responsible for servicing the record system in performance of their official duties who are properly screened and cleared for the need to know. Records are stored in security file containers, cabinets or locked cabinets or rooms, protected by guards and controlled by personnel screened. In addition, there are passwords and security systems as part of the software to prevent unauthorized access.

RETENTION AND DISPOSAL:

Retention is up to six years or until discrepancies are cleared. Destruction is completed by tearing, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management, USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone (202) 295-3351.

NOTIFICATION PROCEDURES:

Information as to whether or not the record system contains information on an individual may be obtained from USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351. Information pertaining to geographically disbursed elements of the record system may be obtained from the documentation managers at the applicable USUHS component. The requester should be able to provide sufficient information of identity, such as name, Social Security Number, place of employment or other information that may be verified by the record itself.

CONTESTING RECORD PROCEDURES:

The USUHS rules for access to records and for the contesting and appealing initial determination by the individual concerned may be obtained from the System Manager, as contained in 32 CFR Part 285b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Sources include, but are not limited to, information obtained from automatic system interfaces, corporations and from source documents such as report;

contractors, vendors, claimants, trustees, assignees, USUHS and other Department of Defense components, carriers, General Accounting Office, Comptroller General, Veterans Administration, Federal creditor agencies and consumer reporting agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU18

SYSTEM NAME:

Accounts Payable Records.

SYSTEM LOCATION:

Uniformed Services University of the Health Sciences, Financial Management Directorate, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have money owed to them by USUHS or who have performed official functions resulting in a valid debt payable by USUHS to a third party. Such individuals include contractors, military and civilian personnel, and their dependents, assignees, trustees, guardians and survivors.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained by the system include, but are not limited to, contracts, purchase orders, blanket purchase agreements, temporary duty and permanent change of station, transportation requests, government bills of lading, compensation claims, correspondence with creditors, dependents of military personnel and civilian employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3326, Receipts, Retention and Disbursement of Public Funds; 3325, 3528, and 3529, Travel and Transportation Allowance, Dependents, Baggage and Household Effects; 3322, Disbursing Officers; 37 USC 404, Travel and Transportation Allowances: General; 406, Disbursing Officers.

PURPOSE(S):

Records are used to support payments to creditors who may include military personnel and civilian employees, their dependents, survivors, guardians and trustees, contractors, vendors and assignees.

Data is also used for matters pertaining to taxation, welfare, criminal and civil litigations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

When authorized, records may be disclosed to creditors, dependents, claimants Internal Revenue Service for tax purposes including assessments, levy actions, employer/employee Social Security taxes. To the Social Security Administration and the Veterans Administration for the verification of claims and the eligibility for benefits administered by such agencies, and to state and local authorities for matters pertaining to taxation, welfare, criminal and civil litigations, within the jurisdiction of such authorities.

See also the published blanket routine uses set forth at the beginning of the USUHS listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintain in file folders, visible file binders/cabinets, card files, computer and computer output products, magnetic cards and disks and microform.

RETRIEVABILITY:

Access by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for the servicing of the record system in performance of their official duties who are properly screened and cleared for a need to know. Records are stored in security file containers, cabinets, safes, vaults, or locked cabinets and rooms. Records are controlled by personnel screening and by computer security software in machine-readable records.

RETENTION AND DISPOSAL:

Retention periods of various types of documents vary from 1 month to 6 years. Some records are destroyed by USUHS by tearing, shredding, pulping, marcerating or burning. Others are retired to the Denver Federal Archive and Record Center and destroyed after various retention periods.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Directorate, USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351.

NOTIFICATION PROCEDURE:

Information as to whether or not the record system contains information on an individual may be obtained from USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351. Information pertaining to geographically disbursed elements of the record system may be obtained from the documentation manager at the applicable USUHS component. The requestor should be able to provide sufficient proof of identity, such as name, Social Security Number, service number, military status, duty station or place of employment or other information verifiable from the record itself.

CONTESTING RECORD PROCEDURES:

The USUHS rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the system manager, as contained in 32 CFR Part 286b and OSD Administrative Instruction No. 81.

RECORD SOURCE CATEGORIES:

Sources include, but are not limited to, information obtained from automatic system interfaces, corporations and from source documents such as reports, contractors, vendors, claimants, trustees, assignees, USUHS and other Department of Defense components, carriers, General Accounting Office, Comptroller General, and Veterans Administration.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

WUSU19

SYSTEM NAME:

Travel Records.

SYSTEM LOCATION:

Uniformed Services University of the Health Sciences, Financial Management Directorate, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202) 295-3351.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty and Retired Military Personnel, USUHS Civilian Present and Former Employees, Dependents of Military Personnel, Other Individuals in Receipt of Competent Travel Orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records maintained by the system include, but are not limited to, travel vouchers and subvouchers, travel allowance payment list, travel voucher and subvoucher continuation sheets, certificate of nonavailability of government quarters and mess, multi-

travel payment list, travel payment record, request for fiscal information concerning transportation requests, bills of lading, public voucher for fees and mileage and claims for reimbursement for expenditures on official business and related correspondence.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

37 U.S.C. 404-412, Travel and Transportation Allowances; 5 U.S.C. 2105, Employees 5561; Definitions; 5564, Travel and Transportation; 5701-5708, Travel and Subsistence Expenses; 5721-5730, Travel and Transportation Expenses.

PURPOSE(S):

Records are established and used for accountability, auditing and settlement of travel claims.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

To the Internal Revenue Services for the purpose of recording information concerning payment of travel allowances which are subject to Federal Income Tax. See also the published blanket routine uses set forth at the beginning of the USUHS's listing of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, notebooks, binders, visual file binders and cabinets, card files and on computer magnetic tape, disk and printouts.

RETRIEVABILITY:

Access by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need to know. Records are stored in security file containers, cabinets, safes, vaults or locked cabinets and rooms. Records are controlled by personnel screening and by computer security software in machine-readable records.

RETENTION AND DISPOSAL:

The original voucher and related supporting documents are stored at the Air Force Accounting and Finance Center, Denver, Colorado, for eighteen months and then moved to the Denver Federal Archives and Record Center for four years and nine months after which

they are shredded. A copy of the original voucher and related supporting documents are maintained by the Financial Management Directorate for six years and then destroyed by burning, shredding, tearing, mulching or macerating. Permanent history tapes contain individual data for six years from the transfer date.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Directorate, USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202)295-3351

NOTIFICATION PROCEDURE:

Information as to whether or not the record system contains information on an individual may be obtained from USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202)295-3351.

RECORD ACCESS PROCEDURES:

The request from an individual should be addressed to USUHS/FMG, 4301 Jones Bridge Road, Bethesda, MD 20814-4799; telephone number (202)295-3351. Information pertaining to geographically disbursed elements of the record system may be obtained from the documentation manager at the applicable USUHS component. Requesters should be able to provide sufficient proof of identity such as name, Social Security Number, office location, place of employment and specify the accounting disbursing number, voucher number, date of voucher and other information verifiable in the record itself.

CONTESTING RECORD PROCEDURES:

The USUHS rules for access to records and contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Sources include, but are not limited to, information obtained from automatic system interfaces, corporations and from source documents such as reports, contractors, vendors, claimants, trustees, assignees, USUHS and other Department of Defense components, carriers, General Accounting Office, Comptroller General and Veterans Administration.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 87-14031 Filed 6-18-87; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Grant Awards; Procurement and Assistance Management Directorate

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of Restricted Eligibility for Grant Award.

SUMMARY: DOE announces that it plans to award a grant in the amount of \$40,000 in partial support of the 1987 Coal Science Conference, sponsored by the International Energy Agency's (IEA) Fossil Fuel Working Party. Total contributions from other member nations, including the U.S. DOE, supporting this conference total \$264,708. Pursuant to 10 CFR Part 600, DOE has determined that eligibility for this grant award shall be limited to the conference organizer, the "Stichting" International Conference on Coal Science Foundation 1987. "Stichting", is a temporary foundation, which consist of several Dutch organizations selected by the Dutch representative to the Fossil Fuel Working Party. There is no other source that the DOE could select to provide this service.

Background

Every two years, the Fossil Fuel Working Party of the IEA sponsors an International Conference on Coal Science. The conference has previously been conducted in West Germany (1981), Pennsylvania (1983), and Australia (1985). At the conclusion of the 1985 conference, the Chairman of the IEA Fossil Fuel Working Party announced that the next conference would be held in The Netherlands.

Financial support for the conference is provided by member nations of the Fossil Fuel Working Party. The DOE represents the United States on the Fossil Fuel Working Party.

Project Scope

The next conference on Coal Science will be held in Maastricht, the Netherlands, on October 26, 1987, through October 30, 1987.

Topic considered at the conference will include coal structure, coal gasification, coal liquefaction, and analytical techniques. The amount of the DOE grant award is \$40,000.

Proposed Award Number: DE-FG01-87FE61071.

FOR FURTHER INFORMATION CONTACT: Charlotte A. Greenwell, MA-452.1, U.S. Department of Energy, Office of Procurement Operations, 1000 Independence Avenue, SW., Washington, DC 20585.

Issued in Washington, DC, on June 15, 1987.
 Edward T. Lovett,
 Director, Contract Operations Division "A",
 Office of Procurement Operations.
 [FR Doc. 87-14043 Filed 6-18-87; 8:45 am]
 BILLING CODE 6450-01-M

Economic Regulatory Administration Final Consent Order With Vanderbilt Energy Corp.

AGENCY: Economic Regulatory Administration, Department of Energy.
ACTION: Final action on proposed consent order.

SUMMARY: The Economic Regulatory Administration (ERA) has determined that a proposed Consent Order between the Department of Energy (DOE) and Vanderbilt Energy Corporation (Vanderbilt) shall be made a final order of the DOE. The Consent Order resolves issues of compliance by Vanderbilt with the federal petroleum price and allocation regulations concerning the production and sale of crude oil for the period September 1976 through December 1980. Vanderbilt will pay to DOE the sum of \$500,000.00 as prescribed in the Consent Order, and DOE will deposit these funds in a suitable account for appropriate disposition. The decision to make the Vanderbilt Consent Order final was made after a review of all written comments received.

SUPPLEMENTARY INFORMATION:

I. Introduction

ERA previously issued a notice announcing a proposed consent order between DOE and Vanderbilt which would resolve matters relating to compliance by the firm with the federal petroleum price and allocation regulations for the period September 1976 through December 1980. 52 FR 13,499 (April 23, 1987). The proposed Consent Order required Vanderbilt to pay \$500,000.00 within thirty days of the effective date of the Consent Order. The notice solicited written comments from the public relating to the terms and conditions of the settlement.

II. Comments Received

ERA received one comment which addressed the question of the ultimate disposition of the funds to be paid by Vanderbilt pursuant to the settlement, but which did not question the basis of the settlement or the adequacy of the settlement amount. This comment was submitted by the Controller of the State of California. The Controller of California stated that the refund should be distributed in accordance with the Modified Statement of Restitutionary

Policy, 51 FR 27899 (August 4, 1986) and the Final Settlement Agreement approved in the *Department of Energy Stripper Well Exemption Litigation*, M.D.L. 378 (D.Kan.). ERA agrees.

The Consent Order contains no substantive determination as to the disposition of funds paid under the Consent Order, ordering that the funds be deposited in a suitable account for appropriate disposition. Nothing in the Consent Order is inconsistent with the Final Settlement Agreement, *supra*, or the statement of Modified Restitutionary Policy, and ERA intends to petition for implementation of special refund procedures pursuant to 10 CFR Part 205, Subpart V to distribute the funds. The use of the Subpart V process is consistent with the Agreement and the Policy. In fact, paragraph IV.B.4 of the Agreement contemplates that funds obtained by ERA will be submitted to the OHA and that OHA will set a 20 percent reserve. "[A]mounts in excess of the reserve shall be distributed [to the States and DOE] while awaiting the completion of the first state refund proceedings." *Id.*, at paragraph IV.B.6. Accordingly, the comments by the Controller of California appear to be consistent with the intentions of DOE.

For the foregoing reasons, and for the reasons set forth in the Notice of the Proposed Consent Order, ERA has decided to finalize the Consent Order with Vanderbilt.

III. Decision

By this Notice, and pursuant to 10 CFR 205.199j, the proposed Consent Order between Vanderbilt and DOE shall become a final order of the DOE. DOE will issue a notice to Vanderbilt of the agency's decision to make the Consent Order final, and the Consent Order shall become final upon delivery of that notice.

Issued in Washington, DC on this 12th day of June, 1987.

Marshall Staunton,

Acting Solicitor, Office of the Solicitor,
 Economic Regulatory Administration.

[FR Doc. 87-14044 Filed 6-18-87; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 87-12-NG]

The Brooklyn Union Gas Co.; Order Granting Blanket Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy gives notice that it has issued an order granting blanket authorization to the Brooklyn Union Gas Company (Brooklyn Union) to import natural gas. The order issued in ERA Docket No. 87-12-NG authorizes Brooklyn Union to import up to 50 Bcf of natural gas over a two-year period, beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, June 12, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of
 Fuels Programs, Economic Regulatory
 Administration.

[FR Doc. 87-14014 Filed 6-18-87; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 87-10-NG]

Gasmark, Inc. Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an Order granting GasMark, Inc. (GasMark), blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 87-10-NG authorizes GasMark to import up to 65.7 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC., 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., June 12, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of
 Fuels Programs, Economic Regulatory
 Administration.

[FR Doc. 87-14042 Filed 6-18-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER87-429-000 et al.]

Electric Rate and Corporate Regulation Filings; Consolidated Edison Company of New York, Inc., et al.

Take notice that the following filings have been made with the Commission:

1. Consolidated Edison Company of New York, Inc.

[Docket No. ER87-429-000]

June 12, 1987.

Take notice that on May 11, 1987, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing proposed changes in its rate schedules for transmission and distribution service to the Power Authority of the State of New York (PASNY), under Con Edison Rate Schedules FERC Nos. 42 and 76. The proposed supplement No. 13 to Schedule No. 42 would decrease Con Edison's revenues by 4.1 percent, or \$6.7 million in the historical 1985 period. The proposed supplement No. 3 to Schedule No. 76 would decrease revenues by 4.1 percent, or \$0.03 million in the historical period. Con Edison has requested an effective date of April 1, 1987, for the rate decrease and accordingly seeks waiver of the notice requirement of the Commission's rules.

The proposed decreases are the result of a rate settlement agreement that reduces rates and freezes the new rates for a three-year period. This agreement was approved by the New York Public Service Commission (NYPSC), the state agency that makes rate determinations for these services subject to Commission review. PASNY did not oppose the settlement.

A copy of the filing has been served upon PASNY and NYPSC.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Baltimore Refuse Energy Systems Company Limited Partnership

[Docket No. EL87-43-000]

June 15, 1987.

Take notice that on June 8, 1987, Baltimore Refuse Energy Systems (BRESKO) tendered for filing pursuant to 18 CFR 385.207(a)(2) a petition for Declaratory Order as follows:

- (1) Disclaiming Commission jurisdiction under the Federal Power Act over the Lease Financing, the Owner Trustee and Owner Participant;
- (2) Confirming the continued applicability of Baltimore Resco/Rate

Schedule FERC No. 1 to sales by BRESKO to Baltimore Gas and Electric Company of electricity generated by the Facility after the proposed Lease Financing transaction is consummated; and

(3) Determining that the change in ownership of the Facility effected by the Lease Financing will not result in a loss of QF status for the Facility.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Central Illinois Public Service Company

[Docket No. ER87-480-000]

June 15, 1987.

Take notice that on June 10, 1987, Central Illinois Public Service Company (CIPS) tendered for filing rate schedules for wholesale electric service to the municipalities of Roodhouse, Newton, and Greenup, Illinois. CIPS also tendered for filing separate amendments to the supply contract between it and each of these municipalities.

The tendered rate schedules and amendments to supply contracts are integral parts of negotiated comprehensive agreements between CIPS and each of the three municipalities, to continue and extend their long-term customer-supplier relationships.

CIPS requests a waiver of the Commission's notice requirements to implement the effective dates agreed to by the parties.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Central Maine Power Company

[Docket No. ER87-481-000]

June 15, 1987.

Take notice that Central Maine Power Company (CMP) on June 10, 1987, tendered for filing proposed changes in its FERC Electric Tariff, 9th Revised Volume No. 1, Wholesale Electric Rate for Other Utilities. Under the new rate to become effective on July 1, 1987, CMP would be permitted to decrease its wholesale base rates by \$79,294.00 for the twelve-month period which ended June 30, 1985 to reflect the effects of the Tax Reform Act of 1986.

The proposed tariff decreases rates for Wholesale Customers, Kennebunk Light and Power District, Inhabitants of the Town of Madison (Madison Electric Works), and Fox Island Electric Cooperative, Inc. Copies of the filing have been served on CMP's above-named Wholesale Customers, and on the Maine Public Utilities Commission and the Office of the Public Advocate.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power & Light Company

[Docket No. ER86-383-002]

June 15, 1987.

Take notice that on June 2, 1987, Florida Power & Light Company tendered for filing pursuant to Commission Order a compliance report that includes the monthly billing determinants, revenue receipt dates, the revenues under the prior, present and settlement rates, the monthly revenue refund, the monthly interest computed and a summary of such information for the total refund period.

A copy of this compliance report has been furnished by the Company to the Florida Public Service Commission.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Idaho Power Company

[Docket No. ER87-482-000]

June 15, 1987.

Take notice that on June 10, 1987, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during April, 1987, along with cost justification for the rate charged. This filing includes the following supplements:

Montana Power Company; Supplement No. 50
Sierra Pacific Power Company; Supplement No. 63
Portland General Electric Co.; Supplement No. 54
City of Pasadena; Supplement No. 29
Pacific Gas & Electric Co.; Supplement No. 24

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. Philadelphia Electric Company

[Docket No. ER86-622-002]

June 15, 1987.

Take notice that on June 3, 1987, Philadelphia Electric Company (PE) tendered for filing pursuant to Commission Letter Order of April 20, 1987 a compliance report showing monthly billing determinants, revenue receipt dates, and revenues under the prior, present and settlement rates, the monthly revenue refund, and the monthly interest computed, together with a summary of such information for the total refund period.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this document.

8. Tucson Electric Power Company

[Docket No. ER87-392-000]

June 15, 1987.

Take notice that on June 10, 1987, Tucson Electric Power Company tendered as a supplement to its earlier filed short-term non-firm Energy Agreement, a Certificate of Concurrence by Texas-New Mexico Power Company.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Tucson Electric Power Company

[Docket No. ER87-474-000]

June 15, 1987.

Take notice that on June 8, 1987, Tucson Electric Power Company (Tucson) tendered for filing a Short Term Seasonal Energy Agreement (Agreement) between Tucson and Nevada Power Company (Nevada). The primary purpose of the Agreement is to establish the terms and conditions for the sale by Tucson to Nevada of 50 MWH per hour of energy for a term of one year beginning May 16, 1987.

Tucson requests an effective date of May 16, 1987, and therefore requests waiver of the Commission's notice requirements.

Tucson states that copies of the filing were served upon Nevada.

Comment date: June 29, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

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

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-14010 Filed 6-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2370-013 et al.]

Hydroelectric Applications (Pennsylvania Electric Co. et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1a. Type of Application: Amendment of License.

b. Project No: 2370-013.

c. Date Filed: April 15, 1987.

d. Applicant: Pennsylvania Electric Company.

e. Name of Project: Deep Creek Project.

f. Location: On Deep Creek near the Village of Oakland, Garrett County, Maryland.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)-825(r).

h. Contact Person: Mr. William J. Madden, Jr., Bishop, Liberman, Cook, Purcell, Reynolds, 1200 17th Street, NW., Washington, DC 20036, (202) 857-9800.

i. Comment Date:

j. Description of Project: The proposed amendment to Pennsylvania Electric Company's existing licensed Project No. 2370 would consist of authorization to issue boat docking permits in excess of the number for which the licensee is authorized by Article 35 of its license for the Deep Creek Project. Authority to issue the following boat dock permits at the Blakeslee Development has been requested: 32 individual docks, and six common dock facilities: the common dock facilities would accommodate a total of 67 boats. The Maryland Department of Natural Resources, which has the responsibility for the management of the lake and related land resources at the project, proposes to gradually phase-in the boat dock facilities over an eight to ten year period.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

2a. Type of Application: Preliminary Permit.

b. Project No.: 10399-000.

c. Date Filed: April 27, 1987.

d. Applicant: Clavey River Hydroelectric Corporation.

e. Name of Project: Clavey River Hydroelectric Pumped Storage Project.

f. Location: On Clavey River and Meadow Creek, near town of Tuolumne, within Stanislaus National Forest, in Tuolumne County, California.

In sections 1, 2, 3, 10, 11 and 12, T1S, R17E, MDB&M.

In sections 18, 20, 25, 35 and 36, T1N, R17E, MDB&M.

In sections 8, 9, 10, 11, 12, 13 and 24, T1N, R16E, MDB&M.

In sections 18, 19, 20, 21, 27, 28, 30, 34, 35 and 36, T1N, R17E, MDB&M.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Bart M. O'Keeffe, Mutual Energy Company, Inc., P.O. Box 60565, Sacramento, CA 95860.

i. Comment Date: August 5, 1987.

j. Description of Project: The proposed project would consist of: (1) AN Upper Bull Meadows Reservoir with a gross storage capacity of 21,300 acre foot and a surface area of 300 acres at elevation 3,940 feet msl; (2) a 260 foot high, 2,350 foot long Bull Meadows Dam with a crest elevation of 3,950 feet; (3) a lower Clavey River Reservoir with a gross storage capacity of 19,000 acre foot and a surface area of 165 acres at elevation 2,365 feet; (4) a 330-foot-high, 1,200-foot-long Clavey River Dam with a crest elevation of 2,380 feet; (5) an 18-foot-diameter, 4,400-foot-long upper conduit; (6) a powerhouse with a total installed capacity of 300,000 kW operating under a head of 1,630 feet; (7) an 18-foot-diameter, 3,100-foot-long tailrace tunnel; and (8) a 40-mile-long, 240-kV transmission line interconnecting with an existing transmission line. The applicant estimates the average annual energy generation at 600 GWh to be sold to local utilities.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, B, C, and D2.

3a. Type of Application: Amendment of License.

b. Project No: 3033.005.

c. Date Filed: March 26, 1987.

d. Applicant: Arkansas Electric Cooperative Corporation, Riceland Electric Cooperative, Inc., C & L Electric Cooperative, Inc.

e. Name of Project: Lock and Dam No. 2.

f. Location: On the Arkansas River in Desha and Arkansas Counties, Arkansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Robert M. Lyford, Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, AR 72219, (501) 562.0220.

i. Comment Date: July 17, 1987.

j. Description of Amendment: Licensee has requested that: (1) The time for commencement of construction of the proposed project be extended to August 10, 1993; (2) the time for completion of construction of the proposed project be extended to August 10, 1998; and (3) the time for acquiring all lands, or the right

to use in perpetuity, all lands needed for the project be extended to October 16, 1991.

The license was issued on August 10, 1983, and would expire on July 31, 2033. The requested amendment has been made pursuant to section 15 of the Electric Consumers Protection Act of 1986, Pub. L. No. 99-495 (Oct. 16, 1986).

k. This notice also consists of the following standard paragraphs: B and C.

4a. Type of Application: Amendment of License.

b. Project No.: 3034-005.

c. Date Filed: March 26, 1987.

d. Applicant: Arkansas Electric Cooperative Corporation, Riceland Electric Cooperative, Inc., C & L Electric Cooperative, Inc.

e. Name of Project: Lock and Dam No. 3.

f. Location: On the Arkansas River in Jefferson and Lincoln Counties, Arkansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Robert M. Lyford, Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, AR 72219, (501) 562-0220.

i. Comment Date: July 17, 1987.

j. Description of Amendment: Licensee has requested that: (1) The time for commencement of construction of the proposed project be extended to August 10, 1993; (2) the time for completion of construction of the proposed project be extended to August 10, 1998; and (3) the time for acquiring, or the right to use in perpetuity, all lands needed for the project be extended to October 16, 1991.

The license was issued on August 10, 1983, and would expire on July 31, 2033. The requested amendment has been made pursuant to Section 15 of the Electric Consumers Protection Act of 1986, Pub. L. No. 99-495 (Oct. 16, 1986).

k. This notice also consists of the following standard paragraphs: B and C.

5a. Type of Application: Amendment of License.

b. Project No.: 3044-005.

c. Date Filed: March 26, 1987.

d. Applicant: Arkansas Electric Cooperative Corporation, Arkansas Valley Electric Cooperative Corporation.

e. Name of Project: Lock and Dam No. 9.

f. Location: On the Arkansas River in Pope and Conway Counties, Arkansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Robert M. Lyford, Arkansas Electric Cooperative Corporation, P.O. Box 9469, Little Rock, AR 72219, (501) 562-0220.

i. Comment Date: July 17, 1987.

j. Description of Amendment: Licensee has requested that: (1) The time for

commencement of construction of the proposed project be extended to July 20, 1989; (2) the time for completion of construction of the proposed project be extended to July 20, 1994; and (3) the time for acquiring, or the right to use in perpetuity, all lands needed for the project be extended to October 16, 1991.

The license was issued on July 20, 1983, and would expire on June 30, 2033. The requested amendment has been made pursuant to Section 15 of the Electric Consumers Protection Act of 1986, Pub. L. No. 99-495 (Oct. 16, 1986).

k. This notice also consists of the following standard paragraphs: B and C.

6a. Type of Application: Surrender of License.

b. Project No.: 3073-001.

c. Date Filed: March 24, 1987.

d. Licensee: Wayne R. Ellis.

e. Name of Project: Clifford Rosenbalm Power Plant Project.

f. Location: Occupies 0.32 acres of the Boise National Forest on Bear Creek, near the town of Lowman, in Boise County, Idaho. Township 10N and Range 11E.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Wayne R. Ellis, 6363 Emerald Street, Building 102, Boise, ID 83704, (208) 376-6307.

i. Comment Date: July 16, 1987.

j. Description of Project: Project works consist of: (1) A one-foot-high by 12-foot-long wooden diversion structure; (2) a concrete headgate section diverting water into; (3) a 980-foot-long diversion ditch connecting to; (4) a 360-foot-long, 8-inch-diameter pipe leading to; (5) a wood frame powerhouse containing a single generating unit with an installed capacity of 8 kW; (6) a 500-foot-long tailrace ditch carrying water south to the Payette River; and (7) a 910-foot-long transmission line.

The licensee states that the project was destroyed by a flash flood in 1982 and the project cannot be rehabilitated due to creek bed instability.

k. Purpose of Project: To supply power to a summer home adjacent to the project site.

l. This notice also consists of the following paragraphs: B and C.

7a. Type of Application: Major License (5MW or Less).

b. Project No.: 9871-000.

c. Date Filed: December 20, 1985.

d. Applicant: Trafalgar Power, Inc.

e. Name of Project: Eddyville Hydroelectric.

f. Location: On Rondout Creek at Eddyville Falls Dam, near town of Ulster, in Ulster County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Arthur H. Steckler, Trafalgar Power, Inc., Smith and Canal Streets, Franklin, NY 03035, (603) 934-4202.

i. Comment Date: July 20, 1987.

j. Competing Application: Project No. 9175-001 Date Filed: 5/31/85.

k. Description of Project: The project would consist of: (1) An existing 11-foot-high, 220-foot-long Eddyville Falls Dam owned by Victoria Riveria; (2) an existing reservoir with negligible storage capacity and a surface area of 15 acres at elevation 18 feet m.s.l.; (3) a proposed intake structure and 2-foot-high flashboards to the crest of the dam; (4) a proposed 50-foot-long power canal; (5) a proposed 90-foot-long, 83-foot-wide concrete powerhouse containing three generating units with a total installed capacity of 1,809 kW at a net head of 10 feet; (6) a proposed 75-foot-long tailrace; (7) a proposed switchyard; (8) a proposed 200-foot-long, 4.8-kV overhead transmission line connecting to an existing central Hudson Gas and Electric Corporation system; and (9) appurtenant facilities. The applicant estimates a 7.85 million kWh average annual energy production.

l. Purpose of Project: Power generated would be sold to Central Hudson Gas and Electric Corporation.

m. This notice also consists of the following standard paragraphs: A4, B, C, and D1.

8a. Type of Application: Minor License.

b. Project No.: 9878-000.

c. Date Filed: January 14, 1986.

d. Applicant: Craig Guptill and Rebecca Corrigan.

e. Name of Project: Rock Shadow Water Power Project.

f. Location: On North Fork of Little Larabee Creek, near town of Bridgeville, in Humboldt County, California. (In sections 10 and 11 of T1N, R4E, HB&M)

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Craig Guptill and Rebecca Corrigan, 31999 Highway 36, Bridgeville, CA 95526.

i. FERC Contact: Ahmad Mushtaq, (202) 376-1900.

j. Comment Date: August 6, 1987.

k. Description of Project: The proposed project would consist of: (1) A 3-foot-high, 10-foot-long diversion dam at elevation 2,400 feet msl; (2) a 10-inch-diameter, 2,300-foot-long penstock; (3) a powerhouse containing one generating unit with a rated capacity of 40 kW operating under a head of 180 feet; (4) a 200-foot-long, 0.48-kV transmission line to be connected to an existing 12-kV transmission line owned by Pacific Gas and Electric Company (PG&E). The

applicant estimates the average annual energy generation at 120 MWh to be sold to PG&E. No recreational facilities are proposed by the applicant. The project cost is estimated to be \$60,000.

This notice also consists of the following standard paragraphs: A3, A9, B, C and D1.

9a. Type of Application: License (Major > 5MW).

b. Project No.: 9948-000.

c. Date Filed: March 18, 1986.

d. Applicant: Public Utility District No. 1 of Jefferson County, Washington, and the City of Tacoma, Washington.

e. Name of Project: Elkhorn Hydroelectric Project.

f. Location: On the Dosewallips River within the Olympic National Forest in T26N, R4W, R3W and R2W, near Brinnon in Jefferson County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Albert Liou, Hosey & Associates Engineering Company, 2820 Northrup Way, Suite 190, Bellevue, WA 98004, (206) 827-8661.

i. Comment Date: August 7, 1987.

j. Description of Project: The proposed run-of-the-river project would consist of: (1) A 50-foot-long, 10-foot-high concrete diversion weir with a crest elevation of 1,030 feet; (2) a 72-foot-long, 21-foot-high intake structure; (3) a 7,550-foot-long tunnel which varies in diameter from 9 feet to 7 feet; (4) a 150-foot-long, 7-foot-diameter steel penstock; (5) a 40-foot by 100-foot reinforced concrete powerhouse containing two generating units rated at 8.9 MW and 4.4 MW at a head of 295 feet and a total hydraulic capacity of 600 cfs, and discharging into the Dosewallips River at a maximum tailwater elevation of 736 feet; and (6) a 3.4-mile-long, 34.5-kV buried transmission line connecting to a new 115-kV substation from which a 7.3-mile-long, 115-kV above ground transmission line would connect to the existing Bonneville Power Administration 115-kV Line #1 near Brinnon. Applicant estimates the average annual energy production to be 49.86 GWh. The estimated construction cost is \$16,604,000.

k. Purpose of Project: Power will be sold to the Bonneville Power Administration.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C and D2.

10a. Type of Application: Exemption (5 MW or Less).

b. Project No: 10161-000.

c. Date Filed: November 4, 1986.

d. Applicant: T.A. and Holly S. Keck.

e. Name of Project: Blackstone Mill.

f. Location: On Mahantango Creek near Pillow, Dauphin County, Pennsylvania.

g. Filed Pursuant to: Energy Security Act of 1980, section 408 (16 U.S.C. 2705 and 2708).

h. Contact Person: T.A. Keck, Blackstone Mill, P.O. Box 98, Pillow, PA 17080, (717) 758-3340.

i. Comment Date: July 16, 1987.

j. Description of Project: The proposed project would consist of: (1) An existing concrete over wood dam two feet high and 100 feet long; (2) an existing concrete spillway; (3) an existing impoundment with a storage capacity of seven acre-feet and a normal water surface elevation of 470 feet msl; (4) an existing headrace canal; (5) an existing powerhouse 40 feet by 60 feet housing an existing 50-kW hydropower unit and an existing 15-kW hydropower unit (the existing wooden end wall of the headrace flume will be moved two feet back from the large turbine and the mill building trailrace exit ports will be streamlined to increase the hydraulic capacity); (6) an existing trailrace channel; (7) an existing 12.5-kV transmission line 60 feet long; and (8) appurtenant facilities. The applicant estimates that the average annual energy generation would be 200 MWh.

k. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D3a.

11a. Type of Application: Preliminary Permit.

b. Project NO.: 10330-000.

c. Date Filed: February 20, 1987.

d. Applicant: Cross Hydro, Inc.

e. Name of Project: Cross Creek Hydro.

f. Location: At Bighorn and Park Reservoirs on Cross Creek, within Bighorn National Forest in Johnson and Sheridan Counties, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Robert Skyles, Cross Hydro, Inc., 2932 Kelley Drive, Cheyenne, WY 82001.

i. Comment Date: August 10, 1987.

j. Description of Project: The proposed project would consist of: (1) The existing Bighorn Dam and Reservoir; (2) the existing Park Dam and Reservoir; (3) an 18-foot-diameter, 1.25-mile-long penstock; (4) a 60-foot-wide, 100-foot-long powerhouse adjacent to Park Reservoir containing a generating unit rated at 60 MW, producing an average annual output of 120 GWh; and (5) a 15-mile-long transmission line connecting to existing power lines running between Buffalo and Sheridan, Wyoming. The estimated cost of permit activities is \$300,000.

k. Purpose of Project: The market for power would be explored during the term of the permit.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

12a. Type of Application: Preliminary Permit.

b. Project No.: 10333-000.

c. Date Filed: February 24, 1987.

d. Applicant: City of Lewistown, Montana.

e. Name of Project: Mill Diversion Channel.

f. Location: On Big Spring Creek in the city of Lewistown, Fergus County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Applicant Contact: Mr. John Humphrey, Mayor, City of Lewistown, 305 West Watson, Lewistown, MT 59457, (406) 538-2302.

i. FERC Contact: Thomas Dean, (202) 376-9275.

j. Comment Date: August 6, 1987.

k. Description of Project: The proposed project would consist of: (1) A diversion structure and a electrically operated steel gate; (2) the Mill Diversion Channel approximately 3,375 feet long and 20 feet wide with a water surface elevation of 3,921 feet msl; (3) a penstock approximately 25 feet long and 66 inches in diameter leading to; (4) a powerplant containing a single generating unit with a capacity of 235 kW operating at 16.67 feet of hydraulic head; (5) a 12-foot-long discharge draft tube and stilling basin; and (6) a 500-foot-long, 4.16-kV transmission line. The applicant estimates the average annual energy production to be 1.2 MWh. The approximate cost of the studies under the permit would be \$50,000.

l. Purpose of Project: Applicant anticipates utilizing the power generated at the proposed facility.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

13a. Type of Application: Preliminary Permit.

b. Project No.: 10336-000.

c. Date Filed: March 5, 1987.

d. Applicant: City of Granite Falls, MN.

e. Name of Project: Minnesota Falls.

f. Location: Minnesota River, Yellow Medicine and Chippewa Counties, Minnesota.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. William Lavin, City Manager, 885 Prentice, Granite Falls, MN 56241, (612) 564-3011.

i. Comment Date: August 6, 1987.

j. Description of Project: The project would consist of: (1) An existing earth, stone, and concrete dam 482 feet long and 18 feet high; (2) an existing reservoir of 150 acres surface area and 735 acre-foot storage volume at a normal maximum surface elevation of 884 feet mean sea level; (3) a proposed canal or conduit 175 feet long; (4) a proposed powerhouse containing two proposed turbine-generators of 1,250 kW combined capacity; (5) a proposed 2.4-kV transmission line 100 feet long; and (6) appurtenant facilities. The estimated annual energy production is 4.2 GWh. The net hydraulic head is 18 feet. Project power would be used by the City of Granite Falls. The existing facilities are owned by Northern States Power Company. Applicant estimates that the cost of the work to be performed under the preliminary permit would be \$10,000 to \$20,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

14a. Type of Application: Preliminary Permit.

b. Project No.: 10364-000.

c. Date Filed: March 25, 1987.

d. Applicant: Rocky Ford Associates.

e. Name of Project: Rocky Ford Dam.

f. Location: On the Big Blue River near Manhattan, Pottawatomie and Riley Counties, Kansas.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas Forbes, P.O. Box 321, Mercer Island, WA 98040, (206) 232-6538.

i. Comment Date: August 10, 1987.

j. Description of Project: The proposed project would consist of: (1) An existing concrete gravity dam 250 feet long and 21 feet high; (2) an existing 20-acre reservoir with a storage capacity of 400 acre feet and a normal maximum surface elevation of 1,038 feet m.s.l.; (3) a proposed steel penstock, 30 inches in diameter and 35 feet long; (4) a renovated concrete powerhouse 35 feet by 65 feet housing a 3,000-kW hydropower unit; (5) a renovated rock tailrace 80 feet long, 5 feet deep, and 20 feet wide; (6) a proposed 12.5-kV transmission line 200 feet long; and (7) appurtenant facilities. The applicant estimates that the cost of the work to be performed under the permit would be \$155,000, and that the average annual energy generation would be 13.7 GWh. The applicant proposes to sell the energy to Kansas Power and Light Company. The dam is owned by the State of Kansas.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

15a. Type of Application: Preliminary Permit.

b. Project No.: 10367-000.

c. Date Filed: March 30, 1987.

d. Applicant: Louisiana Municipal Energy Associates.

e. Name of Project: Red River Lock and Dam Nos. 4 and 5.

f. Location: On the Red River near Shreveport and Alexandria, Red River and Natchitoches Parishes, Louisiana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas Forbes, P.O. Box 421, Mercer Island, WA 98040, (206) 232-6538.

i. Comment Date: August 6, 1987.

j. Description of Project: The proposed project would consist of two developments:

The Lock and Dam #4 development would utilize the existing U.S. Army Corps of Engineers' Red River Lock and Dam No. 4 and reservoir and would consist of: (1) Five proposed steel penstocks approximately 10 feet in diameter and 100 feet long; (2) a proposed concrete powerhouse 200 feet by 500 feet housing five, 5,000-kW hydropower units; (3) a proposed rock tailrace 300 feet by 500 feet; (4) a proposed 115-kV transmission line 4,000 feet long; and (5) appurtenant facilities.

The Lock and Dam #5 development would utilize the existing U.S. Army Corps of Engineers' Red River Lock and Dam No. 5 and reservoir and would consist of: (1) Five proposed steel penstocks approximately 10 feet in diameter and 100 feet long; (2) a proposed concrete powerhouse 200 feet by 500 feet housing five 5,000-kW hydropower units; (3) a proposed rock tailrace 300 feet by 500 feet; (4) a proposed 115-kV transmission line 1,500 feet long; and (5) appurtenant facilities.

The applicant estimates that the average annual energy generation would be 150 GWh at each development and that the cost of the work to be performed under the permit would be \$155,000. The applicant proposes to sell the energy to Louisiana Power and Light.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

16a. Type of Application: Preliminary Permit.

b. Project No: 10378-000.

c. Date Filed: April 14, 1987.

d. Applicant: Alamance Hydro Associates.

e. Name of Project: Swepsonville/Saxapahaw.

f. Location: On the Haw River near Swepsonville and Saxapahaw, Alamance County, North Carolina.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas Forbes, P.O. Box 421, Mercer Island, WA 98040, (206) 232-6538.

i. Comment Date: August 6, 1987.

j. Description of Project: The proposed project would consist of two developments.

The Swepsonville Dam development would consist of: (1) An existing earth gravity dam 10 feet high and 500 feet long; (2) an existing 10-acre reservoir with a storage capacity of 75 acre-feet and a normal maximum surface elevation of 470 feet m.s.l.; (3) a proposed steel penstock 3 feet in diameter and 200 feet long; (4) a proposed concrete powerhouse 25 feet by 25 feet housing a 750-kW hydropower unit; (5) a proposed tailrace 50 feet long, 10 feet deep, and 15 feet wide; (6) a proposed 12.5-kV transmission line 100 feet long; and (7) appurtenant facilities. The applicant estimates that the average annual energy generation would be 2.0 GWh.

The Saxapahaw Dam development would consist of: (1) An existing earth gravity dam 29 feet high and 700 feet long; (2) an existing 350-acre reservoir with a storage capacity of 5,600 acre-feet and a normal maximum surface elevation of 446 feet m.s.l.; (3) a proposed steel penstock 3 feet in diameter and 300 feet long; (4) a proposed concrete powerhouse 25 feet by 25 feet housing a 2,500-kW hydropower unit; (5) a proposed tailrace 50 feet long, 10 feet deep, and 15 feet wide; (6) a proposed 12.5-kV transmission line 100 feet long; and (7) appurtenant facilities. The applicant estimates that the average annual energy generation would be 4.0 GWh.

The applicant proposes to sell the energy to Duke Power, and estimates that the cost of the work to be performed under the permit would be \$155,000. The dams are owned by the County of Alamance, North Carolina.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

17a. Type of Application: Preliminary Permit.

b. Project No: 10387-000.

c. Date Filed: April 15, 1987.

d. Applicant: Hermitage Associates.

e. Name of Project: Pomme De Terre Lake Hydroelectric Project.

f. Location: On Pomme De Terre River near Hermitage, Hickory County, Missouri.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Thomas Forbes, P.O. Box 421, Mercer Island, WA 98040, (206) 232-6538.

i. Comment Date: August 10, 1987.

j. Description of Project: The proposed project would utilize the existing Corps of Engineers' Pomme De Terre Dam and reservoir and would consist of: (1) A proposed steel penstock 14 feet in diameter and 150 feet long; (2) a proposed powerhouse 50 feet by 100 feet housing an 8,000-kW hydropower unit; (3) a proposed tailrace 20 feet wide, 7 feet deep, and 120 feet long; (4) a proposed 64-kV transmission line 2,050 feet long; and (5) appurtenant facilities. The applicant estimates that the average annual energy generation would be 18.9 GWh, proposes to sell the energy to Empire District Electric Company, and estimates that the cost of the studies to be performed under the permit would be \$155,000.

k. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications, must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to

intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203-RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. Agency Comments—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural and other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. Recommended terms and conditions must be based on supporting

technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313(b) of the Federal Power Act, 16 U.S.C. 825/(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be set to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's

comments must also be sent to the Applicant's representatives.

Dated: June 16, 1987.
Kenneth F. Plumb,
Secretary.
[FR Doc. 87-14009 Filed 6-18-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP87-357-000, et al.]

Natural Gas Certificate Filings; Arkla Energy Resources, et al. a Division of Arkla, Inc.

Take notice that the following filings have been made with the Commission:

1. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. CP87-357-000]
June 8, 1987.

Take notice that on May 20, 1987, as amended May 22, 1987, Arkla Energy Resources ("AER"), a division of Arkla, Inc., P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP87-357-000, a request pursuant to § 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate a sales tap and related facilities for delivery of natural gas to John Hodge, a local residential customer, under the certificate issued in Docket Nos. CP82-384-000 and 384-001 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.

AER states that the proposed sales tap would be located on its line 11-A in Comanche County, Oklahoma and would supply gas volumes of approximately 180 Mcf per year and about 1 Mcf on a peak day for normal domestic and/or commercial purposes. AER also indicates that the proposed gas volumes would have a *de minimis* impact on its current peak day and annual deliveries, and would be delivered from its general system supply.

Cost of the proposed tap is estimated to be \$1,278.

Comment date: July 23, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP86-556-004]
June 12, 1987.

Take notice that on June 11, 1987, Natural Gas Pipeline Company of America (Petitioner), 701 East 22nd Street, Lombard, Illinois, 60148 filed in

Docket No. CP86-556-004, a petition to amend the order issued September 29, 1986, in docket No. CP86-55-000, as amended on January 27, 1987, pursuant to section 7 of the Natural Gas Act. Petitioner seeks authority to extend the term of its transportation for Green Valley Chemical Corporation (Green Valley) until June 27, 1988 and to add ten receipt points in Mills County, Iowa; Cameron Parish, Louisiana; Beaver, Beckham, Custer and Washita Counties, Oklahoma and Hansford, Live Oak, Moore and Panola counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In Docket No. CP86-556 Petitioners were previously authorized to transport up to a maximum of 8,000 MMBtu per day for Green Valley for ultimate delivery to Green Valley at its Union county, Iowa plant until the earlier of June 27, 1987 or the date Petitioner accepts a blanket certificate in Docket No. CP86-582-000.

It is stated that the extension of Petitioner's transportation service for Green Valley will enable Green Valley to continue to operate its plant in Creston, Iowa, where Green Valley manufactures anhydrous ammonia for fertilizer and produces CO₂ and dry ice for food processing. Petitioner states that the additional receipt points will provide Green Valley with increased flexibility as to obtaining gas supplies at prices which Green Valley can afford. The authorization requested will allow petitioner the opportunity to utilize system capacity more fully, to the benefit of petitioner and its customers; it is stated.

Comment date: June 22, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Williston Basin Interstate Pipeline Company

[Docket No. CP87-351-000]
June 11, 1987.

Take notice that on May 15, 1987, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, filed in Docket No. CP87-351-000 a request pursuant to §§ 157.205 and 157.211 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate sales taps and appurtenant facilities for 11 residential, commercial and transportation customers, under the certificate issued in Docket Nos. CP82-487-000, et al., pursuant to the Natural Gas Act, all as more fully set forth in the

request which is on file with the Commission and open to public inspection.

Williston Basin proposes the

construction and operation of sales taps and appurtenant facilities to various end users as listed below:

Customer	Location	No. of end-use customers to be served	Peak day usage (Mcf)	End-use	Estimated cost
(1) Montana-Dakota	Roosevelt Co., MT	1	2.5	Residential	\$500
(2) Montana-Dakota	Roosevelt Co., MT	1	2.5	Residential	500
(3) Montana-Dakota	Roosevelt Co., MT	1	2.5	Residential	500
(4) Montana-Dakota	Roosevelt Co., MT	1	2.5	Residential	500
(5) Montana-Dakota	Roosevelt Co., MT	2	5	Residential	500
(6) Montana-Dakota	Roosevelt Co., MT	2	5	Residential	500
(7) Montana-Dakota	Valley Co., MT	5	12.5	Residential	500
(8) Montana-Dakota	Roosevelt Co., MT	1	2.5	Residential	500
(9) Montana-Dakota	Meade Co., SD	1	12	Commercial	700
(10) Montana-Dakota	Williams Co., ND	1	3	Commercial	700
(11) Koch	McKenzie Co., ND	1	900	Transportation	12,603

Williston Basin states that the first 10 taps would be used to deliver gas within certificated entitlements to Montana-Dakota Utilities Co., (MDU) for resale to end-use customers served by MDU.¹ It is stated that the construction cost of these 10 taps will be reimbursed by MDU.

It is indicated that the eleventh tap would be used to provide delivery of gas owned by Koch Hydrocarbon Company (Koch) for use at Koch's compressor station near Alexander, North Dakota. It is stated that this gas would be transported under Williston Basin's Rate Schedules S-2 and T-3. Williston Basin indicates that the cost of this tap will be totally reimbursed by Koch.

It is stated that the installation of these taps will have no significant effect on Williston Basin's peak day or annual requirements.

Comment date: July 27, 1987, in accordance with Standard Paragraph G at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket No. CP87-377-000]

June 15, 1987.

Take notice that on June 2, 1987, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP-87-77-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the certificated transportation service performed by Applicant under its Rate Schedule X-104 for Columbia Gas Transmission Corporation (Columbia), all as more fully set forth in the application which is on file with the

Commission and open to public inspection.

Applicant proposes to abandon its interruptible transportation service of up to 500 Mcf per day for Columbia accordance with the terms of the agreement between Applicant and Columbia as authorized in Docket No. CP79-72-000, which terms provide for, among other things, the cancellation of the agreement on six months written notice by either party. Applicant states that the transportation service was part of an exchange between Columbia and El Paso Natural Gas Company (El Paso) authorized in Docket Nos. CE78-444-000 and CP74-126-000. Applicant further states that it received Columbia's gas, on a best-efforts basis, at existing measuring facilities in Eddy County, New Mexico, and redelivered such gas to El Paso for Columbia's account at an existing authorized point of exchange in Ward County, Texas. Applicant asserts that Columbia has indicated by letter to Applicant dated January 16, 1987, that it has been permanently released from its gas purchase obligation and thus no longer has need for this transportation service.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

5. Southern Natural Gas Company

[Docket No. CP87-354-000]

June 15, 1987.

Take notice that on May 19, 1987, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP87-354-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing Southern to transport gas on behalf of

the City of Cochran, Georgia, the City of Hawkinsville, Georgia (Hawkinsville), the City of Perry, Georgia (Perry), and the City of Warner Robins, Georgia (Warner Robins), hereinafter referred to collectively as "Municipalities", all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to transport natural gas for Cochran, Perry and Warner Robins in accordance with the terms and conditions of transportation agreements dated April 8, 1987, and for Hawkinsville pursuant to a transportation agreement dated May 1, 1987. The agreements between the Municipalities and Southern are hereinafter referred to collectively as "Agreements." Southern states that it has agreed to transport on an interruptible basis up to 3,000 MMBtu equivalent of gas per day on behalf of Cochran, up to 3,000 MMBtu equivalent of gas per day on behalf of Hawkinsville, up to 3,000 MMBtu equivalent of gas per day on behalf of Perry, and up to 16,000 MMBtu equivalent of gas per day on behalf of Warner Robins. Southern states that each municipality has acquired the right to purchase its natural gas supplies from SNG Trading Inc., Cheney Energy Corporation and Consolidated Fuel Supply, Inc., hereinafter collectively referred to as "Sellers." Southern requests that the Commission issue a limited-term certificate for the proposed services for a term expiring on October 31, 1988.

Southern states that the transportation agreements provide for the Municipalities to cause natural gas to be delivered to Southern for transportation at various existing points on Southern's contiguous pipeline system in the Breton Sound, Main Pass, Mississippi Canyon and West Delta Areas, offshore Louisiana; Bienville, DeSoto, Jefferson, Plaquemines, St. Bernard, St. Martin, St. Mary, and Terrebonne Parishes, Louisiana; Pickens County, Alabama; and Simpson County, Mississippi. Southern states that it would redeliver the gas to Cochran, Hawkinsville and Perry at the East Bass Junction Meter Station in Bibb County, Georgia; and to Warner Robins at the City of Warner Robins Meter Stations Nos. 1 and 2 in Bibb and Twig Counties, Georgia.

Southern states that in accordance with the Agreements, it would redeliver to the Municipalities an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to be used as compressor fuel and company-use gas (including system unaccounted-

¹ Certificate authority for sales to MDU was issued in Docket Nos. CP82-487-000, et al., 30 FERC ¶ 61,143 (1985).

for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less the Municipalities' pro-rata shares of any gas delivered for their accounts which is lost or vented for any reason.

Southern states that Hawkinsville and Perry have each agreed to pay Southern each month a transportation rate of 77.6 cents per MMBtu equivalent of gas redelivered by Southern.

It is further stated that the Southern-Cochran agreement and the Southern-Warner Robins agreement provide that Cochran and Warner Robins shall pay Southern the following transportation rates:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to the Municipality under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD Rate Schedule on such day to the Municipality do not exceed the daily contract demand of the Municipality, the transportation rate shall be 48.2 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to the Municipality under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD Rate Schedule on such day to the Municipality exceed the daily contract demand of the Municipality, the transportation rate for the excess volumes shall be 77.6 cents per MMBtu.

Southern states that it would also collect from the Municipalities the GRI surcharge of 1.52 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Southern states that the transportation arrangement would enable the Municipalities to diversify their natural gas supply sources and to obtain gas at competitive prices. Additionally, Southern advises that it would obtain take-or-pay relief on the gas that the Municipalities may obtain from their suppliers.

Comment date: July 6, 1986, in accordance with Standard Paragraph F at the end of this notice.

6. Southern Natural Gas Company

[Docket No. CP87-355-000]

June 15, 1987.

Take notice that on May 19, 1987, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP87-355-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing

Southern to transport gas on behalf of Atlanta Gas Light Company (Atlanta), acting as agent in arranging for the transportation of natural gas supplies for North Georgia Rendering Company (North Georgia) for use in its plant in Cummings, Georgia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to transport natural gas for Atlanta in accordance with the terms and conditions of a transportation agreement between Atlanta and Southern dated May 1, 1987. Southern states it has agreed to transport on an interruptible basis up to 3,700 MMBtu equivalent of gas per day purchased by North Georgia from Reliance Pipeline Company (Reliance) pursuant to a gas sales contract dated May 23, 1986. Southern requests that the Commission issue a limited-term certificate for a term expiring on October 31, 1988.

Southern states that the transportation agreement provides for Atlanta to cause natural gas to be delivered to Southern for transportation at various existing points on Southern's contiguous pipeline system in the Main Pass and Mississippi Canyon Areas, offshore Louisiana, and DeSoto, Quachita, St. Martin, and St. Mary Parishes, Louisiana, and Attala County, Mississippi. Southern states it would redeliver to Atlanta at the Atlanta Area Delivery Point, as set forth in Exhibit A to the Service Agreement between Southern and Atlanta dated September 23, 1969, an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to be used as compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Atlanta's pro-rata share of any gas delivered for Atlanta's account which is lost or vented for any reason. It is further stated that, pursuant to an agreement with North Georgia dated December 5, 1986, Atlanta would transport through its facilities the gas purchased by North Georgia to its plant in Cummings, Georgia.

Southern states that Atlanta has agreed to pay Southern each month, the following transportation rates:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to Atlanta under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD Rate Schedule on such day to Atlanta do not exceed the daily contract demand of Atlanta, the

transportation rate shall be 48.2 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to Atlanta under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD Rate Schedule on such day to Atlanta exceed the daily contract demand of Atlanta, the transportation rate for the excess volumes shall be 77.6 cents per MMBtu.

Southern states that the transportation arrangement would enable North Georgia to diversify its natural gas supply sources and to obtain gas at competitive prices. Southern further states that North Georgia has the installed capability to utilize fuel oil and has advised Southern that unless it is able to obtain the transportation services requested by Southern, it would switch to fuel oil to the maximum extent possible, which consequently would cause a corresponding loss of throughput on Southern's system. Southern avers that to the extent the transportation service proposed herein would enable North Georgia to obtain access to competitively priced natural gas, the entire Southern system would benefit by retaining the North Georgia load. Additionally, Southern advises that it would obtain take-or-pay relief on the gas North Georgia may obtain from its suppliers.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

7. Southern Natural Gas Company

[Docket No. CP87-363-000]

June 15, 1987.

Take notice that on May 27, 1987, Southern Gas Company (Southern), filed in Docket No. CP87-363-000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the transportation of natural gas for two Alabama industrial customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern requests limited-term authorization to transport natural gas on behalf of National Cement Company, Inc. (National), according to a May 8, 1987, transportation agreement between National and Southern, and on behalf of Ragland Brick and Tile Company, Inc. (Ragland), according to a May 14, 1987, transportation agreement between Ragland and Southern. Subject to the receipt of all necessary governmental authorizations, Southern states that it

has agreed to transport on an interruptible basis up to 2,000 MMBtu of natural gas per day National purchases from SNC Trading Inc. (SNG Trading) and up to 2,000 MMBtu of natural gas per day Ragland purchases from SNG Trading. Southern requests that the Commission issue a limited-term certificate for a term expiring on October 31, 1988.

The transportation agreements provide for natural gas volumes to be delivered to Southern for transportation at the various existing points on Southern's contiguous pipeline system specified in Exhibit A to each agreement. Southern states that it would redeliver to National at the National Cement meter station in St. Clair County, Alabama, and to Ragland at the Ragland Brick meter station in St. Clair County, Alabama, an equivalent quantity of gas less 3.25 percent of such amount which shall be deemed to be used as compressor fuel and company-use gas (including system unaccounted-for gas losses); less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less National's and Ragland's pro-rata share of any gas delivered for their respective accounts which is lost or vented for any reason.

Southern states that National and Ragland have agreed to pay Southern a monthly transportation rate of 4.69 cents for each MMBtu of gas redelivered by Southern. Southern would collect from National and Ragland the GRI surcharge of 1.52 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed.

Southern states that the transportation arrangement would enable National and Ragland to diversify their natural gas supply sources and to obtain gas at competitive prices.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

8. Transcontinental Gas Pipe Line Corporation and Southern Natural Gas Company

[Docket Nos. CP77-421-028 and CP78-241-005]

June 15, 1987.

Take notice that on June 2, 1987, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251 and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, hereafter collectively referred to as "Petitioners", filed in Docket Nos. CP77-421-028 and CP78-241-005 a joint

petition to amend the order issued on March 22, 1979, as amended, pursuant to section 7(c) of the Natural Gas Act, 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 in the March 22, 1979 order, Transco was authorized to transport up to 18,000 dekatherms of natural gas per day on an interruptible basis for the account of eleven of its distribution customers, its one direct industrial customer and two industrial customers of its distribution customers, or affiliates of such customers, which have participated in three exploration and development programs engaged in the search for and development of new natural gas reserves in onshore areas, or in state waters, in the Gulf Coast region. Petitioners further state that as a result of their participation in the drilling programs, the parties for whom Transco renders transportation service have earned rights to natural gas production from successful wells discovered by the three drilling programs and such production is the subject of the transportation service.

Petitioners state that Southern, as an intermediate transporter, was authorized in the March 22, 1979, order to transport up to 12,000 Mcf of natural gas per day for Transco, as principal and as agent for the Transco customer participants in the exploration and development program which discovered natural gas in the Bolivar Point Area, Plaquemines Parish, Louisiana.

Further, it is stated that in both Transco's and Southern's dockets, the certificates authorized long-term transportation of gas for the distribution companies but limited the term for the industrials to a period of two years, without prejudice to the filing for authorization to continue the service beyond the two-year term. It is stated that by order issued August 28, 1979, the Commission extended the term of the transportation service rendered by Transco for the direct and indirect industrial customers for an additional two-year term ending August 22, 1981; and by order issued July 16, 1980, the Commission extended the term of the intermediate transportation service rendered by Southern for an additional two-year term ending July 14, 1982. By order issued May 21, 1982, Transco's and Southern's transportation authorizations were extended for a term of ten years from August 23, 1977, without prejudice to filing for authorization to continue beyond the ten-year term. Petitioners state that, without the grant of a further extension,

Transco's and Southern's authorizations will expire on August 22, 1987.

Petitioners state that although the authorizations expire on August 22, 1987, Owens-Corning Fiberglass Corporation (Owens-Corning), as a direct industrial customer of Transco, and Burlington Industries Inc. (Burlington), as an indirect industrial customer of Transco, would continue to need the natural gas supplies transported to their plants by Petitioners pursuant to the above-described authorizations.¹

Comment date: July 6, 1987, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

9. United Gas Pipe Line Company

[Docket No. CP87-385-999]

June 15, 1987.

Take notice that on June 5, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston Texas 77251-1478, filed in Docket No. CP87-385-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to Shell Oil Company (Shell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified this customer by letter date August 4, 1986, that its present firm sales contract would be terminated on September 4, 1986. United further states that continuation of the present service is not in the public interest and it requests that the Commission permit the termination of direct sale service to the extent required.

United is not requesting abandonment authority of any facilities. United states that the subject delivery facilities would be left in place to accommodate either further transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangements are not made, it will file to abandon such facilities.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

¹ Another indirect industrial customer of Transco, Devco Enterprises, Inc., an affiliate of Cherokee Brick Company of North Carolina, Inc. (Devco), was a participant in one of the exploration and development programs. However, Devco no longer needs transportation service because it sold its interest in the program.

10. United Gas Pipe Line Company

[Docket No. CP87-375-000]

June 15, 1987.

Take notice that on June 1, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-375-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to Ultramar Oil and Gas Limited (Ultramar), for use in Ultramar's facilities in the Gitano Field, Jones County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified Ultramar (formerly named Larco Drilling Company, Inc.) by letter dated August 4, 1986, that its present firm sales contract would terminate January 1, 1987. United further states that continuation of the present service is not in the public interest and it requests that the Commission permit the termination of direct sale service to the extent required.

United is not requesting abandonment authority of any facilities. United states that the subject delivery facilities would be left in place to accommodate either future transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangements are not made, it will file to abandon such facilities.

Comment date: July 6, 1986, in accordance with Standard Paragraph F at the end of this notice.

11. United Gas Pipe Line Company

[Docket No. CP87-384-000]

June 15, 1987.

Take notice that on June 5, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-384-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to Texas Eastern Products Pipeline Company, a division of Texas Eastern Transmission Corporation (Texas Eastern Products), at a point near Sharon, Louisiana, of up to 70 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified this customer by letter dated August 4, 1986, that its present firm sales contract would terminate January 1, 1987. United further states that continuation of the present service is not in the public interest and it requests that the

Commission permit the termination of direct sale service to the extent required.

United is not requesting abandonment authority of any facilities. United states that the subject delivery facilities would be left in place to accommodate either future transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangements are not made, it will file to abandon such facilities.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

12. United Gas Pipe Line Company

[Docket No. CP87-383-000]

June 15, 1987.

Take notice that on June 5, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-383-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to Texas Eastern Products Pipeline Company, a division of Texas Eastern Transmission Corporation (Texas Eastern Products), at a point near Carthage, Texas, of up to 30 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified this customer by letter dated August 4, 1986, that its present firm sales contract would terminate January 1, 1987. United further states that continuation of the present service is not in the public interest and it requests that the Commission permit the termination of direct sale service to the extent required.

United is not requesting abandonment authority of any facilities. United states that the subject delivery facilities would be left in place to accommodate either future transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangements are not made, it will file to abandon such facilities.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

13. United Gas Pipe Line Company

[Docket No. CP87-365-000]

June 15, 1987.

Take notice that on May 27, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-365-000 an application pursuant to section 7(b)

of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to GAF Corporation (GAF), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified this customer by letter dated August 4, 1986, that its present firm sales contract service pertaining to the sale of natural gas for use in GAF's asphalt roofing plant in Mobile, Alabama would terminate January 1, 1987. United further states that continuation of the present service is not in the public interest and it requests that the Commission permit the termination of direct sale service to the extent required.

United is not requesting abandonment authority of any facilities. United states that the subject delivery facilities would be left in place to accommodate either future transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangement are not made, it will file to abandon such facilities.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

14. United Gas Pipe Line Company

[Docket No. CP87-372-000]

June 15, 1987.

Take notice that on June 1, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-372-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to Sterling Sugars, Inc. at a point near Franklin, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified this customer by letter dated August 4, 1986, that its present firm sales contract would terminate January 1, 1987. United further states that continuation of the present service is not in the public interest and it requests that the Commission permit the termination of direct sale service to the extent required.

United is not requesting abandonment authority of any facilities. United states that the subject delivery facilities would be left in place to accommodate either future transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangements are

not made, it will file to abandon such facilities.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

15. United Gas Pipe Line Company

[Docket No. CP87-374-000]

June 15, 1987.

Take notice that on June 1, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston Texas 77251-1478, filed in Docket No. CP87-374-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to Maurice L. Brown Company, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified customer by letter dated August 4, 1986, that its present firm sales contract would terminate January 1, 1987. United further states that continuation of the present service is not in the public interest and it requests that the Commission permit the termination of direct sale service to the extent required.

United is not requesting abandonment authority of any facility. United states that the subject delivery facilities would be left in place to accommodate either future transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangements are not made, it will file to abandon such facilities.

Comment date: July 6, 1987, in accordance with Standard Paragraph F at the end of this notice.

16. United Gas Pipe Line Company

[Docket No. CP87-373-000]

June 15, 1987.

Take notice that on June 1, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-373-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a direct industrial sale service to The Town of Rayville, Louisiana (Rayville), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that it notified Rayville by letter dated August 4, 1986, that its present firm sales contract would be cancelled effective 7:00 a.m. on January 1, 1987. United further states that continuation of the present service is not in the public interest and it requests that the Commission permit the termination

of direct sale service to the extent required.

United is not requesting abandonment authority of any facilities. United states that the subject delivery facilities would be left in place to accommodate either future transportation service or new sales service if appropriate contractual arrangements can be made. United states that if such new arrangements are not made, it will file to abandon such facilities.

Comment date: July 6, 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 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 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 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. 87-14011 Filed 6-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2297-000]

Charles W. Coker; Filing

June 12, 1987.

Take notice that on June 8, 1987, Charles W. Coker filed an application pursuant to section 305(b) of the Federal Power Act to continue to hold the following positions:

Director, Carolina Power & Light Co.
Director, NCNB Corp.

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, 385.214). All such motions or protests should be filed on or before June 29, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14004 Filed 6-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2298-000]

William W. Johnson; Filing

June 12, 1987.

Take notice that on June 8, 1987, William W. Johnson filed an application pursuant to section 305(b) of the Federal Power Act to continue to hold the following positions:

Director, Duke Power Co.

Director, Chairman of the Board, NCNB
South Carolina.

Director, Chairman of the Executive
Committee, NCNB Corp.

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, 385.214). All such motions or protests should be filed on or before June 29, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-14005 Filed 6-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C184-274-000, et al.]

**Mesa Operating Limited Partnership;
Application**

June 15, 1987.

Take notice that on June 5, 1987, Mesa Operating Limited Partnership (MOLP), as an independent producer, of P.O. Box 2009, Amarillo, Texas 79189, filed an application, pursuant to the provisions of section 7 of the Natural Gas Act and Part 157 of the Federal Energy Regulatory Commission's (Commission) Rules, for a certificate of public convenience and necessity to continue sales being made under permanent certificates of public convenience and necessity issued to Tenneco Oil Company (Tenneco). MOLP requests that the properties listed in Exhibit A and covered by Tenneco's certificates and rate schedules be added to MOLP's existing certificates and rate schedules, all as more fully shown on the attached Exhibit "A" and the application, which is on file with the Commission and open to public inspection.

Effective December 1, 1986, Tenneco Oil Company conveyed to Mesa Operating Limited Partnership all its right, title and interest in properties listed in the attached Exhibit "A".

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

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

Kenneth F. Plumb,

Secretary.

EXHIBIT "A"

Partial Assignment of Tenneco Oil Company Rate Schedule		Add Acreage to Mesa Operating Limited Partnership Rate Schedule		Property, Location	Contract Date	Base Price MMBTU	NGPA Category	Purchaser
Docket No.	Rate Schedule	Docket No.	Rate Schedule No.					
G-18117	357	C184-274	168	Albert Laverly #1 Ches/Morr, Hoover, Sec 29 T4N R28 ECM, Beaver County, OK.	5-13-82	.979	106(a)	ANR Pipeline Co.
				Barby Louis Unit #1	do	.979	106(a)	Do.
				Barby Louis #2, Sec 15 T26N R26W, Harper County, OK	do	2.634	104 Post 74	Do.
				Cummins #1, Sec 31 T27N R23W, (c-NE/4 SW/4)	do	4.866	108	Do.
				Cummins #2, Sec 31 T27N R23W, (c-NE/4), Harper County, OK.	do	.979	106(a)	Do.
G-13929	377	C184-294	188	R. C. Mulberry 1-26 Sec 26 T3N R28 ECM (NW/4 SE/4 NW/4) Beaver County OK, Hoover & Morrow Formations.	8-30-57	.534	104 Flowing Gas	Colorado Interstate Gas Co.
G12802	376	C184-293	187	C. L. Berends 1-32 Sec 32 T6N R28 ECM Beaver County, OK.	11-21-77	.960	104 Replacement Gas.	Northern Natural Gas Co.
G18916	378	C184-292	189	Highland Unit #1-7	Do	4.866	108	ANR Pipeline Co.
				Highland Unit #2-7 W/2 Sec 7 T27N R24W Harper County, OK.	5-13-81	3.180	103(b)(1)	Do.
C181-16	380	C184-296	190	Allen Leon "B" 1-21 Sec 21 T5N R27E (c-SE/4 NE/5) Beaver County, OK.	4-30-82	4.866	108	Panhandle Eastern Pipeline Co.
C184-423	383	C184-299	193	Dave Swenn #1, Sec 10 T23N R26W, (c-SW/4 NE/4), Ellis County, OK.	9-1-80		108ER	Transwestern Pipeline Co.

[FR Doc. 87-14006 Filed 6-18-87; 8:45 am]

BILLING CODE 6717-01-N

[Docket No. C187-655-000]

**Mobil Exploration and Producing et al.;
Application for Abandonment**

June 15, 1987.

Take notice that on June 1, 1987, Mobil Exploration And Producing, North America Inc., Mobil Oil Exploration & Producing Southeast Inc., and Mobil Producing Texas & New Mexico Inc.

(collectively referred to as "Mobil") Nine Greenway Plaza, Suite 2700, Houston, Texas 77048, filed an application pursuant to section 7 of the Natural Gas Act (15 U.S.C. 717f) and part 157 of the Commission's Regulations under the Natural Gas Act (18 CFR Part 157), for authorization to permanently abandon certificates of public convenience and necessity issued to Mobil heretofore authorizing the sales of natural gas to Southern Natural Gas Company (Southern) under various contracts covering gas sales subject to

the Commission's Natural Gas Act jurisdiction as shown on Exhibit "A".

Mobil states that this authorization is necessary to enable Mobil to implement a comprehensive settlement between Mobil and Southern to settle, compromise and release certain claims arising from various contractual relationships including the settlement of take-or-pay and the agreement to terminate the contracts covering sales for which abandonment authorization is requested. The total estimated deliverability of this gas is

approximately 50 mmcf and the vintages of the gas include NGPA sections 104, 106(a), 102(d), 108 and 109.

The circumstances presented in the application meet the criteria for consideration on an expedited basis, pursuant to § 2.77 of the Commission's Rules as promulgated by Order 436 and 436-A, issued October 9, and December 12, 1985, respectively, in Docket No. RM85-1-000, all as more fully described in the application.

Accordingly, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the Federal Register file with the Federal Energy Regulatory Commission, Washington,

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

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

Kenneth F. Plumb,
Secretary.

EXHIBIT 'A'

Docket No.	Rate Schedule	Field	Contract date
G-6170.....	MEPNA 3	Gwinville, MS.....	Apr. 12, 1946.
G-12362.....	MOEPI 19	Main Pass 46, OCS LA.....	July 20, 1978.
CI61-290.....	MOEPI 32	St. Gabriel, LA.....	May 4, 1962.
CI70-450.....	MOEPI 50	Main Pass 144, OCS LA.....	Oct. 6, 1969.
CI72-133.....	MOEPI 53	Bayou Postillion, LA.....	Aug. 16, 1971.
CI73-201.....	MOEPI 56	Main Pass 133, OCS LA.....	Sept. 11, 1972.
CI75-138.....	MOEPI 123	S. Marsh Island 269, OCS LA.....	July 9, 1974.
CI76-112.....	MOEPI 61	Logansport, LA.....	May 1, 1975.
CI76-129.....	MOEPI 63	Main Pass 140, OCS LA.....	Apr. 11, 1975.
CI78-830 ¹	MEPNA 93	S. Marsh Island 244, OCS LA.....	May 19, 1978.
CI78-1075.....	MOEPI 85	Main Pass 73, OCS LA.....	July 20, 1978.
CI79-85.....	MOEPI 82	Main Pass 133, OCS LA.....	July 20, 1978.
CI79-299.....	MOEPI 124	West Cameron 331, OCS LA.....	Nov. 22, 1978.
CI81-70 ²	MOEPI 109	East Cameron 46, OCS LA.....	Nov. 10, 1980.
CI82-70 ³	MPTM 179	Mustang Island 758, OCS TX.....	Oct. 1, 1981.

¹ Partial abandonment as to the gas sold to Southern only. The gas committed to Sea Robin Pipeline Company and United Gas Pipe Line Company is unaffected.

² Partial abandonment as to the gas sold to Southern only. The gas committed to United Gas Pipe Line Company is unaffected.

³ Partial abandonment as to the gas sold to Southern only. The gas committed to Florida Gas Transmission Company is unaffected.

[FR Doc. 87-14007 Filed 6-18-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-622-000 and CI87-623-000]

**Phillips 66 Natural Gas Co.;
Applications for Permanent
Abandonment and Blanket Certificate
of Public Convenience and Necessity
With Pregranted Abandonment**

June 15, 1987.

Take notice that on May 26, 1987, Phillips 66 Natural Gas Company (Phillips), 990-G Plaza Office Building, Bartlesville, Oklahoma 74004, filed applications requesting authorization to permanently abandon certain sales of residue gas to El Paso Natural Gas Company (El Paso) from various processing plants in the Permian Basin

Area, and authorization for a blanket certificate with pregranted abandonment to make sales for resale of the subject gas in interstate commerce.

Phillips states that pursuant to a settlement agreement dated December 30, 1986, Phillips and El Paso agreed to the extension of the residue gas sales contracts and to release all NGPA gas not subject to Natural Gas Act jurisdiction effective January 1, 1987. Also, Phillips is to file for abandonment of the subject sales to be effective no later than January 1, 1988. Phillips states that the residue gas contracts which have expired or will expire prior to the end of the 1987 have been extended through December 31, 1987.

The following is a list of contracts subject to the applications that reflects the original docket number, the FERC Gas Rate Schedule Number, the plant name and the location:

Docket No.	Phillips' FERC gas rate schedule No.	Plant name	Location
G-2611	4	Crane	Crane County, TX.
C172-590	37	Goldsmith	Ector County, TX.
C172-591	38	Eunice	Lea County, NM.
C172-592	39	Lee	Lea County, NM.
C172-593	40	Hobbs/Eunice	Lea County, NM.
C172-594	41	Lusk	Lea County, NM.
C172-595	42	Fullerton	Andrews County, TX.
C172-597	44	Ector/Goldsmith	Ector County, TX.
C172-598	45	Wilson/Eunice	Lea County, NM.
C172-685	46	Tunstill/Eunice	Reeves County, TX.

Phillips further states that the subject gas qualifies under NGPA sections 104—1973—1974 Biennium and Post—1974, 106(a), and 108.

According to Phillips, the requested sales certificate must provide blanket authorization in order for Phillips to respond expeditiously to changes in the gas market. It is necessary to have the regulatory authority to reduce or discontinue deliveries of gas to buyers as their demands decrease or terminate. Phillips requests that the Commission waive Part 154 of its Regulations as to the establishment and maintenance of rate schedules. It is also requested that Phillips be permitted to automatically collect the appropriate monthly adjustments under the wellhead ceiling price regulations without filing blanket affidavits pursuant to § 154.94(h). In addition, to the extent Phillips qualifies for collection of any applicable allowance under section 110 of the NGPA and Subpart K, Part 271, of the Commission's Regulations, it is requested that permission be granted to collect such allowances without the filing of affidavits pursuant to § 154.94(k).

Any person desiring to be heard or to make any protest with reference to said applications, should on or before July 1, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-14008 Filed 6-18-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3219-8]

Environmental Impact Statements; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed June 8, 1987 through June 12, 1987

EIS No. 870206, Final, USA, CA, Presidio Army Barracks Numbers 098, 119 and 124 Construction, San Francisco County, Due: July 20, 1987, Contact: Robert Verkade (916) 551-2903.

EIS No. 870207, Final, FHW, CA, I-5/Santa Ana Freeway Widening and Interchange Reconstruction, I-405, to CA-55, Orange County, Due: July 20, 1987, Contact: C. Glenn Clinton (916) 551-1310.

EIS No. 870208, Final, AFS, MT, Flathead National Forest, Individual Lodgepole Pine Trees Protection from Mountain Pine Beetle Attacks, Tally Lake and Abbott Bay Recreational Sites, Flathead County, Due: July 20, 1987, Contact: Dave Cawrse (406) 862-2508.

EIS No. 870209, Draft, COE, TX El Paso Southeast Area Local Flood Control Plan, El Paso County, Due: August 10, 1987, Contact: James White (505) 766-3577.

EIS No. 870210, Final, FHW, DE, US 13 Relief Route Construction, DE-7 to US 113/US 13, Kent, New Castle and Sussex Counties, Due: July 20, 1987, Contact: Charles J. Nemmers (302) 743-5323.

EIS No. 870211, Draft, AFS, AK, Woewodski Island Area Analysis, Site-Specific Management Standards and Guidelines, Stikine Area, Tongass National Forest, Due: August 17, 1987, Contact: Morris Huffman (907) 772-3871.

EIS No. 870212, Draft, BLM, WY, Medicine Bow and Divide Resource Areas, Land and Mineral Management Plan and Medicine Bow Resource Area, Wilderness Designation, Bennett Mountains, Encampment River Canyon and Prospect Mountain WSA's, Due: September 16, 1987, Contact: John Husband (307) 324-7171.

EIS No. 870213, Final, AFS, ND, SD, MT, Custer National Forest, Land and Resource Management Plan, Due: July 20, 1987, Contact: David A. Filius (406) 657-6361.

Dated: June 16, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-14049 Filed 6-18-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3219-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments Prepared June 1, Through June 5, 1987

Availability of EPA comments prepared June 1, 1987 through June 5, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in *Federal Register* dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D-AFS-J82009-MT, Rating EC1, Flathead Nat'l Forest, Individual Lodgepole Pine Trees, Protection from Pine Beetle Attack, Tally Lake and Abbott Bay Recreation Sites, MT. **SUMMARY:** EPA recommends additional exposure assessments to include children and other highly sensitive members of the population that will be exposed to pesticide residues on the forest floor. EPA also recommends analyses of forest floor samples to document decomposition rates under site specific environmental conditions.

ERP D-AFS-J82010-MT, Rating EC2, Helena Nat'l Forest, Noxious Weed Control Program, MT. **SUMMARY:** EPA

believes the Integrated Pest Management (IPM) program outlined as the preferred alternative has considerable merit. However, a detailed plan is needed to outline the criteria by which the IPM program is managed and implemented.

ERP No. D-AFS-K65111-CA, Rating EO2, Six Rivers Nat'l Forest, Land and Resource Mgmt. Plan, CA. **SUMMARY:** EPA expressed environmental objections because proposed Forest Plan activities have the potential to significantly degrade water quality and beneficial uses. EPA noted that the Plan's high timber yield alternatives lack sufficient mitigation (watershed improvement projects) to offset potential water quality impacts because of the Forest's steep terrain, unstable soils, high rainfall, and high quality rivers.

ERP No. D-BLM-70012-WY, Rating EO2, Pinedale Resource Area, Resource Mgmt. Plan, WY. **SUMMARY:** EPA expressed concerns that insufficient information was provided on water quality standards and trends, effects on water quality/beneficial uses, and nonpoint water pollution control. EPA recommended corrective actions regarding energy activities, municipal watersheds, wetland and riparian area standards and objectives, air quality, Areas of Critical Environmental Concern, watershed and rangeland standards and objectives, resource monitoring, and Plan implementation.

ERP No. D-BPA-L09801-00, Rating EC2, New Energy-Efficient Homes Programs, Accessing Indoor Air Quality Options, Construction, OR, WA, ID, and MT. **SUMMARY:** EPA has concerns regarding several assumptions in the model used to estimate indoor radon concentrations, and recommends that the analysis be reevaluated before conservation program decisions based on the model are finalized.

Final EISs

ERP No. FS-BLM-L82007-00, Northwest Area Noxious Weed Control Program, Additional Information, WA, OR, MT, and WY. **SUMMARY:** EPA's concerns, as expressed in its comments on the draft supplement, are not yet fully resolved. Further, the toxic effects of glyphosate appear to be underestimated.

ERP No. F-COE-K36045-TT, Garapan Flood Control Study, Saipan, Commonwealth of the Northern Mariana Islands. **SUMMARY:** EPA noted that the final EIS adequately addressed the concerns it had raised on the draft EIS, but requested that the Clean Water Act (CWA) section 404 dredge-and fill permit discuss saltwater intrusion into Garapan wetlands.

ERP No. F-FHW-C40090-NY, Taconic State Parkway Reconstruction, Hawthorne Interchange to Campfire Road, NY. **SUMMARY:** EPA's review of the final EIS concluded that while impact issues have been resolved concerning air quality, details concerning wetland mitigation have yet to be settled. Although wetland mitigation would result in slight increases in direct acreage of wetlands, EPA would like to see an analyses of overall replacement of wetland functional values.

ERP No. F-FHW-E40690-FL, Business US 41 Bridge/Edison Bridge Replacement and Upgrading, Market Street to Mariana Avenue, Caloosahatchee River, FL. **SUMMARY:** EPA's primary remaining concern involved the substantial noise impacts predicted for the DOT/FHWA-selected Alternative B. Additional mitigative efforts should be pursued if the proposed project is implemented. Follow-up coordination was requested.

ERP No. F-FHW-E40693-GA, GA-316 Extension, GA-316 to GA-10/US 78, Improvement, 404 Permit, GA. **SUMMARY:** EPA's main concern involved wetland impacts including documentation of predicted losses, the alternative analysis, and wetland mitigation. Noise impacts and abatement were also of concern. Follow-up coordination was requested.

ERP No. F-FHW-F40151-MI, I-94 Interchange Improvements, Merriman and Middlebelt Roads, MI. **SUMMARY:** EPA's review resulted in no objections to the proposed activities.

ERP No. F-FHW-H40093-IA, US 20/Dodge Street Improvements, Concord Street to Dodge—Locust Street Intersection, IA. **SUMMARY:** The final EIS adequately addressed EPA's draft EIS comments. However, EPA requested that the project sponsor pursue consideration of measures for noise control for the entire length of the project during final project design.

ERP No. LF-SFW-L02015-AK, Arctic Nat'l Wildlife Refuge (ANWR); Coastal Plain Resource Mgmt.; Oil and Gas Exploration, Development, and Production; Leasing; Wilderness Designation; AK. **SUMMARY:** EPA can support oil and gas exploration/development provided that it is conducted in an environmentally sound manner. EPA found the legislative EIS incomplete in its presentation of scientific data that would support the impact conclusions and the Secretary's recommendation. Greater attention to, and better use of, the resource data that have been generated in ANWR and elsewhere on Alaska's North Slope can provide for a better understanding of the

following environmental priorities. (a) Assurance that the overall significance of environmental impacts, including cumulative impacts, and the ability to mitigate them are properly stated; (b) a wider range of limited exploration/development leasing alternatives are developed and considered; and (c) identification of potential regulatory conflicts which may involve interagency coordination.

Amended Notice

The following review should have appeared in the FR Notice published on June 12, 1987.

ERP No. F1-AFS-J82003-MT, 1987 Beaverhead Nat'l Forest, Noxious Weed Control Program, MT. **SUMMARY:** EPA has no objections to the "abbreviated" final EIS for the treatment of noxious weeds in the Forest. However, development of a supplemental EIS should be considered if pesticide application or mechanical control of significant scope is deemed necessary in wilderness or special areas.

Dated: June 16, 1987.

Richard E. Sanderson,
Director, Office of Federal Activities.
[FR Doc. 87-14050 Filed 6-18-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; American Transport Lines, Inc., and Evergreen Marine Corp., et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the *Federal Register* in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212-010286-012.

Title: South Europe/U.S.A. Pool Agreement.

Parties:

Compania Transatlantica Espanola,
S.A. Costa Line (Costa Container

Lines, S.P.A., Genoa)
 Evergeen Marine Corporation
 Farrell Lines, Inc.
 "Italia" di Navigazione, S.P.A.
 Jugolinija
 Lykes Lines (Lykes Bros. Steamship Co., Inc.)
 A.P. Moller-Maersk Line
 Nedlloyd Lines (Nedlloyd Lijnen B.V.)
 Sea-Land Service, Inc.
 Trans Freight Lines
 Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would permit the parties to prescribe the amount of port service and other charges which are to be excluded from the pool's common fund.

Agreement No.: 217-011119.
 Title: Atlantik Express Linie/
 American Transport Line Space Charter Agreement.

Parties:
 American Transport Lines, Inc. (ATL)
 Atlantik Express Linie (AEL)
 Synopsis: The proposed agreement would permit ATL to charter space aboard vessels operated by AEL in the trade between United States ports and ports in Europe. It would also permit the parties to coordinate sailings, interchange equipment and rationalize their terminal arrangements.

By Order of the Federal Maritime Commission.

Dated: June 16, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87-14000 Filed 6-18-87; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreements(s) Filed; International Transportation Services, Inc. and Senator Line

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, office of the Federal Maritime Commission, 1100 L Street NW, Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010974-001.

Title: Port of Oakland Terminal Agreement.
 Parties:
 City of Oakland (Port)
 International Transportation Services, Inc. (Assignee)

Synopsis: The proposed agreement would amend the basic nonexclusive Preferential Assignment Agreement No. 224-010974 between the Port and Kawasaki Kisen Kaisha, Ltd. (KKK) with respect to certain marine terminal facilities of the Port, located in the Outer Harbor Terminal Area to (1) add provisions regarding retention of compensation accruing from tariff revenues from certain Use Agreement committed long term volume users of the promises; and (2) revise the secondary use provisions of the Agreement to include certain secondary use revenues from users required to use the adjacent Berth 4 facility.

Agreement No.: 224-200006.
 Title: Port of Oakland Terminal Agreement.

Parties:
 Port of Oakland
 Senator Line
 Synopsis: The proposed agreement would allow Senator Line use of berthing, container crane and terminal space in consideration for Senator Line's regular use of the Port of Oakland facility at the Trans Bay Container Terminal.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: June 16, 1987.

[FR Doc. 87-13999 Filed 6-8-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

June 15, 1987.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting

statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

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

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:

A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

Proposal to approve under OMB delegated authority the extension without revision of the following report:

1. Report title: OTC Margin Stock Report.

Agency form number: FR 2048.

OMB Docket number: 7100-0004.

Frequency: Quarterly.

Reporters: Corporations with over-the-counter stock.

Annual reporting hours: 100.

Small business are not affected.

General description of report: This information collection is voluntary [15 USC 78g, 78w] and is not given confidential treatment.

This report is used to gather information on certain corporations which have stock trading over-the-counter and that are being considered for inclusion on the Board's List of OTC Margin Stocks.

Board of Governors of the Federal Reserve System, June 15, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-13957 Filed 6-18-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; Area Financial Corp.

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than July 9, 1987.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Area Financial Corporation*, Redwood City, California; to acquire Bay Counties Builders Escrow, Inc., San Carlos, California, and thereby engage in servicing construction loans in the capacity of a disbursement and monitoring agent for a financial institution pursuant to § 225.25 (b)(1), (b)(3), and (b)(13) of the Board's Regulation Y; and providing Escrow Services in the manner authorized under California law pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, June 15, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-13958 Filed 6-18-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisitions of Shares of Banks or Bank Holding Companies; Dale DeVries et al.

The notificants listed below have 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 the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than July 6, 1987.

A. Federal Reserve Bank of Chicago (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Dale DeVries* and *Carl Keltner*, both of Pearl City, Illinois, and *Ronald Lawfer*, Stockton, Illinois; to acquire 60 percent of the voting shares of *Kent Bancshares*, Kent, Illinois, and thereby indirectly acquire *Kent Bank*, Kent, Illinois.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Charles D. Campbell*, Yellville, Arkansas; to acquire 56.8 percent of the voting shares of *Mountain Bancshares*,

Inc., Yellville, Arkansas, and thereby indirectly acquire *The Bank of Yellville*, Yellville, Arkansas.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Lenard C. and Melba Briscoe*, Kingfisher, Oklahoma; to acquire 13.83 percent of the voting shares of *Kingfisher Bancorp, Inc.*, Kingfisher, Oklahoma, and thereby indirectly acquire *Kingfisher Bank & Trust Company*, Kingfisher, Oklahoma.

Board of Governors of the Federal Reserve System, June 15, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-13959 Filed 6-18-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Nonbanking Activities; Huntington Bancshares Inc.

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(d)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 6, 1987.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Huntington Bancshares Incorporated*, Columbus, Ohio; to engage *de novo* through its subsidiary, The Huntington Company, Columbus, Ohio, in the purchase and sale of precious metals for the account of customers and to engage in buying and selling options on gold and silver bullion for the account of customers pursuant to section 4(c)(8) of the Bank Holding Company Act.

Board of Governors of the Federal Reserve System, June 15, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-13960 Filed 6-18-87; 8:45am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of March 31, 1987

In accordance with § 217.5 of its rules regarding availability of information, there is set forth below the domestic policy directive issued by the Federal Open Market Committee at its meeting held on March 31, 1987.¹ The directive was issued to the Federal Reserve Bank of New York as follows:

The information reviewed at this meeting suggests on balance that economic activity has been expanding at a faster pace than in the fourth quarter, with output apparently strengthened by a rebuilding of business inventories and some improvement in foreign trade. Total nonfarm payroll employment rose strongly again in February. The civilian unemployment rate remained at 6.7 percent for the third consecutive month. Industrial production also increased appreciably further in February. Total retail sales have continued to fluctuate substantially from month to month, largely reflecting the uneven pattern of automobile sales, but on balance overall consumer spending has been relatively flat over the past several months. Housing starts strengthened further in February after rising in December and January to their highest level since late

spring. Business capital spending appears to have weakened in early 1987.

Consumer and producer prices rose more rapidly in early 1987, primarily reflecting sizable increases in energy prices. Labor cost increases have remained relatively moderate in recent months.

Growth of M2 and M3 has slowed substantially from the pace in December and January, and for 1987 to date expansion of these two aggregates appears to have been around the lower ends of their respective ranges established by the Committee for the year. Growth of M1, after moderating in January from an exceptionally rapid pace in late 1986, also has slowed markedly further. Expansion in total domestic nonfinancial debt appears to have moderated appreciably since year-end. Interest rates generally have fluctuated in a relatively narrow range since the February 10-11 meeting of the Committee, although they have firmed somewhat recently. At a meeting in the latter part of February, the Finance Ministers and Central Bank Governors of major industrial countries agreed to cooperate closely to foster stability of exchange rates around then-current levels. However, after mid-March, the trade-weighted value of the dollar against the other G-10 currencies declined further on balance, including a sizeable decline against the yen.

The Federal Open Market Committee seeks monetary and financial conditions that will foster reasonable price stability over time, promote growth in output on a sustainable basis, and contribute to an improve pattern of international transactions. In furtherance of these objectives the Committee at its February meeting established growth ranges of 5-½ to 8-½ percent for both M2 and M3 measured from the fourth quarter of 1986 to the fourth quarter of 1987. The associated range for growth in total domestic nonfinancial debt was set at 8 to 11 percent for 1987.

With respect to M1, the Committee recognized that, based on experience, the behavior of that aggregate must be judged in the light of other evidence relating to economic activity and prices; fluctuations in M1 have become much more sensitive in recent years to changes in interest rates, among other factors. During 1987, the Committee anticipates that growth in M1 should slow. However, in the light of its sensitivity to a variety of influences, the Committee decided at the February meeting not to establish a precise target for its growth over the year as a whole.

Instead, the appropriateness of changes in M1 during the course of the year will be evaluated in the light of the behavior of its velocity, developments in the economy and financial markets, and the nature of emerging price pressures.

In that connection, the Committee believes that, particularly in the light of the extraordinary expansion of this aggregate in recent years, much slower monetary growth would be appropriate in the context of continuing economic expansion accompanied by signs of intensifying price pressures, perhaps related to significant weakness of the dollar in exchange markets, and relatively strong growth in the broad monetary aggregates. Conversely, continuing sizable increases in M1 could be accommodated in circumstances characterized by sluggish business activity, maintenance of progress toward underlying price stability, and progress toward international equilibrium. As this implies, the Committee in reaching operational decisions during the year, might target appropriate growth in M1 from time to time in the light of circumstances then prevailing, including the rate of growth of the broader aggregates.

In the implementation of policy for the immediate future, the Committee seeks to maintain the existing degree of pressure on reserve positions. Somewhat greater reserve restraint might be acceptable depending on developments in foreign exchange markets, taking into account the behavior of the aggregates, the strength of the business expansion, progress against inflation, and conditions in credit markets. This approach is expected to be consistent with growth in M2 and M3 over the period from March through June at annual rates of around 6 percent or less. Growth in M1 is expected to remain substantially below its pace in 1986. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that reserve conditions during the period before the next meeting are likely to be associated with a federal funds rate persistently outside a range of 4 to 8 percent.

By order of the Federal Open Market Committee, June 15, 1987.

Normand Bernard,

Assistant Secretary, Federal Open Market Committee.

[FR Doc. 87-14046 Filed 6-18-87; 8:45 am]

BILLING CODE 6210-01-M

¹ Copies of the Record of policy actions of the Committee for the meeting of March 31, 1987, are available upon request to The Board of Governors of the Federal Reserve System, Washington, DC 20551.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on June 12, 1987.

Social Security Administration

(Call Reports Clearance Officer on 301-594-5706 for copies of package)

1. Application for Widow's or Widower's Insurance Benefits—0960-0004—This information collected by use of the forms SSA-10- and SSA-1050-U5, is needed to determine whether the claimant is eligible for widow's or widower's benefits, based on the account of the deceased spouse. The affected public is comprised of widow's and widower's age 60 or older (or over age 50, if disabled). *Respondents:* Individuals or households. *Number of Respondents:* 661,000; *Frequency of Response:* Occasionally; *Estimated Annual Burden:* 165,250 hours.

2. Application for Wife's or Husband's Insurance Benefits—0960-0008—This form is used to collect information which is needed by the Social Security Administration to determine an applicant's eligibility to wife's or husband's benefits. *Respondents:* Individuals or households. *Number of Respondents:* 700,000; *Frequency of Response:* Occasionally; *Estimated Annual Burden:* 116,667 hours.

3. Report of Black Lung Student Beneficiary at End of School Year—0960-0322—The information collected by the use of form SSA-2613 is needed to assure continuation of student's benefits to an entitled child of a miner. The affected public is comprised of individuals who wish to have their Black Lung student's benefits continued. *Respondents:* Individuals or households. *Number of Respondents:* 8,000; *Frequency of Response:* Annually; *Estimated Annual Burden:* 1,000 hours.

4. Employment Relationship Questionnaire—0960-0040—The information collected by use of the form SSA-7160 is needed and used to determine employer-employee relationships in questionable situations so that the Social Security

Administration can maintain accurate earnings records. *Respondents:* Individuals or households, Small businesses or organizations. *Number of Respondents:* 50,000; *Frequency of Response:* Occasionally; *Estimated Annual Burden:* 20,833 hours.

5. Questionnaire About Employment or Self-Employment Outside the United States—0960-0050—The information collected by form SSA-7163 is used by SSA to determine whether work performed by beneficiaries outside the United States is cause for deductions from their monthly benefits. *Respondents:* Individuals or households. *Number of Respondents:* 20,000; *Frequency of Response:* Occasionally; *Estimated Annual Burden:* 4,000 hours.

6. Statement of Agricultural Employer—0960-0036—This form is needed by SSA to collect information which is used to resolve discrepancies in cases in which farm workers allege employers did not report their wages or reported them incorrectly. *Respondents:* Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations. *Number of Respondents:* 200,000; *Frequency of Response:* Occasionally; *Estimated Annual Burden:* 33,333 hours.

OMB Desk Officer: Elana Nordan.

Office of the Secretary

(Call Reports Clearance Officer on 202-245-6511 for copies of Package)

1. Program Inspection to Determine the Extent of Client Satisfaction with Social Security Services—NEW—Information will be gathered from Social Security clients to determine their current extent of satisfaction with Social Security Services. *Respondents:* Individuals or households. *Number of Respondents:* 448; *Frequency of Response:* Single Time; *Estimated Annual Burden:* 112 hours.

OMB Desk Officer: Elana Nordan.

Family Support Administration

(Call Reports Clearance Officer on 202-245-0652 for copies of Package)

1. July 1987 Grantee Survey of Low Income Energy Assistance Program—NEW—This survey obtains updated estimates of Federal and Nonfederal funding sources, uses of funds and households to be assisted during FY 1987 for LIHEAP. The results of this survey will be used to generate statistical tables as requested by the Senate Committee on Appropriation. *Respondents:* Individuals or households. *Number of Respondents:* 186; *Frequency of Response:* Annually; *Estimated Annual Burden:* 372.

2. System Status Report—0970-0050—This form is used to review and assess States system development progress to support decisions on determining the level of Federal Financial Participation and the Continuation of Funding under Pub. L. 96-265. *Respondents:* the affected public is comprised of State agencies administering the AFDC program. *Number of Respondents:* 36; *Frequency of Response:* Quarterly; *Estimated Annual Burden:* 288 hours.

3. Recipient Fraud in Public Assistance Programs—0970-0031—The information collected from this request will be used to respond to inquiries relating to recipient fraud and in working with Congressional committees and program staff. The results will be reported in a publication which will provide detailed information on recipient fraud in the AFDC, Medicaid and food stamps programs. *Respondents:* 50 States, Guam, Puerto Rico, the Virgin Islands, and Washington, DC. *Number of Respondents:* 54; *Frequency of Response:* Semi-annually; *Estimated Annual Burden:* 1,296 hours.

4. Worksheet for Integrated AFDC, Food Stamp and Medical Quality Control Review—0970-0072—This worksheet serves to document the findings of State quality control reviewers who review the corrections of a sample of eligibility decision made by the State for the AFDC, Food Stamp and Medicaid programs. The findings are used to identify areas where correct action is needed. *Respondents:* State or local governments. *Number of Respondents:* 73,866; *Frequency of Response:* Occasionally; *Estimated Annual Burden:* 814,270 hours.

OMB Desk Officer: Elana Nordan.

Public Health Service (PHS)

(Call Reports Clearance Officer on 202-245-2100 for copies of Package)

A. National Institutes of Health

Print and Broadcast Pretesting for the Office of Cancer Communications' Publications and Public Service Messages—0925-0046—To help ensure that print and broadcast messages produced by the Office of Cancer Communications (OCC) have potential of being received, understood, and accepted by their intended target audiences, OCC will pretest messages while they are in draft stages. *Respondents:* Individuals or households. *Number of Respondents:* 2600; *Frequency of Response:* One-time; *Estimated Annual Burden:* 1,300 hours.

B. Food and Drug Administration

Request for Extension of Comment Period—0910-0197—This collection of information is used by the Food and Drug Administration to grant or deny requests to extend the comment period on proposed rules. *Respondents:* General Public. *Number of Respondents:* 95; *Frequency of Response:* Occasionally; *Estimated Annual Burden:* 190 hours.

C. Health Resources and Services Administration

National Sample Survey of Registered Nurses IV—NEW—No Reliable, current, data exists for determining the adequacy of the current supply or to appropriately measure the future supply in relation to the requirements for registered nurses. These data, to be collected from a sample of registered nurses will assist with fulfilling those needs. *Respondents:* Individuals or households; *Number of Respondents:* 32,500; *Frequency of Response:* One-time; *Estimated Annual Burden:* 10,833 hours.

D. Centers for Disease Control

Dioxin Morbidity and Reproductive Study of U.S. Chemical Workers, Phase II—NEW—This epidemiological study of workers in two chemical plants in New Jersey and Missouri is designed to determine whether there may be a causal relationship between health problems and exposure to dioxin (dioxin). The results will be used for recommendations and intervention programs for persons exposed to TCD. *Respondents:* Individuals or households. *Number of Respondents:* 681; *Frequency of Response:* One-time; *Estimated Annual Burden:* 797 hours.

OMB Desk Officer: Shanna Koss.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202-245-2100

SSA: 301-594-5706

FSA: 202-245-0652

OS: 202-245-6511

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address:

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503.

Attn: (name of OMB Desk Officer).

Dated: June 12, 1987.

James F. Trickett,

Deputy Assistant Secretary, Administrative and Management Services.

[FR Doc. 87-13872 Filed 6-18-87; 8:45 am]

BILLING CODE 4150-04-M

Family Support Administration; Statements of Organization, Functions and Delegations of Authority

Part M, Chapter M (Family Support Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (51 FR 1164, April 4, 1986 as amended most recently at 51 FR 35561, October 6, 1986) is amended to establish regional offices in the Family Support Administration. The current functional statements for the Regional Offices of Family Assistance, the Office of Refugee Resettlement and Office of Child Support Enforcement are being abolished. They are being revised and established as the Regional Offices of the Family Support Administration and the Office of Child Support Enforcement. The Regional Office of Child Support Enforcement (OCSE) remains as a separate organizational unit reporting directly to the Director, Office of Child Support Enforcement.

The changes are as follows: 1. Chapter M.10 Organization is amended to insert "Regional Offices of the Family Support Administration and the Office of Child Support Enforcement (MD)" after Office of Communications (MC).

2. Establish Chapter MD, Family Support Administration, as follows:

MD.00 Mission

MD.10 Organization

MD.20 Functions.

MD.00 Mission. The Regional Offices of the Family Support Administration and the Office of Child Support Enforcement are located at the ten DHHS regional office sites. They represent FSA to state and local governments in the administration of the following FSA programs in the region: Aid to Families with Dependent Children, Child Support Enforcement, Refugee Resettlement, Work Incentive and other work programs, Emergency Assistance, U.S. Repatriation, and, in the territories, the Aid to the Aged, Blind and Disabled program. This is also the regional office of Child Support Enforcement, the "separate organizational unit."

In accordance with direction and guidance provided by the FSA Administrator and the OCSE Director, each regional office oversees the management and coordination of the

FSA and OCSE programs within the region. It participates in the formulation of FSA and OCSE policy and, at the regional level, ensures implementation of such policy and all federal requirements governing the programs. It acts as liaison with state and local government agencies and organizations representing the family support community. It develops plans to meet FSA and OCSE goals and objectives and to promote departmental and agency initiatives and other FSA and OCSE priorities. It advises central office of problems or issues that may have significant regional or national impact on the FSA and OCSE programs. In coordination with the Office of the Secretary at the regional level, it participates in regional activities to inform the public about the FSA and OCSE programs.

MD.10 Organization. Each Regional Office of the Family Support Administration is headed by a Regional Administrator, who reports directly to the Administrator, FSA. The Regional Administrator is also Regional Representative for the Office of Child Support Enforcement and reports directly to the Director, OCSE. Each regional office is structured as follows:

—Office of the Regional Administrator (MD1-MDX)

—Office of Child Support Enforcement (MD1A-MDXA)

—Office of Aid to Families with Dependent Children (MD1B-MDXB)

—Office of Work Programs and Refugee Resettlement (MD1C-MDXC)

Office of Financial Management (MD1D-MDXD)

MD.20 Function. A. The Office of the Regional Administrator (MD1-MDX): 1. As representative of the FSA and OCSE programs in the region, provides executive leadership and direction to state and local governments to ensure effective and efficient program management. The Office oversees the management of FSA and OCSE regional staff and reports periodically to the Administrator and OCSE Director on the status of regional operations; participates in the formulation of FSA and OCSE-wide policy and ensures that state and local governments implement those policies, including all appropriate federal statutory and regulatory program requirements; assures that FSA and OCSE goals and objectives are met and departmental and agency initiatives are carried out. It reviews and approves state plans for all FSA and OCSE programs and, if review indicates that a state fails to comply with federal requirements, recommends to the

Administrator or the OCSE Director that steps be taken to disapprove the related state plan amendments.

2. The Office represents FSA on the Work Incentive (WIN) Regional Coordinating Committee and meets, as necessary, with the Department of Labor's Assistant Regional Director of the Employment and Training Administration. It also represents FSA and OCSE at the regional level in all communications with the DHHS Regional Director, other federal agencies both within and outside DHHS, senior level state and local officials and with representatives of organizations in the family support community. The Office works with these organizations and with state officials to strengthen FSA and OCSE programs and to develop approaches to resolving identified problems and/or issues. It advises the Administrator and OCSE Director of problems and issues that may have significant regional or national impact on the FSA and OCSE programs.

3. In conjunction with the Office of Communication and representatives of the Office of the Secretary at the regional level, the Office conducts public awareness campaigns to inform the public about FSA and OCSE programs and to disseminate information to states such as information on state-specific performance data and/or national program performance or trends data.

B. The Office of Child Support Enforcement (OCSE), MD1A-MDXA): 1. Assists the OCSE Regional Representative in ensuring that state and local governments operate efficient and effective CSE programs, recommending actions and strategies to improve state operations when appropriate; supervises and controls staff and reports to the Regional Representative on accomplishment of program objectives; carries out an approved plan for meeting OCSE goals and objectives related to child support enforcement. The Office provides policy guidance to states to assure consistent and uniform adherence to federal requirements and OCSE policies governing the CSE program. It alerts the Regional Representative to problems or issues that may have significant implications for the program.

2. To ensure up-to-date, accurate knowledge of the CSE program, the Office maintains close contact with the Office of Child Support Enforcement in central office. As a result of contacts, it keeps the Regional Representative apprised of changes to existing policy or procedures affecting the CSE program and/or forthcoming policy directives. To ensure a comprehensive CSE program at

the regional level, the Office maintains relationships with state and local agencies and outside organizations that are involved in the CSE program such as state Tax Offices, Credit Bureau, Chambers of Commerce and judicial groups in both the public and private sector.

3. The Office evaluates state CSE programs for compliance with federal requirements and OCSE policies. When a state fails to comply with requirements, it assists the state in resolving identified problems, reporting to the Regional Representative on actions taken by the state.

4. To obtain state cooperation in the conduct of audits, it participates in entrance conferences along with OCSE audit staff. The Office reviews audits of state programs, paying particular attention to compliance and/or other identified problems in addition to practices that decrease the efficiency and effectiveness of the CSE programs.

5. The Office reviews state plan submittals, recommending approval or disapproval to the Regional Representative as appropriate; and meets with senior level state and local officials and representatives of the CSE community to promote the CSE programs and policies. As appropriate, the Office provides information systems support for both federal program-related and state information systems.

C. The Office of Aid to Families with Dependent Children (MD1B-MDXB): 1. Assists the FSA Regional Administrator in ensuring that states operate efficient and effective AFDC programs, recommending actions and strategies to improve state operations when appropriate; supervises staff and reports to the Regional Administrator on accomplishment of program objectives; carries out an approved plan for meeting FSA goals and objectives related to the program. It provides policy guidance to states to assure consistent and uniform adherence to federal requirements and FSA policies governing the AFDC program (and alerts the Regional Administrator to problems or issues that may have significant implication for the program).

2. The Office conducts quality control (QC) reviews of state and local records for the purpose of verifying the accuracy of payments to AFDC cases; determines whether a state meets appropriate standards in accordance with federal requirements; conducts on-site reviews to assess state adherence to QC statistical methods and procedures; and performs various statistical analyses of state programs in the region to assess their performance and to make

recommendations regarding program improvements.

3. To ensure up-to-date, accurate knowledge of the AFDC program, the Office maintains close contact with the Office of Family Assistance in central office. As a result of contacts, it keeps the Regional Administrator apprised of changes to existing policy or procedures affecting the AFDC program at the regional level; it maintains relationships with state agencies and outside organizations that are involved in strengthening families. As appropriate, the Office provides support for federal and state information systems.

4. The Office evaluates state AFDC programs for compliance with federal requirements and FSA policies. When a state fails to comply with requirements, it assists the state in resolving identified problems and reports to the Regional Administrator on actions taken by the state. It reviews audits of internal regional operations and takes steps to resolve identified deficiencies; reviews and comments on audits of state programs, paying particular attention to compliance problems and/or practices that decrease the efficiency and effectiveness of the program; the Office reviews state plan submittals, recommending approval or disapproval to the Regional Administrator, as appropriate. At the direction of the Regional Administrator, the Office meets with senior level state and local officials and representatives of the public assistance community to promote FSA policies affecting the program.

D. The Office of Work Programs and Refugee Resettlement (MD1C-MDXC): 1. Assists the FSA Regional Administrator in developing and carrying out strategies to promote the use of work programs, including the Work Incentive (WIN) program, in all states in the region; to help the refugee dependent population become and remain self-sufficient; and to implement special initiatives such as teen pregnancy prevention and the provisions of the Immigration Reform and Control Act of 1986. It supervises and controls staff and reports to the Regional Administrator on accomplishment of program objectives; carries out an approved plan for meeting FSA goals and objectives related to work programs and the Refugee Resettlement program. The Office provides policy guidance to states in a manner that assures consistent and uniform adherence to requirements and FSA policies and alerts the Regional Administrator to problems or issues that may have significant implications for the programs.

2. To ensure up-to-date, accurate knowledge of work programs and the Refugee Resettlement program, the Office maintains close contact with appropriate program components in central office. As a result of contacts, it keeps the Regional Administrator apprised of changes to existing policy or procedures that may affect the programs and/or forthcoming policy directives; provides assistance to the Regional Administrator in his/her role as FSA representative of the WIN Regional Coordinating Committee; and maintains relationships with state agencies and outside organizations that are involved in strengthening families.

3. The Office evaluates state programs for compliance with federal requirements and FSA policies. When a state fails to comply with requirements, it assists the state in resolving identified problems and monitors and reports to the Regional Administrator on actions taken by the state. It reviews audits of internal operations and takes steps to resolve identified deficiencies; reviews and comments on audits of state programs, paying particular attention to compliance problems and/or practices that decrease the efficiency and effectiveness of the program.

4. The Office reviews state plan submittals, recommending approval or disapproval to the Regional Administrator as appropriate; at the direction of the Regional Administrator, meets with senior level state and local officials and representatives of the family support community to promote FSA policies affecting the programs.

E. The Office of Financial Management (MD1D-MDXD): 1. Assists the FSA Regional Administrator and OCSE Regional Representative in managing the program grants management process in the region; supervises and controls staff; and reports on the accomplishment of financial management objectives.

2. The Office conducts assessments of state programs that include reviewing and validating the accuracy of state reported information; reviews state claims for expenditures and recommends approval, deferral, or disallowance of those claims as appropriate; periodically conducts reviews of state costs of administering the FSA programs and related cash management practices. The Office performs systematic reviews of state fiscal operations and recommends enhancements; evaluates cost allocation plans and, where applicable, time and reporting systems; coordinates the review of state cost allocation plans with the Director of the Regional Administrative Support Center (RASC),

as necessary; develops and implements strategies to improve the timeliness and quality of state submissions; negotiates with FSA's Office of Financial Management in central office if reductions to the Regional Administrator's recommendations on the state estimate are proposed; and negotiates adjustments to state claims for federal financial participation. As appropriate, the Office supports regional information systems associated with financial management activities.

3. As applicable, the Office reviews and comments on audits of internal regional operations and takes steps to resolve identified deficiencies; reviews and comments on audits of state programs, paying particular attention to financial management problems that decrease the efficiency and effectiveness of the programs.

4. In Chapter MH, Section MH.10 Office of Family Assistance—Organization, delete "K. The Office of Regional Family Assistance."

5. In Chapter MH, Section MH.20 The Office of Family Assistance—Functions, delete Section K, The Office of Regional Family Assistance in its entirety.

6. In Chapter MJ, Section MJ.10 Office of Refugee Resettlement—Organization, delete "Regional Offices of Refugee Resettlement."

7. In Chapter MJ, Section MJ.20 Functions, delete item 5 in its entirety; renumber item 6 as item 5.

8. In Chapter MK, Section MK.10 Office of Child Support Enforcement—Organization, delete "D. OCSE Regional Offices."

9. In Chapter MK, Section MK.20 Office of Child Support Enforcement—Functions, delete Section "D. OCSE Regional Offices" in its entirety; reletter E, F and G as D, E and F.

Dated: June 9, 1987.

Otis R. Bowen,

Secretary.

[FR Doc. 87-13966 Filed 6-18-87; 8:45 am]

BILLING CODE 4190-11-M

Alcohol, Drug Abuse, and Mental Health Administration

Small Business Innovation Research Review Committee; Meeting Cancellation

This notice is to cancel the announcement of a meeting of the Small Business Innovation Research Review Committee, NIMH, that was published June 9, in the *Federal Register*, Volume 52, No. 110, pages 21741 and 21742. The meeting was scheduled for June 30 and July 1, 1987, but will not take place at that time.

Dated: June 15, 1987.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 87-13997 Filed 6-18-87; 8:45 am]

BILLING CODE 4160-20-M

Health Resources and Services Administration

Application Announcement for Cooperative Agreements With Statewide Organizations for Development of Comprehensive Primary Health Care Services

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is announcing that applications are being accepted from qualified Statewide organizations for cooperative agreements to provide assistance in the planning and development of comprehensive primary health care services in areas that lack adequate health manpower or have populations lacking access to primary care services. It is expected that approximately \$2 million will be available for new and competing continuation agreements, which will be entered into under the authority of section 333(g) of the Public Health Service Act.

DATE: All applications must be delivered to the contact designated in this announcement or postmarked by July 15, 1987, and received in time for orderly processing.

FOR FURTHER INFORMATION CONTACT: Application kits (Form PHS-5161 with revised facesheet DHHS Form 424) and additional information may be obtained from, and completed applications should be sent to: Chief, Special Projects Section, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Room 7A-20, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-1050.

SUPPLEMENTARY INFORMATION: In order to qualify for a cooperative agreement, an applicant must be a State or a State agency or another Statewide public or nonprofit entity that operates solely within one State, and must satisfy the Secretary that it is able to perform each of the following functions:

1. Analyze the use of health services and health professions personnel in defined health service delivery areas;
2. Determine the need for appropriate health resources in such health service delivery areas, and cooperate with and

assist the Federal Government in the recruitment, selection and retention of National Health Service Corps (NHSC) and other health professionals to meet identified need;

3. Determine the extent to which such health service delivery areas will have a financial base to support the provision of services by the NHSC and other health professionals, and the extent to which additional financial resources are needed;

4. Determine the types of inpatient and other health services that should be provided to meet the primary care needs of such health service delivery areas;

5. Based on the determination made under number 4 and approved by the Secretary, assist in the development of health service delivery centers and in the management of service providers; and

6. Participate with the Public Health Service in the planning and development of facilities (whether or not federally funded) for the delivery of primary health care.

In carrying out the functions defined above, applicants will be expected to perform at least the following specific activities as part of their responsibilities under a cooperative agreement:

1. Service as a clearinghouse for persons seeking employment in the health services, and for health service delivery sites seeking such personnel;

2. Monitor the activities of National Health Service Corps scholarship recipients who practice in the State under the Private Practice Option, and make appropriate reports (including recommended actions) to the Public Health Service; and

3. Coordinate the development of comprehensive plans for the delivery of health services to medically underserved populations.

Applicants will be evaluated on the basis of their relative ability, as determined by the Secretary, to perform the functions and specific activities listed above.

In conducting this evaluation the Secretary will also consider:

- The experience of the applicant in the delivery of primary health care services or the operation of facilities involved in actual patient care.

- The ability of the applicant to integrate existing State and local resources with Federal assistance programs.

- Evidence that the applicant will be able to enter into a formal Memorandum of Agreement with an organization representing a majority of Federally funded Community Health Centers within the State.

Federal responsibilities under the cooperative agreements, in addition to the usual monitoring and technical assistance provided under grants, will include the following:

1. To the extent possible, exercise responsibility for final authority on the award of federal grants, Federal health personnel placement, and overall program management of Federal resources in the context of fulfilling the State program as developed under the agreement;

2. The recruitment and assignment of National Health Service Corps personnel in accordance with the program developed under the cooperative agreement; and

3. Participation in the development of, and approval of Statewide plans at various stages during their development.

A competitive review of applications will be the basis for selecting successful proposals for cooperative agreements with consideration being given to those applicants who indicate that they can achieve the objectives of the cooperative agreement with cost-effective expenditure of funds.

In determining which projects to fund, the Secretary will consider applicants' plans to secure maximum self sufficiency and minimize dependence upon and need for subsequent primary care grants. Priority will be given to centers that demonstrate use of combined resources in coordinated health care service delivery.

Other Award Information

All agreements to be established under this notice are subject to the provisions of Executive Order 12372, as implemented by 45 CFR Part 100, which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available by DHHS (Form PHS-5161 with revised facesheet DHHS Form 424) will contain a listing of States which have chosen to set up such a review system and will provide a point of contact in the States for that review. At the latest, States should receive applications from grantees at the same time that they are due to the Chief of the Special Projects Section in the Bureau of Health Care Delivery and Assistance. The comments from the States must be received by the Chief of the Special Projects Section at the aforementioned address by September 1, 1987.

The Cooperative agreements for development of comprehensive primary health care services are listed as No. 13.130 in the OMB Catalog of Federal Domestic Assistance.

Dated: May 18, 1987.

David N. Sundwall,

Administrator.

[FR Doc. 87-13963 Filed 6-18-87; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-87-4333-10]

Environmental Impact Statement; East Mojave National Scenic Area; CA; Public Meeting and Comment Period Extension

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings and comment period extension.

SUMMARY: A series of informal workshops and public meetings to receive public comment on the East Mojave National Scenic Area Draft Management Plan and Environmental Assessment has been scheduled by the Bureau of Land Management California Desert District. In addition, the District Manager has extended the formal public comment period, originally scheduled to end August 5, 1987, to September 11, 1987, and has announced that the California Desert District Advisory Council meeting of September 3, 1987, will have an agenda limited to giving and receiving formal comment on the Draft Plan and Environmental Assessment.

SUPPLEMENTARY INFORMATION: Informal public workshops, to provide answers to questions from the public about specific proposals in the East Mojave National Scenic Area Draft Management Plan, followed by more formal public meetings, where comments on the Draft Plan and Environmental Assessment will be received for use in preparing the Final documents, have been scheduled on the following dates at the locations noted.

Each workshop will begin at 5 p.m. and run to 6:30 p.m. Each of the more formal public meetings will begin at 7:30 p.m. and run to 9:30 p.m., except for the California Desert District Advisory Council meeting of September 3, 1987, which will be in two segments: 2 p.m. to 5 p.m. and 7 p.m. to 9 p.m.

Meeting Dates and Locations

Monday, July 6, 1987—San Bernardino, CA, City Library Auditorium, 555 W. Sixth Street

Tuesday, July 7, 1987—Barstow, CA, Super 8 Motor Inn, 1511

E. Main Street
North Hollywood, CA, Mission Room,
Beverly Garland Hotel, 4222
Vineland Avenue

Wednesday, July 8, 1987—

Needles, CA, City Council Chambers,
1111 Bailey Avenue

San Pedro, CA, Commissioners

Hearing Room, Port of Los Angeles
Admin. Bldg., 425 S. Palos Verdes

Tuesday, July 14, 1987—

Sacramento, CA, Yuba-Placer Room,
Convention Center, 1100 Fourteenth
Street

Anaheim, CA, Anaheim Room
Anaheim Stadium, 2000 S. State
College Blvd.

Wednesday, July 15, 1987—

San Diego, CA, Mission Room,
Mission Valley Inn, 875 Hotel Circle
South

Las Vegas, NV, Conference Room,
BLM District Offices, 4765 West
Vegas Drive

The final public meeting on the East Mojave National Scenic Area Draft Management Plan and Environmental Assessment will be conducted as the sole agenda item of the BLM California Desert District Advisory Council regular meeting on September 3, 1987, at the following time and location:

Thursday, September 3, 1987—2:00 p.m.—
5:00 p.m. and 7:00 p.m.—9:00 p.m.—

Riverside, CA, Victoria Room, The
Park Inn, 1150 University Avenue

The formal comment period has been extended and will close Friday, September 11, 1987. Written comments, may be submitted at any time during the process and should be sent to the Bureau of Land Management, Needles Resource Area, 101 West Spikes Road, P.O. Box 888, Needles, CA 92363.

Copies of the East Mojave National Scenic Area Draft Management Plan and Environmental Assessment are available at BLM District and Resource Area Offices in Riverside, Palm Springs, Barstow, Ridgescrest, Needles, El Centro, and at the BLM California State Office in Sacramento.

The Draft East Mojave National Scenic Area Management Plan and Environmental Assessment reviews all resources and uses in the Scenic Area, with primary attention paid to land tenure adjustment, off-highway vehicle use, enhancement of recreation opportunities and improvement of the Area's scenic qualities.

FOR FURTHER INFORMATION CONTACT:

John Bailey, Scenic Area Manager,
Needles Resource Area, Bureau of Land
Management, 101 W. Spikes Road, P.O.
Box 888, Needles, CA 92363 (619) 326-
3896.

Dated: June 15, 1987.

Wes Chambers,
Acting District Manager.

[FR Doc. 87-13973 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-40-M

[WY-030-07-4410-08]

**Environmental Impact Statement;
Availability; Draft Resource
Management Plan; Rawlins District;
Medicine Bow, WY**

AGENCY: Bureau of Land Management
Interior.

ACTION: Notice of availability of the draft resource management plan/environmental impact statement and draft wilderness EIS for the Bureau of Land Management, Rawlins District, Medicine Bow and Divide Resource Areas in south central Wyoming, notice of proposed wilderness suitability recommendation, notice of proposed designation of areas of critical environmental concern (ACEC), notice of results of conducting the coal screening process, and notice of associated public hearings and request for public comment.

Regarding all the above, this notice is issued pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, section 202 of the Federal Land Policy and Management Act of 1976, section 3(d)1 A and B of the Wilderness Act of 1964, and the Code of Federal Regulations, Title 36, Part 800, Title 43 Parts 1600, 1610.7-2(b), and 3461.

SUMMARY: The Bureau of Land Management (BLM) has prepared a draft resource management plan (RMP)/environmental impact statement (EIS), addressing alternative management proposals for BLM administered public lands and Federal mineral estate in the Medicine Bow and Divide Resource Areas. The draft RMP/EIS describes and analyzes four alternatives, including the BLM's preferred alternative, for multiple use land and resource management on approximately 4,000,000 acres of BLM administered public land and 5,000,000 acres of Federal mineral estate.

Included as a supplement to the draft RMP/EIS, is a draft wilderness EIS addressing management alternatives for three wilderness study areas: The Encampment River Canyon WSA (WY-030-301, 3,380 acres), the Prospect Mountain WSA (WY-030-303, 1,099 acres), and the Bennett Mountains WSA (WY-030-304, 5,722 acres). The preferred alternative recommends the Prospect Mountain WSA suitable for wilderness designation. The Encampment River Canyon WSA and

the Bennett Mountains WSA are recommended nonsuitable for wilderness designation in the preferred alternative.

The draft RMP/EIS considers ACEC designation for 19 nominated areas. Four of the nominated areas would be designated ACECs in the preferred alternative. They are Como Bluff, Sand Hills, and Seminole Raptor Concentration Area (RCA), and the Shamrock Hills RCA.

Cultural resources sites eligible for the National Register occur on public lands in the Medicine Bow and Divide Resource Areas. Comment is requested regarding management of these areas.

The draft RMP/EIS presents the results of application of coal unsuitability criteria, exceptions, and exemptions on the Federal coal lands in the Resource Areas. The draft also documents the identification of areas with coal development potential, evaluation of multiple use conflicts, and surface owner consultation where applicable.

The BLM invites members of the public, other Federal agencies, State and local Governments, and Indian tribes to review and comment on the draft resource management plan/environmental impact statement and draft wilderness EIS for the Medicine Bow and Divide Resource Areas. All comments received during the comment period will be considered in preparing the proposed RMP/final EIS. Two public hearings will be held to receive testimony on the draft RMP/EIS and draft wilderness EIS, for the official record.

Copies of the draft RMP/EIS and draft wilderness EIS and copies of the procedures to be followed at the public hearings may be obtained upon request from the Rawlins BLM District Office at the address below.

DATES: All comments must be submitted to the address below, no later than 90 days following the date that the Environmental Protection Agency (EPA) publishes the filing notice for the draft RMP/EIS in the **Federal Register**.

Public hearings will be held in Rawlins, Wyoming, at the Rawlins BLM District Office, 1300 N. Third Street at 7:30 p.m. on August 11 and in Laramie, Wyoming, at the Laramie Plains Civic Center, 710 Garfield, Room 127, at 7:30 p.m. on August 12. Prior to each hearing, from 6:30 to 7:30 p.m., there will be an open house session in the hearing room. The primary purpose of the hearings is to receive testimony on the draft wilderness EIS and the wilderness recommendations. However, testimony will also be accepted on the adequacy of

the draft RMP/EIS and the other land and resource use recommendations it contains. Both oral and written testimony will be accepted. The open house session preceding each hearing from 6:30 to 7:30 p.m. will give the public an opportunity to talk with BLM personnel about the wilderness recommendations and the draft RMP/EIS and to ask questions about the RMP. The formal public hearing will begin at 7:30 p.m. with testimony concerning the wilderness recommendations. After receiving all wilderness testimony, the public hearing will be opened up for statements on other aspects of the draft RMP/EIS.

Persons wishing to give oral testimony are requested to register their intent with the BLM 2 weeks in advance of the hearing, if possible, at the address below. Registrations may also be made at the hearing door. Interest groups, organizations, corporations, etc., are reminded that oral testimony will be limited to one person representing the group's interest. All speakers will be limited to 10 minutes to assure that all persons have the opportunity to be heard.

ADDRESS: Bureau of Land Management, Rawlins District Office, Box 670, 1300 N. Third Street, Rawlins, Wyoming, 82301.

FOR FURTHER INFORMATION CONTACT: John Husband, Team Leader, Bureau of Land Management, Rawlins District Office, Box 670, Rawlins, Wyoming, 82301, (307) 324-7171.

SUPPLEMENTARY INFORMATION: Public participation has been encouraged throughout the planning process. A notice of intent to prepare a plan was published in the *Federal Register* on February 28, 1986. That notice also requested information about the coal resource and identification of areas of interest in Federal coal leasing. Six public scoping meetings were held in late August and early September. Mailings requesting public input and outlining the planning issues and criteria were mailed to approximately 700 agencies, organizations, and individuals. The Rawlins District Advisory Council has been kept apprised of the progress of the RMP/EIS and their comments and recommendations have been solicited. Numerous other meetings, mailings, and contacts have occurred.

The alternative plans presented in the Draft RMP/EIS were developed to resolve the planning issues identified during the scoping process. The key planning issues are resource uses affecting vegetation, soils, and watershed values, special management designations, and resource accessibility. The alternative plans provide different

land and resource use levels and use restrictions to resolve the planning issues.

Four of the 19 areas considered for ACEC designation in the Draft RMP/EIS would be designated ACECs in the preferred alternative. Following is a brief summary of the general management direction and types of use restrictions that would occur in these areas, if designated ACECs.

Como Bluff (1,760 acres of public land)—The resources in the Como Bluff proposed ACEC would be managed to maintain the integrity of the Como Bluff National Register District/National Natural Landmark and to protect its important paleontological resources and historical values. Surface disturbing activities proposed within 1/4-mile of the Morrison formation would be examined to determine potential effects and appropriate mitigation to minimize those effects. Plans of operation would be required for locatable mineral exploration and development regardless of the number of acres that would be disturbed.

Seminole Raptor Concentration Area (10,200 acres of public land) and Shamrock Hills Raptor Concentration Area (17,300 acres of public land)—The resources in these two RCAs would be managed to maintain the productivity of nesting raptor pairs and allow for development of coal and oil and gas. Proposed surface disturbing activities, including coal and oil and gas development, would be examined to determine potential effects and appropriate mitigation to minimize those effects. Plans of operation would be required for locatable mineral exploration and development regardless of the number of acres that would be disturbed. Cooperation of adjacent landowners would be sought to manage raptor nesting habitat.

Sand Hills (8,300 acres of public land)—The resources in the Sand Hills proposed ACEC would be managed to maintain wildlife habitat values, to minimize soil erosion, and to promote recreational opportunities. Proposed surface disturbing activities, including oil and gas development, would be examined to determine potential effects and appropriate mitigation to minimize those effects. Developments, uses, and facilities would be managed temporarily and spatially to avoid damage to the vegetation. Plans of operation would be required for locatable mineral exploration and development regardless of the number of acres that would be disturbed.

A total of 64,595 acres containing 638.1 million tons of Federal coal were identified as having development

potential in the Medicine Bow and Divide Resource Areas. Of this total, 50 million tons have potential for in situ development only and 187.8 million tons have potential for subsurface mining only. Approximately 7,435 acres and 119.3 million tons of Federal coal were determined to be unsuitable for coal development and for further leasing consideration for surface mining as a result of application of the coal unsuitability criteria. About 3,420 acres and 22.4 million tons of Federal coal were determined to be unacceptable for coal development and for further leasing consideration for surface mining due to multiple use conflicts. No Federal coal has yet been determined to be unavailable for further leasing consideration due to surface owner preference. A total of 60,955 acres and 496.4 million tons of Federal coal were determined to be acceptable for further consideration for leasing. Of this total, 50 million tons are acceptable for further consideration for leasing for in situ development only and 187.8 million tons are acceptable for further consideration for leasing for subsurface mining only.

Hillary A. Oden,
State Director.

[FR Doc. 87-13290 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-22-M

[CA-060-07-4333-12; 8342]

Off-Road Vehicle Route Designation Decisions for the California Desert District, Barstow Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Decisions to open, close, or limit use of routes of travel on public lands in the Barstow Resource Area.

SUMMARY: Notice is hereby given that final route designation decisions have been made for that portion of the Barstow Resource Area covered by the Red Mountain and El Mirage (now called Stoddard Valley) Desert Access Guide Maps, and for the following ACEC planning areas: Soda Springs, Cronese Lakes and Calico Early Man Site. These decisions have been made in accordance with authority and requirements of Executive Orders 11644 and 11989 and CFR 8340.

The majority of routes in the affected area have been approved for use. However, some routes have been closed to all use by motorized vehicles, while other routes have been limited to authorized uses or to use during specific times of the year. Maps showing open, closed and limited routes may be

reviewed at the BLM offices listed at the end of this notice.

Both written and oral public comments were solicited and evaluated in reaching these decisions. For the Red Mountain and El Mirage areas, draft designation proposals were made available on August 23, 1984 with a 45-day public comment period ending on October 7, 1984. Open houses were held at the Barstow Way Station on September 14 and 15, 1984 to provide for additional public review of the proposed route of travel decisions. Draft proposals were then revised based on public input, and preliminary final decisions were issued on March 29, 1987 with an additional public comment period extending until May 1, 1987. The preliminary final decisions are now being implemented without further revision.

For the Soda Springs, Cronese Lakes, and Calico Early Man Site ACEC planning areas, route designation comments were solicited during review of the respective management plans. These management plans were the subject of public review during July 1983, October 1983 and June 1984, respectively and were finalized in January 1984, February 1985, and November 1984.

DATE: These designations are effective upon publication of this notice and will remain in effect until rescinded or modified by the authorized officer. Enforcement of these decisions will be implemented as routes are signed or as maps are printed and made available to the public.

FOR FURTHER INFORMATION CONTACT: Tim Read, Chief, Branch of Recourse Protection and Visitor Management, Barstow Resource Area, 150 Coolwater Lane, Barstow, CA 92311, (619) 256-3591; hours: 7:45 a.m. to 4:30 p.m., Monday through Friday or Dave Mensing, District Outdoor Recreation Planner, Bureau of Land Management, California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351-6402; hours: 7:45 a.m. to 4:30 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: These vehicle route designations are enforceable under the authority provided in the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.), EO 11644 (Use of Off-Road Vehicle on the Public Lands), and 3 CFR 74.332 as amended by EO 11989, 42 FR 26959 (May 25, 1977). Any person who violates or fails to comply with the vehicle route designations as governed by 43 CFR Part 8341 is subject to arrest, conviction, and punishment pursuant to appropriate laws and regulations. Such punishment

may be a fine of not more than \$1,000.00 and/or imprisonment for not longer than twelve months.

Dated: June 11, 1987.

Gerald E. Hillier,
District Manager.

[FR Doc. 87-13974 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-40-M

[(NV-943-07-4111-15); N-37692 and N-41434]

Proposed Reinstatement of Terminated Oil and Gas Leases; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice proposes Class II reinstatement of oil and gas leases N-37692 and N-41434.

DATE: Effective April 1, 1987.

FOR FURTHER INFORMATION CONTACT: Elaine Hoyle, Bureau of Land Management, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520, (702) 784-5306.

SUPPLEMENTARY INFORMATION: Under the provisions of Pub. L. 97-451, petition for reinstatement of oil and gas leases N-37692 and N-41434 for lands in Nye County, Nevada, was timely filed and was accompanied by all required rentals accruing from April 1, 1987, the date of termination.

No valid lease has been issued which affects the lands. The lessee has agreed to new lease terms at the rental rate of \$5 per acre and royalty rate of 16½ percent. Payment of a \$500 administration fee has been paid for each lease.

Having met all the requirements for reinstatement of these leases as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the leases effective April 1, 1987, subject to the increased rental and royalty rates cited above, the original terms and conditions of the leases and publication costs of this notice.

Dated: June 5, 1987.

Marla B. Bohl,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-13961 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-HC-M

[CA-060-07-7122-10-1018; CA 18782]

Realty Action; Exchange of Public and Private Lands, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, CA 18782.

SUMMARY: The following described land in Riverside County has been determined to be suitable for disposal by exchange under sec. 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716):

San Bernardino Meridian, California

T. 8 S., R. 8 E.

Sec. 16: Lots 1-7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼.

Containing 647.83 acres of public land, more or less.

In exchange for these lands, the United States will acquire the following described lands in Riverside County from The Nature Conservancy:

San Bernardino Meridian, California

T. 4 S., R. 6 E.

Sec. 1: SE¼SE¼.

Containing 40 acres of non-Federal lands, more or less.

T. 4 S., R. 7 E.

Sec. 7: Lots 1 & 2, E½NW¼NE¼, W½SW¼SE¼.

Containing 207 acres of non-Federal lands, more or less.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire a portion of the non-Federal lands within the proposed 13,030 acre preserve for the Coachella Valley fringe-toed lizard. The lizard is federally listed as threatened and State listed as endangered. The Bureau of Land Management's goal is to acquire approximately 6,700 acres within the preserve. The land being acquired does not constitute habitat for the lizard, but provides a sand source required for the continuing production of active sand dune areas that are critical habitat for the lizard. Other State or Federal agencies will acquire the remaining portion for the preserve. The public interest will be well served by this exchange.

Publication of this notice in the Federal Register segregates the public lands from the operation of the public land laws, and the mining laws, except for mineral leasing. The segregative effect will end upon issuance of patent or two years from the date of publication, whichever occurs first.

The exchange will be on an equal value basis. Full equalization of value will be achieved by acreage adjustment

or by a cash payment to the United States by The Nature Conservancy in an amount not to exceed 25 percent of the total value of the lands to be transferred out of Federal ownership.

Lands transferred out of public ownership will be subject to the following reservations:

Excepting and reserving to the United States a right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1980 (43 U.S.C. 945).

Excepting and reserving to the United States all the oil, gas, and geothermal resources in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of July 17, 1914, 38 Stat. 509, as supplemented; 30 U.S.C. 121-124.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Indio Resource Area (619) 323-4421. Information relating to this exchange, including the environmental assessment and land report, is available for review at the California Desert District Office, 1695 Spruce Street, Riverside, California.

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, California Desert District Office, Bureau of Land Management, at the above address. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

Dated: June 12, 1987.

H.W. Riecken,
Acting District Manager.
[FR Doc. 87-13972 Filed 6-18-87; 8:45 am]
BILLING CODE 4310-40-M

National Park Service

Intention To Negotiate Concession Permit; Willow Beach Resort, Inc.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession permit with Willow Beach Resort, Inc., authorizing it to continue to provide

sightseeing raft trip services for the public within the Black Canyon of Lake Mead National Recreation Area for a period of five (5) years from November 30, 1987, through December 1, 1992.

This permit renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act, and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on November 29, 1987, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand-delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Western Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102, for information as to the requirements of the proposed permit.

Dated: April 9, 1987.

John D. Cherry,
Acting Regional Director, Western Region.
[FR Doc. 87-14052 Filed 6-18-87; 8:45 am]
BILLING CODE 4310-70-M

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:30 p.m., CST, on July 30, 1987, at the Jefferson Parish East Bank Council Chamber, 1221 Elmwood Park Boulevard, Harahan, Louisiana.

The Delta Region Preservation Commission was established pursuant to Pub. L. 92-265, section 907(a) to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park, and in the implementation and development of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matter to be discussed at this meeting includes:

- Surface water management plan
- Hunting/trapping program
- Environmental Education Center project

The meeting will be open to the public. However, facilities and spaces for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact James Isenogle, Superintendent, Jean Lafitte National Historical Park, U.S. Customs House, 423 Canal Street, Room 210, New Orleans, Louisiana 70130-2341, telephone 504/589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park.

Dated: June 10, 1987.

John E. Cook,
Regional Director, Southwest Region.
[FR Doc. 87-14053 Filed 6-18-87; 8:45 am]
BILLING CODE 4310-70-M

Martin Luther King, Jr., National Historic Site Advisory Commission Meeting

AGENCY: National Park Service, Interior, Martin Luther King, Jr., National Historic Site.

ACTION: Notice of Advisory Commission Meeting.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Martin Luther King, Jr., National Historic Site Advisory Commission will be held at 12:00 noon at the following location and date.

DATE: July 8, 1987.

ADDRESS: The Martin Luther King, Jr., Center for Non-Violent Social Change, Inc., Freedom Hall, 449 Auburn Avenue, NE., Atlanta, Georgia 30312.

FOR FURTHER INFORMATION CONTACT: Mr. Randolph Scott, Superintendent, Martin Luther King, Jr., National Historic Site, 522 Auburn Avenue, NE., Atlanta, Georgia 30312, Telephone (404) 331-4979.

SUPPLEMENTARY INFORMATION: The purpose of the Martin Luther King, Jr., National Historic Site Advisory

Commission is to consult and advise with the Secretary of the Interior or his designee on matters of planning and administration of the Martin Luther King, Jr., National Historic Site. The members of the Advisory Commission are as follows.

Mr. William Allison, Chairman
 Mr. John H. Calhoun, Jr.
 Dr. Elizabeth A. Lyon
 Mr. C. Randy Humphrey
 Mrs. Christine King Farris
 Mr. Daniel H. Nall
 Mr. Arthur J. Clement
 Mrs. Valena Henderson
 Mrs. Millicent Dobbs Jordan
 Mr. John W. Cox
 Reverend Joseph L. Roberts, Jr.
 Mrs. Coretta Scott King, Ex-Officio Member
 Director, National Park Service, Ex-Officio Member

Regional Director Robert M. Baker was requested by the Commission to attend this meeting. The matters to be discussed at the meeting will include: (1) The status of funding for the park, and the lack of development activities at the park.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Written statements may also be submitted to the Superintendent at the address above. Minutes of the meeting will be available at Park Headquarters for public inspection approximately 4 weeks after the meeting.

Dated: June 10, 1987.

C.W. Ogle,

Regional Director, Southeast Region.

[FR Doc. 87-14054 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-70-M

Sleeping Bear Dunes National Lakeshore Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held at 2 p.m. (EDT), July 31, 1987, at the Lake Township Hall, Benzie County, Michigan.

The Commission was established by the Act of October 21, 1970, 84 Stat. 1076, 16 U.S.C. 460x-3, to meet and consult with the Secretary of the Interior on matters relating to the administration

and development of the Sleeping Bear Dunes National Lakeshore and with respect to the provisions of sections 9 (zoning bylaws), 12 (scenic roads), and 13 (commercial properties) of this Act.

The members of the Commission are as follows:

Mr. John B. Daugherty (Chairman)
 Ms. Uledene Merrill
 Mr. George T. Schilling
 Mr. Lawrence J. Verdier
 Mr. Charles Rubner
 Ms. Cathlene Search
 Ms. Evangeline J. Stanchik
 Dr. Michael Chubb
 Mr. George Weeks
 Mr. Gary Jones

The agenda for the meeting will include discussions of recent park development projects and future projects, development concept plans for North Manitou Island, the Glen Haven Village, and the Platte River Management Plan.

The meeting will be open to the public. Any member of the public may file with the Commission prior to the meeting a written statement concerning the matters to be discussed. Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Richard R. Peterson, Superintendent, Sleeping Bear Dunes National Lakeshore, Empire, Michigan 49630, telephone (616) 326-5134.

Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Office of Sleeping Bear Dunes National Lakeshore, Empire, Michigan.

Dated: June 9, 1987.

John Kawamoto,

Acting Regional Director, Midwest Region.

[FR Doc. 87-14055 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Scenic and Recreational River; Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council, Interior.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: June 26, 1987, 7:00 p.m.

Inclement Weather Reschedule Date: July 10, 1987.¹

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, NY 12764-0159, 717-729-8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include discussion of the final draft river management plan, and Council-sponsored hazardous material handling for first responders training. The meeting will be open to the public.

Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, NY 12764. Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the Upper Delaware Scenic and Recreational River; River Road, 1 3/4 miles north of Narrowsburg, New York; Damascus Township, Pennsylvania.

Dated: June 11, 1987.

Maureen Finnerty,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 87-14056 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-70-M

Death Valley National Monument, California and Nevada; Availability of Mining Plan of Operations, Gold Bar Claims

Summary

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9,

¹ Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

Angst, Inc. has filed a plan of operations in support of proposed open pit mining on lands embracing its Gold Bar claims within Death Valley National Monument. This plan is available for public inspection during normal business hours at the Death Valley National Monument Headquarters, Death Valley, California.

Dated: June 9, 1987.

W. Lowell White,

Acting Regional Director, Western Region,
National Park Service.

[FR Doc. 87-14057 Filed 6-18-87; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-12 (Sub-No. 117X)]

Railroad Services Abandonment; Southern Pacific Transportation Co.

Applicant has filed a notice of exemption under 49 CFR Part 1152, Subpart F—*Exempt Abandonments* to abandon its 7.48-mile line of railroad between milepost 787.44 near Coquille and milepost 794.92 near Myrtle Point, in Coos County, OR.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from this abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective 30 days from service of this decision (unless stayed pending reconsideration). Petitions to stay must be filed by [10 days after service], and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by [20 days after service] with: Office of the Secretary, Case Control Branch, Interstate

Commerce Commission, Washington, DC 20423

A copy of any petition filed with the Commission should be sent to applicant's representative: Thormund A. Miller, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Applicant's petition for exemption in No. AB-12 (Sub-No. 114X), which is entirely duplicative of that filed here, will be dismissed.

Decided: June 16, 1987.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-14017 Filed 6-18-87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 118X)]

Railroad Services; Southern Pacific Transportation Co.; Exemption; Abandonment of Service in San Mateo County, CA

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its Ravenswood Branch between milepost 30.92 and milepost 32.17, at or near Ravenswood, CA, a distance of 1.247 miles in San Mateo County, CA.

Applicant has certified: (1) That no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from this abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

The exemption will be effective 30 days from service of this decision (unless stayed pending reconsideration). Petitions to stay must be filed by June 29, 1987, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by July 9, 1987, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Gary A. Laakso, Southern Pacific Building, Room 846, One Market Plaza, San Francisco, CA 94105.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: June 16, 1987.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-14124 Filed 6-18-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Settlement Agreement Pursuant to the Clean Air Act; St. Louis, MO

In accordance with Departmental Policy, 28 CFR 50.7, 38 F.R. 19029, notice is hereby given that a Stipulation for Compromise Settlement in *United States v. City of St. Louis, Missouri*, Civil Action No. 83-2313-C(5), was lodged with the United States District Court for the Eastern District of Missouri, Eastern Division, on June 15, 1987. The Stipulation for Compromise Settlement concerns violations of the Clean Air Act, 42 U.S.C. 7401, *et seq.*, and provisions of the Missouri State Implementation Plan pertaining to particulate and visual emissions, 10 CSR 10-5.080 and 10-5.090, from two municipal refuse incinerators known as the Northside and Southside incinerators. The Stipulation for Compromise Settlement provides that the defendant is now in compliance with the Clean Air Act and Missouri State Implementation Plan because both the Northside incinerator has not been in operation since June 30, 1986, and the Southside incinerator has not been in operation since July 30, 1986, and the defendant has no plans to reopen either facility. If, however, the defendant decides in the future to reopen either facility, it agrees to comply with any

applicable federal and/or state requirements. The Stipulation for Compromise Settlement, as well as a Settlement Agreement entered into contemporaneously with the Stipulation, also requires the defendant to pay \$60,000 in civil penalties in two installments, with interest.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the Stipulation for Compromise Settlement. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States v. City of St. Louis, Missouri*, D.J. Ref. No. 90-5-2-1-595.

The Stipulation for Compromise Settlement may be examined at the Office of the United States Attorney, Eastern District of Missouri, 1114 Market Street, U.S. Court & Custom House, St. Louis, Missouri 63101; at the Region VII office to the Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; and the Environmental Enforcement Section, Land and Natural Resources Division, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the Stipulation for Compromise Settlement may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Please enclose a certified check payable to "Treasurer, United States of America" for \$.50 (10 cents per page) to cover the costs of copying.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-14002 Filed 6-18-87; 8:45 am]

BILLING CODE 4410-01-M

Bureau of Prisons

National Institute of Corrections; Availability of Funding for a Survey of Residential Community Corrections Programs

The National Institute of Corrections (NIC) is seeking applications to conduct a survey of residential community corrections programs throughout the United States.

A residential community corrections program is defined as a free-standing, nonsecure building that is not a part of a prison or jail and houses pre-trial or

adjudicated adults. The residents regularly depart to work, to attend school, and/or to participate in community activities and programs.

Scope

It has become apparent through NIC-sponsored work that no reliable, comprehensive national inventory exists to identify types of residential community corrections providers, services, programs, or operational structures.

Specific information to be gathered through the survey includes but is not limited to:

1. Descriptive and identifying information, including program name, address, telephone number, and size.
2. Client information such as status in the criminal justice system, referral source, sex, age, and race.
3. Program information, including types of treatment modalities, client eligibility or admission criteria, community services offered, persons or agencies administering services, and use of volunteers.
4. Fiscal information such as operating and capital budgets, per diem costs, and primary sources of funding.

Under a cooperative agreement with the National Institute of Corrections, the successful applicant will construct and administer a survey instrument to collect comprehensive data on the elements listed above.

The recipient of this award will distribute the survey to residential community corrections programs across the United States and will maintain the data compiled during the project. The award recipient must analyze the data and prepare a fully edited, camera-ready final report in accordance with NIC and federal guidelines.

Due to the dynamic nature of the residential field, the survey will be conducted again in the future. Therefore, deliverables will include both the hard-copy report and the IBM-compatible discs on which the data is stored.

All federally funded surveys are subject to compliance with the Paperwork Reduction Act of 1980 and the Paperwork Reauthorization Act of 1986. While NIC will provide assistance, it will be the award recipient's responsibility to secure clearance from the Office of Management and Budget (OMB) before the survey is distributed.

Applications must describe the proposed workplan, methodology for identifying residential programs to be surveyed, and types of questions to be

asked and data to be collected. A sample format demonstrating how data is to be arrayed and displayed must be included.

Application Procedures

Funding for this effort has been set at \$150,000. This amount will support one award. Project activity must be completed within one year.

Those eligible to apply for this cooperative agreement include state agencies, general units of local government, educational institutions, public and private agencies, federal agencies, organizations, and individuals.

Applicants must complete OMB Standard Form 424, Federal Assistance. Detailed procedures for preparing applications are given in the *NIC Guidelines Manual: Instructions for Applying for Federal Assistance*, which can be obtained by contacting the Institute.

Applications must be submitted in six copies to the National Institute of Corrections, 320 First Street, NW., Room 207, Washington, DC 20534. At least one of the six copies of the application must bear the original signature of the administrator or chief executive officer of the applicant organization. A cover letter must identify the responsible audit agency for the applicant's financial accounts.

Applications should be concisely written, typed double spaced, referenced by project number 87C07, and received at the Institute no later than 4:00 p.m., August 10, 1987. Extensions of this deadline will not be permitted.

Applications must detail the project, objectives, and the plan for implementing the proposal. Projected costs and a description of the qualifications of the applicant(s) must be included. The projected cost of conducting the project is a critical element in the decisionmaking process, and the Institute urges applicants to keep indirect costs, in particular, to a minimum.

To obtain further information about this project, potential applicants may contact Ms. Andrea Sugar at the above address or telephone 202-724-7995.

Issue Date: June 15, 1987.

Larry Solomon,
Assistant Director.

[FR Doc. 87-14058 Filed 6-18-87; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR**Office of the Secretary****Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)****Background**

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Office for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/

PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New*Employment and Training Administration***Study of the Referral of Long-Term**

Dislocated Workers to Reemployment Service

New

One-time survey

Individuals or households

1,667 respondents; 556 burden hours; no forms

This study will study the reemployment needs of the long-term dislocated worker and his experience with and perception of reemployment and training programs, and needed linkage in ES, UI and JTPA to expedite his reemployment.

Extension*Bureau of Labor Statistics*

Report on Occupational Employment 1220-0042; BLS-2877

Annually

State or Local Governments; Businesses or other for-profit;

Non-profit institutions; Small businesses or organizations

191,474 responses, 95,737 hours, 32 forms

The OES Survey program is a Federal/State sample survey of employment by occupation in non-farm establishments that is used to produce data on current occupational employment and is a component in the development of employment and training programs and occupational information systems.

Employment Standards Administration

Application for Authority to Employ

Full-Time Students at Subminimum

Wages in Retail or Service

Establishments or Agriculture

1215-0032; WH-200-MIS

Annually

Farms; Businesses or other for-profit;

Non-profit institutions; Small

businesses or organizations

20,000 responses; 4133 hours; 1 form

The information is needed to determine whether a retail or service, or agriculture employer, should be authorized to pay subminimum wages to full-time students under provisions of sections 14(b) (1) and 14(b)(2) of FLSA. The Division uses the information to

approve such authority for the respondents.

Rehabilitation Plan and Award 1215-0067; OWCP-16

On occasion

Businesses or other for-profit; Small businesses or organizations

4,500 responses; 2,250 hours; 1 form

The form OWCP-16 is the plan for rehabilitation services submitted to OWCP by the injured worker and the rehabilitation counselor and OWCP's award of payment from funds provided for rehabilitation. The form summarizes the nature and costs of the rehabilitation program for a prompt decision about funding by OWCP to expedite the continuation of the rehabilitation process.

Claim for Continuance of Compensation 1215-0154; CA-12

Annually

Individuals or households

Claims for Continuance of Compensation provide information concerning the continued entitlement of beneficiaries in death cases under the provisions of 5 USC 8101, et. seq.

Employment and Training Administration

CAP and Interest

1205-0205; ETA RC 59

Annually

State or local governments

20 respondents; 500 burden hours; no forms

This data will provide the basis for the Secretary to certify that a State may obtain a cap or partial limitation on offset credit reduction, deferral and delay of interest payment, and a discounted interest rate.

Reinstatement

Bureau of Labor Statistics Reports 6, 8, 10-15

1220-0043; LAUS 6, 8, 10-15

Annually and biennially: LAUS 10

Monthly: LAUS 6

On occasion: LAUS 8, 11, 12, 13, 14, 15

State and Local Governments

1788 Total Responses; 5,250 Total Hours; 8 Forms

These reports provide essential technical management information regarding (1) quality, consistency, and conformance to BLS standards of the data and procedures used in LAUS estimation, and (2) proposed contractual research in LAUS estimation and UI data analysis and improvement.

Signed at Washington, DC, this 16th day of June, 1987.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 87-14003 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-27-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General Wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., Room S-3504, Washington, DC 20210.

New General Wage Determination Decisions

The number of the decisions being added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State and page number(s).

Volume II

Ohio:	
OH87-32 (Jan. 2, 1987)	pp. 862a-862b.
OH87-33 (Jan. 2, 1987)	pp. 862c-862d.

Modifications to General Wage Determination Decisions

The number of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the

Federal Register are in parentheses following the decisions being modified.

Volume I

District of Columbia:	
DC87-1 (Jan. 2, 1987)	p. 86, pp. 89-95.
Maryland:	
MD87-2 (Jan. 2, 1987)	p. 418.
MD87-15 (Jan. 2, 1987)	p. 450.
Pennsylvania:	
PA87-22 (Jan. 2, 1987)	pp. 994, 997.
Rhode Island:	
RI87-1 (Jan. 2, 1987)	pp. 1024-1025.
West Virginia:	
WV87-2 (Jan. 2, 1987)	p. 1191.

Volume II

Illinois:	
IL87-2 (Jan. 2, 1987)	p. 99.
IL87-13 (Jan. 2, 1987)	p. 178, pp. 180-184.
IL87-15 (Jan. 2, 1987)	pp. 196, 198.
Michigan:	
MI87-2 (Jan. 2, 1987)	pp. 426-430, pp. 433-435.
MI87-5 (Jan. 2, 1987)	pp. 460-468.
MI87-7 (Jan. 2, 1987)	pp. 476-494b.
MI87-12 (Jan. 2, 1987)	pp. 504-506.
Minnesota:	
MN87-5 (Jan. 2, 1987)	pp. 532-534, p. 537.
MN87-7 (Jan. 2, 1987)	pp. 542-549, p. 554.
MN87-8 (Jan. 2, 1987)	pp. 562-568, p. 574.
Ohio:	
OH87-3 (Jan. 2, 1987)	p. 756.
Listing by Location (index)	p. xlv.
Listing by Location (index)	p. lx.

Volume III

Arizona:	
AZ87-2 (Jan. 2, 1987)	p. 19.
Hawaii:	
HI87-1 (Jan. 2, 1987)	pp. 130, 132.
North Dakota:	
ND87-2 (Jan. 2, 1987)	pp. 224-225.
Utah:	
UT87-3 (Jan. 2, 1987)	p. 319.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and Related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest,

since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 12th day of June 1987.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 87-13833 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

[TA-W-16,688]

Honeywell, Inc.; Fort Washington, Pa; Revised Determination on Remand

Pursuant to the U.S. Court of International Trade remand, dated June 4, 1987, in *International Union of Electronic, Electrical, Technical, Salaried and Machine Workers, AFL-CIO, Local 116 v. Brock* (USCIT 86-11-01409), it is recommended that you issue the following revised determination on remand.

On June 2, 1986 the Department of Labor issued a negative determination applicable to all workers of Honeywell, Inc., Fort Washington, Pennsylvania. On September 26, 1986 the union filed for judicial review with the U.S. Court of International Trade (USCIT) in New York, New York. The union filed another petition (TA-W-378) with the Department in which another investigation was instituted on March 23, 1987. A public hearing was held on May 11, 1987 in Fort Washington, Pennsylvania in which additional testimony and evidence was obtained.

On remand the Department found that Honeywell, Inc., imports the same type

of product that is made at the Fort Washington plant-industrial controls. Company imports increased substantially relative to the decline in production at Fort Washington in 1986 compared with 1985.

The Department also found that major customers who decreased purchases of industrial control systems from the subject firm and increased purchases of imported industrial control systems in 1986 represented a significant proportion of the survey group's total reduction in purchases from Honeywell, Inc., Fort Washington, Pennsylvania.

U.S. imports of controls for monitoring and regulating residential and commercial environments increased absolutely and relative to U.S. shipments in 1986 compared to 1985.

Conclusion

After careful review of the additional facts obtained on remand, it is concluded that increased imports of industrial controls like or directly competitive with the industrial controls produced at Fort Washington, Pennsylvania contributed importantly to worker separations and to declines in production and employment at Honeywell, Inc. Fort Washington, Pennsylvania. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Honeywell, Inc., Fort Washington, Pennsylvania who were separated from employment on or after November 14, 1984 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 11th day of June 1987.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 87-13955 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Ahsoskie Wranglers et al.

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 filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 29, 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 29, 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 8th day of June 1987.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition number	Articles produced
Ahsoskie Wranglers (workers)	Ahsoskie, NC	6/8/87	5/28/87	19,773	Jeans.
B.J. Titan Services (workers)	Sonora, TX	6/8/87	5/26/87	19,774	Oil & gas.
Burkhart Petroleum Corp. (workers)	Tulsa, OK	6/8/87	5/29/87	19,775	Crude oil & gas.
Comet Drilling Co. (workers)	Lafayette, LA	6/8/87	5/26/87	19,776	Drilling service.
Consolidation Coal Co. (workers)	Itman, WV	6/8/87	5/28/87	19,777	Coal.
Cincinnati Mirror Corp. (company)	Cincinnati, OH	6/8/87	5/26/87	19,778	Mirrors.
First Energy Corp. (company)	Houston, TX	6/8/87	5/26/87	19,779	Oil & gas.
Hewitt & Dougherty (workers)	Refugio, TX	6/8/87	5/22/87	19,780	Oil & gas.
Hyster Co. (ICEB)	Kewanee, IL	6/8/87	5/22/87	19,781	Construction equipment.
L.B.C. Corp. (workers)	Miami, FL	6/8/87	5/27/87	19,782	Circuit breakers.
LTV Steel Co. (workers)	Youngstown, OH	6/8/87	5/11/87	19,783	Steel.
Litton Industrial Automation Systems (workers)	S. Beloit, IL	6/8/87	5/27/87	19,784	Grinding wheels.
Milliken & Co./Monarch Plant (workers)	Union, SC	6/8/87	5/27/87	19,785	Fabric & Yarn.
Michigan Milk Product Assn. (Teamsters)	Sebewaing, MI	6/8/87	5/27/87	19,786	Milk.
Operators, Inc. (company)	Houston, TX	6/8/87	5/13/87	19,787	Crude oil.
Peabody Coal Co. (UMWA)	Charleston, WV	6/8/87	5/24/87	19,788	Coal.
Peabody Coal Co. (UMWA)	Twilight, WV	6/8/87	5/24/87	19,789	Coal.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition number	Articles produced
Pope & Talbot, Inc. (WLU)	Port Gamble, WA	6/8/87	5/29/87	19,790	Lumber.
RCA (Cathode Ray Tube Mfg. Oper) (TAM&AW)	Lancaster, PA	6/8/87	5/30/87	19,791	Computer parts.
RCA Business Systems (workers)	Cherry Hill, NJ	6/8/87	5/26/87	19,792	Computers.
Sheffield Industries, Inc. (workers)	Miami, FL	6/8/87	5/25/87	19,793	Hosiery.
Tennessee Chemical Co. (I.C.W.U.)	Copperhill, TN	6/8/87	5/22/87	19,794	Copper.
Terry Corp. (company)	Niantic, CT	6/8/87	5/26/87	19,795	Steam turbines.
U.S. Gypsum Co. (workers)	Sweetwater, TX	6/8/87	5/20/87	19,796	Wallboard.
Unit Drop Forge, Inc. (UAW)	West Allis, WI	6/8/87	5/26/87	19,797	Steel forgings.
United States Playing Card Co. (UPCW)	Norwood, OH	6/8/87	5/20/87	19,798	Playing cards.
Wellman Thermal Systems Corp. (UAW)	Shelbyville, IN	6/8/87	6/1/87	19,799	Heating elements.

[FR Doc. 87-13956 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-19,612]

White Farm Equipment; Hopkins, MN; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 27, 1987 in response to a worker petition received on April 27, 1987 which was filed on behalf of workers at White Farm Equipment, Hopkins, Minnesota.

All workers were separated from the subject firm more than one year prior to the date of the petition. Section 223 of the Trade Act of 1974 specifies that no certification may apply to any workers whose last separation occurred more than one year before the date of the petition. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 10th day of June 1987.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 87-13954 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-87-123-C]

K. and H. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

K. and H. Coal Company, Route 25, Spring Glen, Pennsylvania 17978 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its No. 1 Slope (I.D. No. 36-07558) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the minimum quantity

of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line be 9,000 cubic feet a minute. The minimum quantity of air in any coal mine reaching each working face shall be 3,000 cubic feet a minute.

2. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine. Ignition, explosion, and mine fire history are nonexistent for the mine. There is no history of harmful quantities of carbon monoxide and other noxious or poisonous gases.

3. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

4. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners and cause extremely uncomfortable damp and cold conditions in the mine.

5. As an alternate method, petitioner proposes that:

- The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;
- The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and
- The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

6. 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 July 20, 1987. Copies of the petition are available for inspection at that address.

Dated: June 4, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-13957 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-133-C]

Krystal Coal Co. No. 3; Petition for Modification of Application of Mandatory Safety Standard

Krystal Coal Company No. 3, Route 2, Box 420, Corbin, Kentucky 40701 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its Krystal No. 1 Mine (I.D. No. 15-14639) located in Whitley 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, which 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 continuous 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 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 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 July 20, 1987. Copies of the petition are available for inspection at that address.

Dated: June 8, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-13952 Filed 6-8-87; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-87-139-C]

Thunder Basin Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Thunder Basin Coal Company, P.O. Box 406, Wright, Wyoming 82732 has filed a petition to modify the application of 30 CFR 77.216-3(a) (water, sediment,

or slurry impoundments and impounding structures; inspection requirements; correction of hazards; program requirements) to its Black Thunder Mine (I.D. No. 48-00977), and its associated 26-SR-1 Reservoir (MSHA I.D. No. 1211-WY-09-00036), located in Campbell County, Wyoming. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all water, sediment, or slurry impoundments which meet the requirements of 30 CFR 77.216(a) be examined by a qualified person designated by the person owning, operating or controlling the impounding structure at intervals not exceeding seven days for appearances of structural weakness and other hazardous conditions.

2. Petitioner states that the reservoir dam is classified as low-hazard due to its location relative to the pit and the low potential for damage to downstream structures in the event of failure.

3. Within approximately 50 feet of the downstream embankment toe is a golden eagle nest platform, which was built prior to construction of the 26-SR-1 Reservoir as part of a sequential relocation of the eagle nest off the coal resource. The golden eagle nesting season extends from March 1 through July 1 each year. In order to avoid affecting the eagle activity, operations, including vehicle and pedestrian travel, are restricted within 1/4 mile of the nest during this time period. The weekly dam inspections have been performed using a professional wildlife consultant to monitor eagle responses to the inspection activities. Based on the wildlife consultant's observations, movement of the eagle nest away from the reservoir would be very difficult from both a biological and logistical standpoint. Movement may interfere with the eagles' home range adjustment.

4. As an alternate method, petitioner proposes to inspect the dam on a monthly basis in lieu of once a week during the eagle nesting period.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July

20, 1987. Copies of the petition are available for inspection at that address.

Dated: June 8, 1987.

Patricia W. Silvey,

Associate Assistant Secretary for Mine Safety and Health.

[FR Doc. 87-13953 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 87-56]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee.

DATE AND TIME: July 16, 1987, 8:30 a.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Federal Building 10B, Room 625, 600 Independence Avenue SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne O. Teague, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2775.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee was established to provide overall guidance and direction to the aeronautics research and technology activities in the Office of Aeronautics and Space Technology. The Committee, chaired by Mr. Robert B. Ormsby, is comprised of 23 members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the team members and other participants).

Type of meeting: Open.

Agenda

July 16, 1987

8:30 a.m.—Opening Remarks.

9 a.m.—Fiscal Year 89 Aeronautics Budget Plans.

12:15 p.m.—Reports of Ongoing Ad Hoc Task Teams.

2 p.m.—Discussion of New Ad Hoc Topics.

3 p.m.—Committee Discussion of Congressional Aeronautics Advisory Committee (CAA) Recommendations.

4 p.m.—Summary Session.

4:30 p.m.—Adjourn.
June 12, 1987.

C. Howard Robins, Jr.,

Deputy Associate Administrator for Management.

[FR Doc. 87-13948 Filed 6-18-87; 8:45 am]

BILLING CODE 7510-01-M

[Notice 87-55]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems, and Technology Advisory Committee.

DATE AND TIME: July 14, 1987, 8:30 a.m. to 3:45 p.m.

ADDRESS: National Aeronautics and Space Administration, Federal Building 10B, Room 625, 600 Independence Avenue, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Joanne O. Teague, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2775.

SUPPLEMENTARY INFORMATION: The NAC Space Systems and Technology Advisory Committee was established to provide overall guidance and direction to the space research and technology activities in the Office of Aeronautics and Space Technology (OAST). The Committee, chaired by Mr. Norman Augustine, is comprised of 20 members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Committee members and other participants).

Type of meeting: Open.

Agenda

July 14, 1987

8:30 a.m.—Welcome by Committee Chairman.

8:45 a.m.—Opening Remarks by Associate Administrator.

9 a.m.—Fiscal Year 89 Budget Plans.

11:15 a.m.—Briefing—Superconductivity.

12:45 p.m.—Reports of Ongoing Ad Hoc Task Teams.

3 p.m.—Discussion of New Ad Hoc Topics.

3:30 p.m.—Summary Session.

3:45 p.m.—Adjourn.

June 12, 1987.

C. Howard Robins, Jr.,

Deputy Associate Administrator for Management.

[FR Doc. 87-13947 Filed 6-18-87; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMUNICATIONS SYSTEM

Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee; Meeting

A meeting of the Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee will be held Tuesday, August 11, 1987. The meeting will be held at the MITRE Corporation, 7525 Colshire Drive, McLean, Virginia. Registration will begin at 8:30 a.m. and the meeting will start at 9 a.m. The agenda is as follows:

A. Opening remarks.

B. Administrative remarks.

C. Briefings on industry and government activities.

Due to the requirement to discuss classified information, in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (202) 692-9274 or write the Manager, National Communications System, Washington, DC 20305-2010.

Charles F. Noll,

Captain, U.S. Navy, Assistant Manager NCS Joint Secretariat.

[FR Doc. 87-13976 Filed 6-16-87; 8:45 am]

BILLING CODE 3610-05-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-0299]

Umetco Minerals Corp.; Final Finding of No Significant Impact

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of finding of no significant impact.

(1) Proposed action.

The proposed administrative action is to renew Source and Byproduct Material License SUA-648 authorizing Umetco Minerals Corporation to operate their Gas Hills Uranium Mill located in Natrona County, Wyoming.

(2) Reasons for finding of no significant impact.

An Environmental Assessment was prepared by the staff at the U.S. Nuclear Regulatory Commission (Commission) and issued by the Commission's Uranium Recovery Field Office, Region IV. The Environmental Assessment performed by the Commission's staff evaluated potential impacts on-site and off-site due to radiological releases which may occur during the operation of the mill. Documents used in preparing the assessment included operational data from the licensee's prior milling activities, the licensee's renewal application dated December 30, 1985 and the addendums to the renewal application dated January 3 and August 1, 1986, and February 18, 1987, and the Final Environmental Impact Statement prepared by the Commission staff in support of the issuance of the original license in July 1980. Based on the Environmental Assessment, the Commission has determined that no significant impact will result from the proposed action, and therefore, the preparation of another Environmental Impact Statement is not warranted.

The following statements support the Finding of No Significant Impact and summarize the conclusions resulting from the Environmental Assessment:

(a) Environmental monitoring data gathered during operation of the mill since 1980 indicated that releases of radioactive materials were less than those predicted in the Final Environmental Impact Statement dated July 1980 and were within regulatory limits.

(b) The ground-water monitoring program in effect at the Gas Hills Mill is sufficient to detect releases and thereby minimize any impact on ground-water.

(c) Radiological effluents from the proposed operation of the mill will be minimal and within regulatory limits, and will be monitored by a comprehensive environmental monitoring program.

(d) Radioactive wastes will be minimal and will be disposed of into a below grade pit containing an underdrain system which will be reclaimed in accordance with applicable federal and state regulations.

In accordance with 10 CFR Part 51.33(a), the Director of the Commission's Uranium Recovery Field Office, made the determination to issue a draft Finding of No Significant Impact. The draft Finding of No Significant Impact was published on May 6, 1987, and no comments were received. In accordance with 10 CFR 51.33(e), the Director of the Uranium Recovery Field

Office of the U.S. Nuclear Regulatory Commission, made the determination to issue a final Finding of No Significant Impact.

This finding, together with the Environmental Assessment setting forth the basis for the finding, is available for public inspection and copying at the Commission's Uranium Recovery Field Office at 730 Simms Street, Golden, Colorado and at the Commission's Public Document Room at 1717 H Street, NW., Washington, DC

Dated at Denver, Colorado, this 11th day of June, 1987.

For the Nuclear Regulatory Commission,
Harry J. Pettengill,
Chief, Licensing Branch 2, Uranium Recovery
Field Office Region IV.

[FR Doc. 87-13968 Filed 6-18-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-440]

Cleveland Electric Illuminating Company, et al.; Denial of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied in part a request by the licensees for amendment to Facility Operating License No. NPF-58, issued to Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and Toledo Edison Company (the licensees), for operation of the Perry Nuclear Power Plant, Unit No. 1 (the facility) located in Lake County, Ohio.

The amendment, as proposed by the licensees, would consist of the following changes to the Technical Specifications (Appendix A to Facility Operating License No. NPF-58):

(1) Reference to specification 3.7.9.1 in Definition 1.18, Fuel Handling Building (FHB) Integrity, would be changed to specification 3.7.7.1. This will correct a typographical error.

(2) Table 3.8.4.1-1 would be changed to correctly identify the overcurrent protection device for circuit 1R25-B522X as OR25-S153-CB13 rather than 1R25-S153-CB13.

(3) Charts of The Cleveland Electric Illuminating Company's corporate and unit organizations, Figures 6.2.1-1 and 6.2.2-1, would be deleted and references to them would be changed to indicate their locations in the Perry Final Safety Analysis Report (FSAR).

(4) The words ". . . the Managers, Perry Plant Departments, approval for . . ." would be removed from specification 6.5.3.1.e which presently includes the requirement that "Pursuant

to 10 CFR 50.59, NRC approval of items involving unreviewed safety questions shall be obtained prior to the Managers, Perry Plant Departments, approval for implementation."

(5) The number and locations of the instruments used to determine the drywell average air temperature would be increased from 6 to 17 in order to obtain a more representative average air temperature when the surveillance required by specification 4.6.2.6 is performed.

(6) An allowable value of greater than or equal to 151.9 psig would be added to specification 4.5.1.e.2.c for surveillance of the automatic depressurization system (ADS). This specification requires, at least once per 18 months, performance of a channel calibration of the safety-related instrument air system low pressure alarm system and verifying an alarm setpoint of greater than or equal to 155 psig on decreasing pressure. In addition, this proposed change would delete an obsolete footnote pertaining to the high pressure alarm system which was replaced by the low pressure alarm system.

(7) Surveillance requirement 4.6.5.1.b.3 presently specifies that the opening setpoint for the containment vacuum breaker isolation valve shall be greater than or equal to 0.0 psid and less than or equal to 0.112 psid (containment to outside containment). The amendment would substitute 0.052 for 0.0 and 0.160 for 0.112 as the bounds for this setpoint.

(8) This change would identify the Unit 2 divisional batteries in Specification 3.8.2.2 as alternative DC power sources for use in shutting down Unit 1.

The licensee's application for the amendment was dated December 15, 1986, as amended February 10, 1987. Notice of consideration of issuance of the amendment was published in the **Federal Register** on March 12, 1987 (52 FR 7678).

The portion of the application which proposed deleting Figures 6.2.1-1 and 6.2.2-1 (corporate and unit organization charts) was denied. 10 CFR 50.36(c)(5) requires that the Technical Specifications contain provisions relating to the organization of the licensee. Since the Commission's effort as part of the generic Technical Specification Improvement Program to allow deletion of certain administrative controls is incomplete, this request is viewed as premature by the Commission and is denied.

The licensees were notified of the Commission's denial of this request by letter dated June 9, 1987. All other changes requested by the licensees' application have been approved by

Amendment No. 6. Notice of issuance of Amendment No. 6 will be published in the Commission's regular biweekly **Federal Register** Notice.

By July 20, 1987, the licensees may demand a hearing with respect to the denial described above and any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date.

A copy of the petition should also be sent to the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay Silberg, Esq., Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensees.

For further details with respect to this action, see (1) the application for amendment dated December 15, 1986, as amended February 10, 1987, and (2) the Commission's Safety Evaluation issued with Amendment No. 6 to NPF-58 dated June 9, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Division of Reactor Projects—III, IV, V & Special Projects.

Dated at Bethesda, Maryland this 9th day of June, 1987.

For the Nuclear Regulatory Commission,
Timothy G. Colburn,
Project Manager, Project Directorate III-1,
Division of Reactor Projects—III, IV, V &
Special Projects.

[FR Doc. 87-13969 Filed 6-18-87; 8:45 am]

BILLING CODE 7590-01-M

Standard Review Plan Issuance

The Nuclear Regulatory Commission (NRC) has finalized its revision of Branch Technical Position MEB 3-1 of Standard Review Plan (SRP) section 3.6.2 in NUREG-0800. The revision is effective immediately. Public comment on this revision was solicited in a **Federal Register** notice published on December 3, 1986 (51 FR 43695). Two public comment letters were received which raised three issues as described

below. The comment letters did not overtly support nor oppose the propose revision, but instead offered suggested improvements or raised questions.

Issue 1

The revised MEB 3-1 actually increases conservatism for postulated intermediate pipe ruptures determined by stress in Class 1 piping. The former requirements should be retained.

NRC Response: The revised version of MEB 3-1 now requires *only* that the stress range in ASME Code, section III, NB-3653, Equation (10) exceed $2.4S_m$ in order that a rupture be postulated in Class 1 piping. Formerly, to postulate a pipe rupture, the stress range in either Equation (12) or (13) would, *in addition*, need to exceed $2.4 S_m$. This apparently could lead to more postulated pipe ruptures, since now only one condition must be satisfied (as opposed to two conditions formerly), for a pipe rupture to be postulated. The NRC changed its position relating to stress-determined intermediate pipe ruptures in Class 1 piping because the linear thermal gradient stress term was removed from Equation (10) since the July 1981 version of MEB 3-1 was published. The new requirement would have minimal impact, since it will apply only to Class 1 piping in future designs where demonstration of leak-before-break is expected to be successful in many situations. Such a successful demonstration will eliminate all pipe ruptures, including those postulated at intermediate locations by high stress.

Issue 2

For seismically analyzed non-ASME piping, the requirements to use ASME Class 2 and 3 rules poses unnecessary additional analytical effort and possibly unnecessary intermediate pipe ruptures.

NRC Response: Formerly B.1.c.(3) of MEB 3-1 referred to breaks in nonnuclear class piping. The revised MEB 3.1 in B.1.c.(3) refers instead to seismically analyzed non-ASME Class piping. Breaks are only postulated in seismically analyzed piping in the revised MEB 3-1. Because seismic stresses are available for all piping covered, the staff has decided to utilize ASME Class 2/3 piping rules for determining break locations and number, even if the piping was designed by ANSI B31.1. This will not impose, in the staff's view, any significant additional analytical effort for licensees and applicants, but will result in more realistic criteria for postulating pipe breaks.

Issue 3

Arbitrary intermediate pipe breaks should be eliminated in seismically

analyzed piping designed by ANSI B31.1.

NRC Response: B.1.c.(3) of the revised MEB 31 states that "Breaks in seismically analyzed non-ASME Class piping are postulated according to the same requirements for ASME Class 2 and 3 piping." Since arbitrary intermediate pipe ruptures are eliminated in Class 2 and 3 piping, they are also eliminated in seismically analyzed non-ASME Class piping (that is, ANSI B31.1 designed piping).

The staff is issuing a Generic Letter advising all licensees and applicants of this revision to MEB 3-1. The Generic Letter will also distribute the revised Branch Technical Position MEB 3-1. The revised MEB 3-1 is available for inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, DC. Individual copies may be obtained from John A. O'Brien, Telephone (301) 443-7854.

Dated at Rockville, Maryland this 16th day of June 1987.

For the Nuclear Regulatory Commission,
Eric S. Beckjord,
Director, Office of Nuclear Regulatory Research.

[FR Doc. 87-14023 Filed 6-18-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-454; License No. NPF-37; EA 86-163]

Commonwealth Edison Co. (Byron, Unit 1); Order Imposing Civil Monetary Penalty

I

Commonwealth Edison Company (licensee) is the holder of Operating License No. NPF-37 (license) issued by the Nuclear Regulatory Commission (Commission/NRC) on October 31, 1984. The license authorizes the licensee to operate the Byron Nuclear Power Station, Unit 1, in accordance with the conditions specified therein.

II

An NRC safety inspection of the licensee's activities was conducted from July 21 through August 8, 1986. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the licensee by letter dated November 18, 1986. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice by letter dated December 30, 1986.

III

After consideration of the licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

The licensee pay a civil penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with copies to (1) the Assistant General Counsel for Enforcement, Office of the General Counsel, at the same address, (2) the Regional Administrator, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois, 60137, and (3) the NRC Resident Inspector, Byron Nuclear Station.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties referenced in Section II above, and

(b) Whether, on the basis of such violations, this Order should be sustained.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 11th day of June 1987.

James M. Taylor,

Deputy Executive, Director for Regional Operations.

Appendix—Evaluations and Conclusions

On November 18, 1986, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for violations identified during an NRC inspection. Commonwealth Edison Company responded to the Notice on December 30, 1986. While the licensee acknowledged the occurrence of the violations as stated in the Notice, the licensee requested full mitigation of the proposed civil penalty. Provided below are (1) a restatement of the violations, (2) a summary of the licensee's arguments in support of further mitigation of the proposed civil penalty, (3) the NRC's evaluation of the licensee's arguments, and (4) the NRC's conclusion.

Restatement of Violation

A. Technical Specification 3.4.2.2 requires that all Pressurizer Code Safety Valves be operable in Modes 1, 2, and 3 with a lift setting of 2485 psig \pm 1 percent, and that with one Pressurizer Code Safety Valve inoperable, either restore the inoperable valve to an operable status within 15 minutes or be in at least Hot Standby within 6 hours and in at least Hot Shutdown within the following 6 hours.

Technical Specification 3.0.4 requires that entry into an Operational Mode shall not be made unless the conditions for the Limiting Condition for Operation are met without reliance on the provisions contained in the Action requirements.

Contrary to the above, on July 17, 1986, Unit 1 entered Mode 3 with Pressurizer Code Safety Valve, Serial No. N56964-00-0031 inoperable in that the valve disc was not installed and the lift setting was not 2485 psig \pm 1 percent. In addition, on July 17-18, 1986, while in Mode 3, actions were not taken to restore Valve No. N56964-00-0031 to an operable status within 15 minutes or be in at least Hot Shutdown within the following 6 hours.

B. 10 CFR Part 50, Appendix B, Criterion XV, Nonconforming Materials, Parts, or Components, as implemented by the Commonwealth Edison Quality Assurance Manual, Quality Requirement 15.0, requires that measures shall be established to control materials, parts, or components, which do not conform to requirements in order to prevent their inadvertent use or installation. These measures shall include, as appropriate,

procedures for identification, documentation, segregation, disposition, and notification to affected organizations.

Contrary to the above, in October 1985, the licensee's program did not assure the control of nonconforming materials in that after partial maintenance on Pressurizer Code Safety Valve, Serial No. N56964-00-0031, was performed, the valve was not properly identified, documented, or segregated and on July 6, 1986, the valve was inadvertently installed.

C. Technical Specification 4.0.5.a requires that inservice inspection of ASME Code Class 1, 2, and 3 components and ASME Code Class 1, 2, and 3 pumps and valves shall be performed in accordance with Section XI of the ASME Boiler and Pressure Vessel (B&PV) Code and applicable Addenda as required by 10 CFR 50.55a(g), except where specific written relief has been granted by the Commission.

The applicable ASME B&PV Code is the 1980 Edition, Winter 1981 Addenda, which in Section XI, Division 1, Subsection IWV-3200 requires that when a valve or its control system has been replaced or repaired or has undergone maintenance that could affect its performance, and prior to the time it is returned to service, it shall be tested to demonstrate that the performance parameters which could be affected by the replacement, repair, or maintenance are within acceptable limits.

Contrary to the above, on July 6, 1986, Pressurizer Code Safety Valve Serial No. N56964-00-0031, an ASME B&PV Code Class 1 valve, was installed and placed into service after it had undergone maintenance that could affect its performance without any testing being performed to demonstrate that it would perform acceptably.

D. 10 CFR Part 50, Appendix B, Criterion V, Instructions, Procedures, and Drawings, as implemented by the Commonwealth Edison Quality Assurance Manual, Quality Requirement 5.0, requires that activities affecting quality shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings. Instructions, procedures, or drawings shall include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

Contrary to the above, the licensee's program failed to assure that appropriate quantitative acceptance

criteria were specified in instructions or procedures. Nuclear Work Request B31703, used on July 19, 1986, to test the lift setting of Pressurizer Code Safety Valves 1RY8010A and 1RY8010C, referenced Maintenance Procedure BMP 3100-9, Revision 1, which specified a tolerance of \pm 3 percent instead of \pm 1 percent as required by technical specifications. As a result, Pressurizer Code Safety Valve 1RY8010C was set with a tolerance greater than \pm 1 percent.

Collectively, these violations have been categorized as a Severity Level III problem (Supplement I).

Cumulative Civil Penalty—\$25,000 assessed equally among the violations.

Summary of Licensee's Response

The licensee acknowledges the occurrence of the violations but requests that the proposed civil penalty be completely mitigated. The licensee contends that enforcement discretion should be applied to the situation relating to these violations because the safety significance of the misinstallation was minimal, that Violations A, B, and C should not be considered as separate violations, that Violation D was unrelated to the other violations and should not have been aggregated with them, and that a civil penalty would be simply a punitive fine. Furthermore, the licensee feels mitigation of the proposed civil penalty is warranted for the factors of (1) prompt identification and reporting, (2) corrective actions, (3) past performance, and (4) no prior notice or multiple occurrences.

The following is a summary of the discussion presented by the licensee to support the above request:

A. Minimal Safety Significance

The licensee asserts that the safety significance of the event was minimal because the possibility of overpressurization of the Reactor Coolant System was not present in that the pressurizer safety valve actually lifted at 1750 psig, well below its normal setpoint, and both pressurizer power operated relief valves (PORVs) were operable during this event.

B. Separate Violations Aggregated

The licensee contends that, since Violations A and C were the unavoidable consequences of Violation B, the NRC should not have considered these as separate violations. According to the licensee, Violations A, B, and C resulted from a mixup of two valves, of which one was internally incomplete. The licensee asserts that the installation of an untested, inoperable valve did not

result from a separate failure to follow procedures for testing the valve or determining its operability. Instead, the required tests and inspections had been performed for the valve that the licensee personnel believed that they were installing. The licensee thus asserts that the event does not warrant treatment as independent violations.

Further, the licensee contends that Violation D is related to the other violations only in the broadest sense that it was maintenance related. The licensee asserts that specification of an incorrect tolerance is unrelated to the repair-related events in Violations A through C, and thus, does not justify aggregation with the other violations.

C. Punitive Aspects of Proposed Enforcement Action

The licensee claims that its long-term corrective actions reflected its commitment to disciplined control of maintenance. The licensee asserts that, in view of its commitments, a civil penalty would add nothing to the licensee's appreciation of the problem but would be simply a punitive fine.

D. Prompt Identification and Reporting

According to the licensee, the NRC failed to mitigate the proposed civil penalty for prompt identification and reporting because it considered the length of time the valve had been installed prior to discovery, and, as the licensee became aware of the problem only after the valve actuated as opposed to when it was installed, mitigation was not warranted. However, the licensee states that the NRC's Enforcement Policy, 10 CFR Part 2, Appendix C, IV.B.1, provides that, in weighing prompt identification and reporting, consideration will also be given to the opportunity available to discover the violation, the ease of discovery, and the promptness and completeness of any required report. The licensee argues that, once the mixup of the two valves occurred, there was no opportunity to discover the mixup until the incomplete valve actuated. Moreover, the licensee argues that the focus of Violation A was the inoperability of the valve when Mode 3 was entered, so that the violation actually occurred when Mode 3 was entered, not when the valve was actually installed, and was discovered almost immediately after this occurred. Similarly, according to the licensee, Violation D was discovered one day after it occurred. As Violations A and C were unavoidable consequences of Violation B, the length of time for which these violations went undiscovered should not weigh heavily against mitigation. Finally, the licensee argues

that it provided the NRC with complete reports for all of the violations.

E. Past Performance

The licensee claims that Byron's performance in the maintenance area has been good since operation began approximately 1.5 years prior to this event.

F. Prior Notice and Multiple Occurrences

The licensee claims that no earlier notices have been received and there have not been multiple occurrences in this general area.

NRC Evaluation

The NRC staff has carefully considered the factors addressed by the licensee in the request for mitigation of the civil penalty. The staff considered each of the factors encompassing the general principles of the "General Statement of Policy and Procedures for NRC Enforcement Actions", 10 CFR Part 2, Appendix C, along with the technical significance of the violations and the surrounding circumstances, in determining the severity level and appropriate enforcement action.

In addressing the specific items of the licensee's response, the following evaluation is provided:

A. The reactor coolant system design basis includes utilization of the pressurizer safety valves for protection from overpressurization transients with no credit taken for the PORVs, a non-safety grade relief system. The design bases-transient in the FSAR describes that no credit is taken for operation of the PORVs. While the proper operation of the PORVs could reduce the severity of an overpressure condition, full credit is allowed only for spring-loaded safety valves designed and installed in accordance with the ASME Boiler and Pressure Vessel Code.

This violation is significant because of the failures to properly segregate a deficient component and document post-maintenance testing which caused a defective component to be improperly installed in the plant. This deficiency went unnoticed until the safety valve actuated fortuitously below its specified setpoint. This was cause for significant regulatory concern. Also, it was fortuitous that the valve deficiency in this case lowered the setpoint. The program failure could have as well led to a safety valve being installed which would have had a high lift setpoint or insufficient capacity.

B. The NRC staff classified these four violations collectively as a Severity Level III problem because they demonstrated a fundamental problem in

the licensee's management control over the maintenance, control, and testing of components. In its request for further mitigation, the licensee focused narrowly on the operability of individual components and did not address the significance of the failure of management to control maintenance and testing. The NRC recognizes that Violations A, B, and C are violations related to a single event and that Violation D was another separate event. The categorization of the violations as a Severity Level III problem was to focus attention on the need for improvement in the maintenance, control and testing area, as is permitted by the NRC's Enforcement Policy.

Due to the lack of planning by licensee management, no facilities existed to store rebuilt or repaired contaminated parts prior to their reinstallation in the plant. As a result, the licensee did not follow its normal repair procedure, which specified removing the QA hold tag and closing out the Nuclear Work Request (NWR) after repair and testing the component and then attaching a red stores tag. The red stores tag would have indicated that the component is ready for use. Since no contaminated storage facility existed, the red stores tag was not attached to the safety valve after repair and testing, and the QA hold tag was kept attached so that the NWR would remain open. Consequently, the repaired valve and the defective valve remained in the hot shop next to each other, increasing the potential for a mixup and misuse. Thus, the failure of the licensee to plan for the generation of contaminated spare parts and the deliberate decision to bypass the normal repair procedure constitutes a significant lack of management oversight over the maintenance and quality control programs.

As with the other violations, Violation D indicates another maintenance and testing problem in which a NWR inadequately specified a pressurizer safety valve setpoint tolerance. This resulted in the safety valve being set outside of Technical Specification limits.

C. Because of the licensee's corrective actions, a 50 percent reduction of the base civil penalty was deemed to be warranted and was reflected in the amount of the proposed civil penalty. With respect to the licensee's argument that a civil penalty in these circumstances is punitive, the NRC views the purpose served by the civil penalty being imposed in this matter as emphasizing the need for lasting remedial action on the part of a specific licensee and deterring future violations on the part of licensees generally.

D. The premature actuation of a Pressurizer Code Safety Valve was a self-disclosing event and was not one which has been identified by the licensee. While the NRC staff agrees that once the violations were identified they were promptly reported, the violations had not been identified prior to the time the valve actuated, an event which was required to be reported to the NRC. Therefore, the NRC staff does not consider mitigation of the proposed civil penalty for prompt identification and reporting appropriate.

E. Byron's performance in the maintenance area has been categorized as SALP Category 2 during the last two appraisal periods. Significant improvements in the maintenance and quality control programs were not initiated until management focused greater attention in these areas in response to this event. Therefore, the NRC staff does not consider it appropriate to mitigate the proposed civil penalty for prior good performance in the area of maintenance.

F. The lack of either prior notice or multiple occurrences does not provide a basis for mitigation of a proposed civil penalty. Instead, these factors are used for escalation if prior notice or multiple occurrences exist.

NRC's Conclusion

The NRC staff has concluded that the violations occurred as stated in the Notice of Violation and Proposed Imposition of Civil Penalty. A sufficient basis for further mitigation of the proposed \$25,000 civil penalty has not been provided by the licensee. Accordingly, a civil penalty in the amount of Twenty-Five Thousand Dollars (\$25,000) should be imposed.

[FR Doc. 87-14021 Filed 6-18-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-19652; Licensee No. 49-21004-01; EA No. 86-185]

HCA Riverton Hospital; Order Imposing Civil Monetary Penalty

I

HCA Riverton Hospital (licensee) 2100 W. Sunset Drive, Riverton, WY 82501 is the holder of Byproduct Material License No. 49-21004-01 issued by the Nuclear Regulatory Commission on March 26, 1979. The license authorizes the licensee to use byproduct material for medical purposes in accordance with the conditions specified therein.

II

A special inspection of the licensee's activities was conducted on September

30 and October 1, 1986. The results of this inspection indicated that the licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty was served upon the licensee by letter dated January 21, 1987. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the licensee had violated, and the amount of the civil penalty proposed for the violations. The licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letters dated February 12, 1987, and February 13, 1987.

III

After consideration of the licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalty proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalty should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It is Hereby Ordered That:*

The licensee pay a civil penalty in the amount of Twenty-Five Hundred Dollars (\$2,500) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The licensee may request a hearing within 30 days of the date of this Order. A request for a hearing shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555. A copy of the hearing request also shall be sent to the Assistant General Counsel for Enforcement, Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region IV, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76011.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the licensee fails to request a hearing within 30 days of the date of this

Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee was in violation of the Commission's requirement as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, this 11th day of June 1987.

For the Nuclear Regulatory Commission,
James M. Taylor,
Deputy Executive Director for Regional Operations.

APPENDIX—EVALUATIONS AND CONCLUSIONS

On January 21, 1987, a Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was issued for nine violations identified during an NRC inspection. A civil penalty in the amount of \$2,500 was proposed for three of the violations. HCA Riverton Hospital responded to the Notice in a letter dated February 12, 1987, listing actions to correct these violations and prevent recurrence, and in a letter dated February 13, 1987, acknowledging the occurrence of the violations, but asking for mitigation of the civil penalty. Provided below is the summary of the licensee's request for mitigation and the NRC's evaluation and conclusions regarding the licensee's response.

Summary of Licensee's Request for Mitigation

The following is quoted from the licensee's letter of February 13, 1987. "The hospital feels the fines should not be levied for the following reasons:

(1) This is the first deficiency noted at the hospital by the NRC.

(2) No patients were exposed to inappropriate care or harmed in any way.

(3) Even though the formula used was inappropriate, no harm was done to any patients, employees, physicians, etc. Prior NRC inspections failed to uncover that the hospital was performing the Molley (sic) assay incorrectly.

(4) The hospital is small and does a low volume of procedures.

(5) The locum tenens physicians which your agency noted were not on the license to read the examinations informed us that they were on a license,

prior to us allowing them to read the examinations. We would not have allowed them to read the examinations, had we known that they were not on a nuclear medicine license. The hospital procedures were weak and should have been strengthened in this area; however, it was an unintentional error to allow the physicians to read the examinations.

(6) The radiologist the hospital was using at this time period, Dr. Ratajczak, was the Radiation Safety Officer and he was not fulfilling his responsibilities. He was the one who was to be responsible for the meetings, and to have linearity checks performed. This left the hospital in a difficult situation—not being able to compel him to perform the necessary functions.

(7) The State Inspector of Wyoming felt that the fine was uncalled for and unreasonable because of the minor nature of the violations, since no injury, exposure, or risked exposure occurred to any patient or employee."

NRC Evaluation of Licensee's Response

1. The licensee argues for mitigation based on prior good performance in the general area of concern. The last inspection made at the licensee's facility was conducted on September 12, 1983 and identified on violation. The violation, failure to conduct quarterly safety meetings, was cited as a repeat violation in the January 21, 1987 Notice of Violation and Proposed Imposition of Civil Penalty. This limited history is not indicative of prior good performance.

In addition to this, any mitigation that might be warranted for prior enforcement history is offset by the licensee's prior notice of previous similar problems. Specifically, the licensee received prior notice for Violation B and C. An NRC letter of March 22, 1983, to Mr. Ray Barraclough provided the licensee with prior notice concerning the use of unqualified physicians. Information Notice 84-85, "Molybdenum Breakthrough From Technetium-99m Generators," provided the licensee with prior notice concerning the importance of performing proper assays on molybdenum-99/technetium-99m generators.

2. The fact that no patients were harmed as a result of the licensee's actions may simply be fortuitous. A primary purpose of the Commission's regulations is to prevent harmful events, not simply address such problems in retrospect. In particular, the NRC's Enforcement Policy seeks to: (1) Encourage compliance with NRC regulations and license conditions, (2) obtain prompt correction of violations, (3) deter further violations, and (4) encourage improvement of licensee

performance. Thus, consistent with the purposes of the Enforcement Policy, prompt and vigorous enforcement action including issuance of civil penalties will be taken, as in this case, against licensees who do not achieve the necessary and meticulous attention to detail and the high standard of compliance that is a part of each licensee's responsibilities and privileges under its license.

3. Concerning the issue raised by the licensee regarding no harm to individuals, the same principles stated in subsection 2 above apply. Concerning the licensee's argument that the NRC failed to discover the inadequacies in the licensee's elution procedures during prior inspections, NRC conducts audit type inspections. Inspections are not intended to examine every detail of a licensee's program.

4. In response to the licensee's assertion that it is small and does a low volume of procedures, records provided to the NRC inspector at the time of his visit indicated that 312 nuclear medicine procedures were performed in 1985 and 115 procedures were performed for the first eight months of 1986. Therefore, in the twenty months immediately prior to the September 30 through October 1, 1986 inspection, an average of approximately 21 procedures a month were conducted. This level of activity is not "low" and emphasizes the need for a sound radiation protection program. Moreover, the fact that a licensee is "small" and has had a low level of procedure does not necessarily warrant mitigation of a civil penalty.

5. Although the NRC appreciates the licensee's verbal communications with the visiting physicians, the fact remains that the requirement of License Condition 12.B is that such physicians may be utilized only if they are named on a *specific* NRC license. In this case the physicians utilized by the licensee were not named on a specific NRC license, but were instead authorized under a broad medical license. It is the licensee's responsibility to assure compliance with the Commission's regulatory requirements.

6. The licensee is responsible to assure that all aspects of its license requirements are complied with. Licensee's select their employee's and agent's and are responsible for their actions. To adhere to any other policy would be to allow the licenses to be responsible for licensed activities.

7. The State of Wyoming has no jurisdiction in this matter.

NRC Conclusion

The NRC concludes that the license has not provided an adequate basis for

a reduction of the severity level or for mitigation of the proposed civil penalty. Consequently, the proposed civil penalty in the amount of \$2,500 should be imposed.

[FR Doc. 87-14022 Filed 6-18-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-354]

Public Service Electric and Gas Co.; Hope Creek Generating Station; Exemption

I

The Public Service Electric & Gas Company (the licensee) is the holder of Facility Operating License No. NPF-57 which authorizes operation of the Hope Creek Generating Station, at a power level not in excess of 3293 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in Salem County, New Jersey. The license provides, among other things, that the facility is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II

Paragraphs III.C.3 and III.D.3 of Appendix J to 10 CFR Part 50, require that containment isolation values, which may provide a pathway for leakage of containment atmosphere, be leak tested on at least a 24-month frequency for comparison with the limiting value of 0.6 L_a for Type B and Type C tests.

The Public Service Electric & Gas Company proposed a one-time extension to this 24-month surveillance interval for conducting Type C tests on 27 containment isolation values. The current testing interval is to be extended until the first refueling outage, which is scheduled to begin on February 1, 1988. The deadline dates for leak testing these 27 valves occur at different times with the earliest deadline date being June 11, 1987 and the latest being October 18, 1987. The staff has found that approval of the proposed extension is warranted and that the proposed extension should be authorized by the granting of this one-time exemption so that Hope Creek may continue to operate until shutdown for the first refueling outage.

Our associated Amendment revising the Technical Specifications to permit a similar one-time surveillance interval extension and an associated relief from the requirements of Section XI of the ASME Boiler and Pressure Vessel Code are being issued under separate cover.

III

The NRC staff has evaluated the licensee's basis for requesting the extension in the surveillance interval and finds that not granting this exemption would require the licensee to shut down the plant on June 11, 1987, for a period of about three weeks to conduct the testing. The granting of this exemption is likely to result in a negligible reduction in containment integrity during the approximately 15 to 34-week extension period. In evaluating the changes to the Technical Specifications and the associated exemption, the staff reviewed the licensee's technical justifications for the requested extension. The staff reviewed the licensee's position that these tests cannot be conducted during power operations and that, therefore, a shutdown would be required to perform the tests. The staff reviewed the types of valves involved to ascertain that these are not the types of valves used in boiling water reactors which have a propensity to require intensive maintenance to maintain their leaktight integrity. The staff considered the uses of these valves to ascertain that they are not used during normal plant operations in the relatively more demanding applications such as modulating valves to continuously control flow rates or pressure. The staff reviewed available data as provided by the licensee on similar valves used elsewhere in the industry which support the licensee's position that these valves have demonstrated good maintenance histories. The staff also reviewed previous leakage test results on the specific valves subject to the request for exemption and has found that there is substantial margin between the leak rate valves previously measured and the limiting values in Appendix J to accommodate any additional degradation likely to occur during the period of the extension. The details of the above described review are discussed in the attached Safety Evaluation. Based on the above information provided by the licensee and the staff's evaluation of the licensee's submittals, the NRC staff concludes that the licensee has provided an adequate basis for the conclusion that postponing the subject local leak rate tests until the first refueling outage is likely to have little effect on containment integrity.

The Commission has amended its regulations, effective on January 13, 1986, in 10 CFR 50.12 (50 FR 50764 through 50778) to modify the criteria for granting exemptions from its regulations. The amended regulations in

10 CFR 50.12 state that the Commission will not consider granting an exemption unless special circumstances are present. In its letter of April 3, 1987, the licensee addressed two of those special circumstances, which are applicable to this request for exemption.

The licensee states that the special circumstances of 10 CFR 50.12(a)(2)(ii) are present in that application of the regulation in 10 CFR Part 50, Appendix J for the Type C leakage testing of 27 containment isolation valves within 24 months, of their initial tests i.e., by various dates from June 11 to October 18, 1987, versus the requested one-time extension until the first refueling outage is not necessary to achieve the underlying purpose of the rule. Appendix J states that a purpose of the tests is to assure that leakage through the primary reactor containment and systems and components penetrating primary containment shall not exceed allowable leakage rate values as specified in the Technical Specifications or associated bases.

The licensee states that the special circumstances of 10 CFR 50.12(a)(2)(iii) are present in that a requirement for shutdown to comply with the two year testing requirement in Appendix J would impose a hardship and costs not contemplated by the rule when written since Appendix J clearly indicates an intent that required testing be performed during normal refueling outages except in unusual situations when the two year limit would apply. The licensee states further that to require a plant shutdown to comply with the two-year limit for testing even though the plant has not accumulated two full years of power operation would result in an unnecessary loss of power to the grid at a time when the distribution system's need for power is high as well as the extra costs attendant to having two successive outages.

The licensee also states that the special circumstances of 10 CFR 50.12(a)(2)(v) are present in that the exemption would provide only temporary relief from the applicable regulation and became necessary as a result of delays in attaining full power operations, which are attributable to initial startup activities.

The licensee has provided various bases for its conclusion that the requested delay of approximately 15 to 34 weeks in testing is not likely to result in a significant increase in leakage from these valves. These bases, which are discussed in more detail in the enclosed Safety Evaluation and the licensee's submittals, include the licensee's characterization of these valves as

having good maintenance histories and which have shown in their initial leakage tests that they do not contribute an undue proportion of either the total measured containment leakage or the allowable leakage values. On these bases, the staff agrees that it is unlikely that the delay in the testing of the subject 27 valves would result in measured leakage that would cause the allowable containment leakage values to be exceeded.

The exemption is temporary since it provides relief from the requirement to conduct the subject tests by various dates commencing June 11, 1987 until the first refueling outage which is scheduled to begin on February 1, 1988. The licensee has tested or will test all but 27 valves out of a total population of over 200 valves subject to such testing by the date initially required by Appendix J and the Technical Specifications. The licensee has also indicated its intention to test most of these 27 valves during a planned September 1987 outage and has made a commitment to test all except two valves (head spray supply valves that can only be tested during a refueling outage) if an unplanned outage greater than 30 days is encountered. The licensee stated that for each outage greater than five days, as many valves as possible will be tested.

Based on the staff's findings as discussed above and assumption that all other valves will be tested in accordance with Appendix J requirements, the staff has determined that postponing the local leak rate tests for these 27 valves from the various deadline dates for leak rate testing, the earliest of which is June 11, 1987, and the latest of which is October 18, 1987, until the first refueling outage which is scheduled to begin on February 1, 1988, would not result in a situation wherein the measured leakage from these valves would cause the 0.6 L_a limit to be exceeded. Thus, the staff has also determined that the underlying purpose of Appendix J, in this regard, i.e., to provide assurance that leakage shall not exceed the allowable values, will be met with this one-time extension of the test schedule. Therefore, the staff concluded that special circumstances of 10 CFR 50.12(a)(2)(ii) associated with this request for an exemption, have been demonstrated by the licensee. Accordingly, the NRC staff finds that operation of Hope Creek during the proposed extension period is acceptable. Therefore, the staff finds that the proposed temporary exemption from 10 CFR 50, Appendix J, Paragraph III.D.3 is acceptable.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the proposed exemption is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants the exemption as follows:

An exemption is granted from the requirement to conduct Type C testing on containment isolation valves at an interval no greater than 24 months as stated in 10 CFR Part 50, Appendix J, Paragraph III.D.3. This exemption is granted for the period specified in the licensee's April 3, 1987 request for exemption (from current test deadline dates which begin June 11, 1987 until the first refueling outage which is scheduled to begin on February 1, 1988) and is only applicable to 27 valves in Hope Creek as indicated in the Safety Evaluation Report issued in support of this exemption.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (52 FR 21635).

A copy of the Commission's Safety Evaluation dated June 9, 1987 related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and the Pennsville Public Library, 190 South Broadway, Pennsville, New Jersey 08070.

This Exemption is effective on June 11, 1987 and is to expire at the start of the first refueling outage or except for the Head Spray Valves BC-V020 and BC-V021 at the start of an unplanned outage greater than 30 days between the current date and the first refueling outage, whichever first occurs.

Dated at Bethesda, Maryland, this ninth day of June 1987.

For the Nuclear Regulatory Commission,
Steven A. Varga,

Director, Division of Reactor Projects I/II.

[FR Doc. 87-14024 Filed 6-18-87 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271-OLA]

Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this spent fuel pool amendment proceeding: Christine N. Kohl, Chairman

Gary J. Edles
Howard A. Wilber

Dated: June 15, 1987.

C. Jean Shoemaker,
Secretary to the Appeal Board.

[FR Doc. 87-14020 Filed 6-18-87; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Order No. 763]

[Docket No. C87-2]

American Newspaper Publishers Association Complaint (Use of Detached Address Labels); Commission Order Denying Motion

Issued June 15, 1987.

Before Commissioners: Janet D. Steiger, Chairman; Bonnie Guiton, Vice-Chairman; John Crutcher; Henry Folsom; Patti Birge Tyson.

In the matter of Commission order denying motion of ANPA for consolidation of docket nos. C87-2 (detached labels) and R87-1 (omnibus rate case) and establishing two week deadline for filing of ANPA's direct testimony in the complaint docket.

Having considered the May 14, 1987 motion of the American Newspaper Publishers Association (ANPA) for consolidation of the detached address label complaint and the omnibus rate case (Docket Nos. C87-2 and R87-1 respectively) and related filings,¹ the Commission has decided against consolidation for reasons discussed below. Denial of blanket consolidation does not foreclose the parties from filing, in the rate case, evidence that bears on issues that are also present in the complaint. Evidence on issues unique to the complaint properly belongs solely in the Docket No. C87-2 record.

ANPA's consolidation motion. ANPA suggests that consolidation would be advantageous for considering what it sees as overlapping issues and evidence, for facilitating implementation of a remedy and for realizing administrative efficiencies. Parties responding to ANPA's motion generally oppose consolidation and take issue with ANPA's assumptions on all three points.

ANPA's motion presents us with an opportunity to take stock of the status of the detached label complaint and to consider how the interests of the Commission and the parties can be best served. We note at the outset that all parties, including complainant ANPA,

¹ See May 26, 1987 Response of the United States Postal Service; May 22, 1987 Opposition of TCMA; May 26, 1987 Answer of Advo-System, Inc. See also June 1, 1987 Reply of ANPA on Motion to Consolidate.

tell us they are ready, willing and able to proceed with the two cases on separate tracks, so we have full agreement on one important factor which might indeed be dispositive. Given the lengthy procedural history of the detached label docket, however, and mindful of the considerable resources that have been expended to date, we choose to discuss some additional matters related to consolidation.

The most significant of these has to do with whether—and to what extent—issues overlap in the two cases. This leads logically to a definition of the scope of the instant complaint proceeding, which we provide here and expect to use as a benchmark for subsequent rulings on procedural and evidentiary matters.

Less significant, but also worth raising at this time, are scheduling matters. In connection with this, the parties' cooperation will largely determine how smoothly the cases unfold. Needless delay is never viewed lightly, but is especially inappropriate and susceptible to sanction if it threatens to jeopardize the Commission's ability to meet its statutory deadline in the rate case or its commitment to reach a reasoned decision on the complaint as expeditiously as possible within the bounds of fairness and due process.

ANPA raises a third matter—implementation of a remedy—but we need not reach a conclusion on that point to resolve the consolidation issue. Accordingly, we turn now to a discussion of the other matters mentioned above.

Issue overlap. ANPA tells us there is substantial overlap of issues in the two cases and cites Commission rules of practice 54(c) and (d) in support of its view that all pertinent mail characteristics and physical attributes of mail are to be considered in the Commission's review of the Service's rate filing. ANPA Motion at 1-2.

On the other hand, the Postal Service says there is no overlap in the two cases and characterizes ANPA's suggestion of such as mere pretext. USPS Response at 3. The Service also claims that ANPA misapprehends the rules of practice and that they stand for an entirely different proposition than that advanced by ANPA. *Id.* Advo similarly disputes the pertinence of rules 54(c) and (d) to ANPA's contention that the issues overlap and adds that it believes the issues that must be addressed in the complaint proceeding "are substantially broader and more complex than ANPA suggests." It says: "These issues are unique to the complaint proceeding and do not 'overlap' with issues that would

otherwise be considered in the rate case." Answer of Advo-System, Inc. at 2-3.

TCMA's position is that if ANPA's complaint is a broad-based assault on the existing bulk third-class rate design, it should be dismissed and ANPA should be allowed to pursue its "larger ambitions" in the rate case, which TCMA says is well-suited to generic issues of design and subsidies. Opposition of TCMA at 4. However, TCMA also says that if ANPA disavows "broader propositions," the complaint case then raises factual, economic and legal questions that are much narrower than those involved in the rate case. *Id.* at 4-5.

At this point it appears that use of the term "narrow" in connection with ANPA's complaint may have inadvertently obscured the scope of the detached address label complaint and, in turn, that of the omnibus rate case. To the extent the Commission has used it, we note that it should not be interpreted to mean that we will base our decision on anything less than a fully developed record that addresses itself to the complexities of the matter before us. Our discussion here avoids that term, at least for purposes of defining the scope of the complaint case, and focuses instead on ANPA's amended complaint as a whole.

In reviewing that filing, we note that ANPA alleged general Title 39 policy violations, failure of "DMM 661.31 mail" to bear a fair and equitable portion of attributable and institutional costs, improper inter- and intra-class subsidies, creation of an undue and unreasonable preference for mailers of "DMM 661.31 mail," imposition of an undue burden on other bulk regular rate mailers, and failure to recognize the value of the mail service actually provided to this type of mail. ANPA Amended Complaint at 3-4.

In light of the above, we find that the potential for overlapping issues in the two cases is neither as substantial as ANPA claims nor nonexistent, as other parties suggest. Instead, it appears that many of the issues put forth by ANPA in its amended complaint can be identified as "pure" complaint case issues, while others can be expected to have some bearing on both the complaint case and the rate case.

In the category of issues confined chiefly to the complaint case, we put ANPA's general allegations of Title 39 policy violations and its claims about undue and unreasonable preferences for saturation mailers and undue burden on other third-class mailers. ANPA's argument that the addition of advertising gives rise to one or more

violations of the Domestic Mail Classification Schedule and its claim that the Service should have sought a recommended decision from the Commission prior to expanding the use of the detached address label practice also belong exclusively in the complaint case. ANPA's proposed definition of a piece of mail is also a complaint case issue rather than a rate case matter.

On the other hand, ANPA's allegations about attributable costs and institutional costs may have considerable bearing on the decisions to be reached in both cases. If so, the Commission will accept evidence from the parties into the record of both cases at appropriate times.

We caution that this description is not exhaustive or exclusive. Parties reasonably believing that other issues are present in the complaint case are free to pursue them; similarly, those who believe issues are common to both cases should exercise their judgment as to how and when they present their supporting evidence in the respective dockets.

As to scope of the case, we note that ANPA's amended filing complains about the use of detached address labels in connection with third-class bulk regular rate flats. The Commission is aware, as some parties have mentioned, that the detached address labels practice is not a phenomenon limited to this type of mail. To the extent parties already actively involved in the case believe this is relevant, they are free to argue how it affects the issues before the Commission. Others who are evaluating their position on rate case issues might be influenced, to some extent, by our conclusion that there is strong potential for some complaint case issues to appear in the rate case as well. Publication of this order in the **Federal Register** serves to put the interested public on notice of that possibility.

Scheduling. We believe that the Commission and parties, who have all expressed their interest in proceeding expeditiously in this case, can decide upon a mutually convenient schedule that minimizes conflict with rate case hearings. Pending discovery motion practice, which prompted the presiding officer to suspend the filing of ANPA's direct testimony, has been resolved, and we anticipate no other good reasons for further delay. Accordingly, ANPA is to file its direct testimony in the complaint case two weeks from the date this Order issues. The presiding officer will issue a more complete schedule some time after ANPA files its direct case.

It is ordered:

1. The May 14, 1987 motion of the American Newspaper Publishers Association for consolidation of Docket Nos. C87-2 and R87-1 is denied.

2. Denial of blanket consolidation does not foreclose parties from filing evidence in the rate case on issues that are also central to the complaint.

3. ANPA is to file its direct testimony in Docket No. C87-2 within two weeks of the date of this Order.

By the Commission.

Charles L. Clapp,

Secretary.

[FR Doc. 87-13949 Filed 6-18-87; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24587; File No. SR-CBOE-87-08]

Self-Regulatory Organizations; Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

On March 16, 1987, the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to give the Chairman of the Executive Committee the authority to suspend from association with a member an associated person who fails to pay any debts due to the Exchange. The suspension is effective only until the debt is paid. The proposed rule change also clarifies the "reasonable notice" a member of associated person must be given of any debts owed to the Exchange.

The proposed rule change was noticed in Securities Exchange Act Release No. 24430 (May 6, 1987), 52 FR 18036 (May 13, 1987). No comments were received on the proposed rule change.

Section 6(b)(6)³ of the Act requires that the rules of the exchange provide that members and persons associated with members shall be appropriately disciplined for violation of the rules of the exchange by, *inter alia*, being suspended or barred from association with a member. Section 6(b)(7)⁴

¹ 15 U.S.C. 78s(b)(1) (1982).

² 17 CFR 240.19b-4 (1986).

³ 15 U.S.C. 78f(b)(6) (1982).

⁴ 15 U.S.C. 78f(b)(7) (1982).

requires the rules of the exchange to provide fair procedures for disciplining members and persons associated with members. In its rule filing, the CBOE stated that the purpose of the proposed rule change is to assure that Exchange members and associated persons pay debts owed to the Exchange in a timely manner and to discipline those who fail to comply with the rule. The proposed rule change gives the Chairman of the Executive Committee the authority to suspend associated persons who violate this rule by failing to pay any debt owed to the Exchange within 30 days after such amount has become payable. The suspension may take place only after the associated person has been given reasonable notice of the arrearages and has failed to pay the debt. The suspension is effective until payment of the debt is made. The proposed rule change also clarifies what constitutes the "reasonable notice" a member or associated person must be given of any debt owed to the Exchange. Reasonable notice shall include, but is not limited to, service on a member or associated person's address either by hand delivery or deposit in the United States post office, postage prepaid via registered or certified mail.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6⁵ and the rules and regulations thereunder in that the proposed rule change is designed to provide fair procedures to discipline members and persons associated with members for failure to pay debts owed to the Exchange. It is reasonable for the CBOE to design procedures to ensure that debts are paid promptly. The procedures provided in the proposed rule change are fair in that they provide for notice to persons in arrears as well as sufficient time to pay debts before the person can be suspended for non-payment.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,⁶ that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁷

Dated: June 12, 1987.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14035 Filed 6-18-87; 8:45 am]

BILLING CODE 8010-01-M

⁵ 15 U.S.C. 78f (1982).

⁶ 15 U.S.C. 78s(b)(2) (1982).

⁷ 17 CFR 200.30-3(a)(12) (1986).

[Release No. 34-24584; File No. SR-MBS-87-5]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 21, 1987, the MBS Clearing Corporation ("MBSCC") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. On June 9, 1987, MBSCC filed an amendment to this proposed rule change relating to a change in schedule and requesting effectiveness for sixty days from publication of notice. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the MBS Clearing Corporation's (MBSCC) procedures, regarding the physical withdrawal of securities eligible ("Eligible Securities") for deposit in MBSCC's Depository Division. The procedures will be in effect for a period of 60 days from the date of publication of this Notice.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change clarifies and sets forth MBSCC's policy regarding the physical withdrawal of Eligible Securities. The policy covers Eligible Securities subject to the Public Securities Association's ("PSA") Good Delivery Guideline for securities issued by the Government National Mortgage Association ("GNMA"), as adopted on December 29, 1986, as well as those not subject to PSA's guideline. The PSA

guideline was announced together with a schedule by GNMA and PSA for the conversion of GNMA securities into book-entry form.

The policy substantially limits, but does not altogether prohibit, the withdrawal of securities subject to PSA's Good Delivery Guideline. Securities not subject to the guideline may be withdrawn by MBSCC Participants and registered in the name of the Participant or the name of a customer of the Participant. Securities subject to the guideline may be withdrawn and registered in a Participant's name only if the Participant is legally required to maintain physical possession of the securities. Participants may otherwise request physical withdrawal of securities on behalf of a customer only if the customer is legally required to maintain physical possession of the securities or the customer, to the best of the Participant's knowledge, does not intend to trade or deliver the withdrawn securities.

At the present time, GNMA securities with the following coupon rates are subject to the PSA guideline: 5.50%-7.49%, 16.00%-17.50%, 14.00%-15.99%, and 13.00%-13.99%. On April 27, 1987, PSA and MBSCC modified the conversion schedule of GNMA securities.

Consistent with PSA's Good Delivery Guideline, the policy essentially ensures that securities subject thereto will be cleared and settled in book-entry form through a registered clearing agency. The policy is designed to reduce physical withdrawal requests for book-entry eligible securities subject to the guideline and encourage the centralized processing of mortgage-backed securities transactions. By placing reasonable restrictions on the physical withdrawal of mortgage-backed securities subject to the PSA guideline, the proposed rule change will both foster PSA's mandate for book-entry settlement of certain transactions and significantly reduce delays, unmatched transaction orders and other human errors often associated with the physical delivery and transfer of certificates.

The proposed rule change is consistent with section 17A of the Securities Exchange Act of 1934 in that it encourages the processing and facilitation of securities clearance and settlement of mortgage-backed securities, thereby reducing current inefficient procedures and costs to issuers and investors of mortgaged-backed securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that any burden will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

On March 19, 1987, the Mortgage Bankers Association filed a comment letter with the Commission. MBSCC filed a response letter on April 28, 1987. On April 29, 1987, the Chicago Board of Trade filed a comment letter. MBSCC is currently in the process of preparing a written response thereto.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such section is necessary or appropriate in the public interest for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. SR-MBS-87-5 and should be submitted by July 10, 1987.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 12, 1987.

Jonathan G. Katz,
Secretary.

Exhibit A.—MBSCC Procedure for Physical Withdrawal of Depository Eligible Securities

The following is MBSCC's Procedure for physical withdrawal of securities from the MBSCC Depository. The Procedure covers securities that are not yet subject to PSA's Good Delivery Guideline, as adopted by PSA on December 29, 1986, as well as those subject to the guideline. This Procedure limits almost in its entirety the withdrawal of securities that are subject to PSA's Good Delivery Guidelines. This is consistent with PSA's and GNMA's intent to move vigorously to a book-entry settlement environment for GNMA securities.

Securities Not Yet Subject to Good Delivery Guideline

In the case of securities not yet subject to the Good Delivery Guideline, a Participant will be permitted to withdraw Securities held by the Depository upon the Participant's submission of a request on the form prescribed by MBSCC. The Participant must specify whether the securities should be registered in the name of the Participant or the name of a customer of the Participant. Assuming that the request is made within the appropriate cut-off times prescribed by MBSCC, securities will be processed within four-to-twelve hours of such request.

Securities Subject to Good Delivery Guideline

MBSCC will honor requests to withdraw securities subject to the PSA Good Delivery Guidelines in a Participant's name only in the unlikely event that the Participant is legally required to maintain physical possession of securities. Other Participants may submit requests for withdrawal of securities only if they request that the securities be registered in the name of a customer who is legally required to maintain physical possession of the securities or who, to the best of the Participant's knowledge, does not intend to trade, or deliver for financing purposes, the securities withdrawn.

Assuming a request for withdrawal satisfies the foregoing guidelines and is made within the appropriate cut-off times and on forms prescribed by MBSCC, MBSCC will make the securities available seven calendar days

from the date of withdrawal request. Participants should advise their customers that payment will be required on settlement date, even though the physical security may be received sometime thereafter.

By making a request for the withdrawal of securities, an MBSCC Depository Participant represents to the Depository that the withdrawal will satisfy the foregoing guidelines. Abuse of this policy will subject the offending Participant's continued participation in the Depository to review by the MBS Clearing Corporation Board of Directors.

[FR Doc. 87-14036 Filed 6-18-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24589; File No. SR-OCC-87-12]

Self-Regulatory Organizations; Options Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(b)(1), notice is hereby given that on May 15, 1987, the Options Clearing Corporation ("OCC") filed the proposed rule change described below. The proposal is designed to enable Clearing Members to request OCC to combine the positions in a Clearing Member's firm and proprietary market-maker accounts for the purpose of calculating the margin required for those positions. The Commission is publishing this notice to solicit comment on the rule change.

OCC states in its filing that the rule change would allow it to combine several of a Clearing Member's accounts and calculate a combined margin deposit requirement instead of requiring the Clearing Member to meet its margin requirement for each account separately. The rule change allows the Clearing Member's firm account and proprietary market-maker accounts to be combined in this manner. OCC believes aggregation of these accounts is permissible because these accounts do not contain customer funds; instead they contain positions from trading for the firm's own benefit and positions derived from its proprietary transactions as a market-maker or specialist. The effect of this rule change is to allow Clearing Members to reduce their margin requirements to the extent that additional hedge positions result from the combination.

Under OCC's margin system to calculate the appropriate margin for a firm of proprietary market-maker account, offsetting long and short positions in each series (e.g., Apr 250 call) within each class group (e.g., S&P 100 Index) are first netted against each other. Remaining short positions result in a margin debit and long positions result in a margin credit. Margin debits and credits within a class group are then netted, yielding a margin credit or debit for the class group as a whole.

OCC has developed the following two examples to illustrate the effect of the proposed rule change. These examples use S&P 100 Index options held in the firm account and proprietary market-maker account. Example 1 shows a decreased margin requirement, while example 2 shows no change.

In example 1, assume that the Clearing Member has written one S&P 100 Apr 250 call in its firm account, and bought one S&P Apr 250 call in its proprietary market-maker account. Assume further that the premium margin for each position is \$3,200 and the additional margin equals \$600. Under OCC's present system, the firm account would have a total class group margin requirement of \$3,800. The proprietary market-maker account, on the other hand, would have a class group premium credit of \$3,200 and an additional margin debit of \$600, which combines to a credit of \$2,600, resulting in a margin requirement of zero for that account. Under the proposed rule change, the short position in the firm account would be offset by the long position in the proprietary market-maker account, resulting in a flat position for which no margin is required. The proposed rule change, in this example, would thus save the Clearing Member \$3,800 in margin.

In example 2, assume that the Clearing Member has sold one S&P 100 Index Apr 250 call in each of the firm and proprietary market-maker accounts. Under the current system, both accounts would have class group premium debits of \$3,200 and additional margin debits of \$600, resulting from the identical short call positions. Combining the premium and additional margin debit amounts of \$3,200 and \$600, respectively, would yield margin requirements of \$3,800 in each account, for a total margin requirement of \$7,600. Under the proposed rule change, the total margin requirement would be the same. Margin would still equal \$7,600—i.e., \$3,200 in premium margin plus \$600 in additional margin for each of the two short calls.

OCC believes that, in addition to the benefits to Clearing Members discussed above, the proposed rule change would

enhance the Clearing Members' recordkeeping by distinguishing between each Clearing Member's combined margin requirements and independent market-makers' margin requirements. Under OCC's current rules, each Clearing Member has a firm account, which consists of positions from trading with the firm's funds, and a market-maker account, which consists of several sub-accounts. One of these market-maker sub-accounts contains positions resulting from trading for the firm's benefit; the rest of the sub-accounts are the positions of independent market-makers. Because all market-maker activity is in one account, each Clearing Member does not know how much of the margin requirement is generated by its proprietary market-maker activity versus independent market-maker activity. The proposed rule change removes the firm's proprietary market-maker positions from the market-maker account and adds them to the firm account. The remaining market-maker sub-accounts contain positions generated by independent market-makers' trading. Therefore, the rule change will enable each Clearing Member to see clearly the margin requirement generated by its own trading and the margin requirement generated by independent market-makers' trading.

OCC believes the proposed rule change is consistent with the purposes and requirements of section 17A of the Securities and Exchange Act of 1934, as amended (the "Act"), because it enhances the economic efficiency of OCC's margin system by potentially reducing the margin requirement of Clearing Members that combine firm and proprietary market-maker account positions. OCC also believes the proposal retains the level of protection currently provided by the margin system, because the positions being combined are presently subject to comparable combination (with the concomitant offset) in the event of a Clearing Member's liquidation. The rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b-4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

You may submit written comment with in 21 days after notice is published in the *Federal Register*. Please file six copies of your comment with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth

Street, NW., Washington, DC 20549. Copies of the submission, with accompanying exhibits, and all written comments, except for material that may be withheld from the public under 5 U.S.C. 552, are available at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR-OCC-87-12.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: June 12, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-14037 Filed 6-18-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24591; File No. SR-OCC-87-11]

Self-Regulatory Organizations; Filing of Proposed Rule Change of the Options Clearing Corp.

On May 12, 1987, the Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1). The proposal would authorize OCC to invest funds in a wholly-owned subsidiary that would be organized as a trust company, tentatively named OCC Trust Company ("Trust Company"). The Trust Company would perform financial services for OCC and the Intermarket Clearing Corporation ("ICC"), also an OCC subsidiary. The Commission is publishing this notice to solicit comment on the proposal.

I. Description

The proposal provides that the Trust Company would be organized as an Illinois trust company with the Illinois Commissioner of Banks and Trust Companies ("Illinois Commissioner"). If approved to act as an Illinois trust company, the Trust Company would be subject to continuing supervision and examination by the Illinois Commissioner. The Trust Company would operate as a separate business financially independent of OCC and ICC.¹ The Trust Company's officers

¹ The minimum capital requirement for an Illinois trust company is \$750,000, which would be part of OCC's initial investment in the Trust Company. OCC states in its filing that it does not intend to profit financially from the Trust Company's

Continued

would be selected from OCC officers and it would have a board of directors separate from OCC.²

OCC states in its filing that the Trust Company would have access to the Federal Reserve System's wire transfer system ("Fedwire") for securities and funds. That access would be through the Federal Reserve Bank of Chicago ("Reserve Bank"). The Trust Company would not be a member of the Federal Reserve System, but would gain access as a nonmember depository institution.³ As such, the Trust Company would be subject to oversight by the Reserve Bank.

The proposal would authorize the Trust Company to provide a variety of financial services to OCC and ICC. Those services include the transfer of securities and funds over Fedwire and the safekeeping of securities and funds related to OCC's clearing and settlement system. As discussed below, OCC believes that the Trust Company's services should reduce certain risks in OCC's settlement system.

Currently, OCC maintains clearing accounts at fifteen clearing banks. OCC requires members to establish and maintain bank accounts at one of these banks. Each business day, for each account of each member, settlement amounts owed to or by OCC are netted. A member's net settlement obligation to OCC is termed a "Pay," and OCC's net settlement obligation to a member is termed a "Collect." Pay obligations are settled at 9:00 a.m. Chicago time by a transfer from the member's bank account to OCC's account at the same bank. Collect obligations are settled at 10:00 a.m. Chicago time by a transfer from OCC's account at the clearing bank to the member's account at that bank. During the 9:00 a.m. to 10:00 a.m. interval, OCC holds the gross amount of the day's Pay obligations in its accounts at the clearing banks.

Any excess of a day's Pays over Collects is transferred to particular OCC clearing banks known as "concentration banks" where funds are invested overnight for OCC's account.⁴ OCC also

activities. OCC would adopt a fee structure for the Trust Company designed to cover operating expenses.

² OCC states in its filing that the Trust Company's board of directors would include OCC directors and officers, and also would include at least one director not associated with OCC or ICC. OCC hopes to place a representative of the banking community on the Trust Company's board.

³ See 12 U.S.C. 142.

⁴ Four of OCC's fifteen clearing banks act as concentration banks, where balances are ordinarily accumulated at the end of the business day. The other clearing banks are "satellite banks," used only for effecting daily settlements.

concentrates funds resulting from margin deposits, clearing fund contributions, and foreign currency settlement amounts. Concentration banks invest these amounts in government securities pursuant to repurchase agreements with OCC. The purchased securities are retained by the concentration banks.

In its proposal, OCC outlines two risks posed by its current money settlement system. First, there is the risk that a clearing bank may stop payments during the one-hour period between a regular morning Pay and regular morning Collect. Because OCC is holding an entire day's Pay funds in its accounts with its clearing banks during that period, clearing bank failure at that time would expose OCC to substantial loss. Second, when accumulated funds are invested by the concentration banks overnight for the account of OCC, OCC has no way of verifying that a securities transfer has been made to its account in a manner that would insulate OCC from creditor claims in the event of concentration bank insolvency.

Under the proposal, OCC would restructure its settlement system as follows. Immediately following the 9:00 a.m. transfer of regular morning Pay funds into OCC's account at each clearing bank, each clearing bank would wire to the Trust Company, for the account of OCC, the gross amount payable to OCC that day by members settling through that bank. At 10:00 a.m., the Trust Company would wire to its account at each clearing bank the gross amount payable by OCC to members settling through that bank. The clearing bank would then credit appropriate OCC member accounts. Any excess of a day's Pays over that day's Collects would be retained by the Trust Company for overnight investment. These amounts would be invested overnight in government securities pursuant to repurchase agreements. The purchased securities, however, would be transferred to the Trust Company's account at the Reserve Bank instead of remaining in the account of commercial banks.

In addition to its role in OCC's and ICC's settlement systems, the Trust Company also could act as a depository for margin deposits and clearing fund contributions made by OCC members. Initially, the Trust Company would hold cash margin deposits. OCC intends to consider whether the Trust Company also could be used to hold securities deposits and cash clearing fund contributions. By utilizing the Trust Company as a depository, OCC believes that it could prevent deposited securities

from being withdrawn without OCC's consent.

II. OCC's Rationale

OCC believes that under the proposal, its exposure to loss in the event of clearing bank failure would largely be eliminated. The one-hour risk described above would be reduced to the amount of time it takes a clearing bank to wire to the Trust Company the amount payable to OCC that day by OCC members settling through that bank. OCC believes that investment risk also would be eliminated because the Trust Company would be able to verify that government securities purchased under repurchase agreements had been transferred to its account at the Reserve Bank. OCC states in its filing that the proposed rule change is consistent with section 17A of the Act because it will enhance OCC's safeguarding of securities and funds in its clearance and settlement process.

III. Request for Comments

To assist the Commission in determining whether to approve the proposed rule change, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the *Federal Register*. Persons desiring to make written comments should file six copies thereof with the Office of the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-OCC-87-11.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of OCC.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: June 15, 1987.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14038 Filed 6-18-87; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-24585; File No. SR-PHILADEP-87-01]

Self-Regulatory Organizations; Order Granting Approval of a Proposed Rule Change by the Philadelphia Depository Trust Co. Relating to a By-Law Change Governing the Composition of the Board of Directors

On April 24, 1987, The Philadelphia Depository Trust Company ("PHILADEP") filed a proposed rule change (File No. SR-PHILADEP-87-01), described below, with the Commission pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1). On May 12, 1987, the Commission published notice of this proposed rule change in the **Federal Register** to solicit comments from interested persons.¹ No comments were received. This Order approves the proposal for the reasons stated in the discussion section.

I. Description

PHILADEP's By-Laws require that a majority of its Board of Directors shall be governors of the Philadelphia Stock Exchange, Inc. ("PHLX").² The proposal would amend PHILADEP's By-laws to allow PHILADEP's President to be counted as an exchange governor for the purpose of determining this majority. This rule change would permit an additional person who is not an Exchange governor to be a director on PHILADEP's Board and still meet the requirement imposed by the By-laws that a majority of directors authorized to serve on PHILADEP's Board are Exchange governors.

II. PHILADEP's Rationale

PHILADEP states in its filing that the purpose of the proposal is to provide PHILADEP's Board of Directors with the flexibility to more accurately represent the changing composition of those who utilize PHILADEP's facilities while still ensuring an adequate PHLX voice to PHILADEP's governance. This amendment provides PHILADEP's director nominating committee with the flexibility to add a representative to the Board who is not affiliated with PHLX.

III. Discussion

The Commission believes that the proposal is consistent with the Act and, in particular, the requirement that PHILADEP's rules generally provide fair representation of the interests of shareholders and of a cross-section of

the community of participants.³ The Commission is concerned that a meaningful opportunity exist for non-exchange members to be represented in the selection of a clearing agency's board of directors, particularly as more categories of participants join the clearing agency. The proposal achieves this goal by facilitating the addition of a participant who is not an Exchange governor to PHILADEP's Board.

IV. Conclusion

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the Act and, in particular, section 17A.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-PHILADEP-87-01) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

Dated: June 12, 1987.

[FR Doc. 87-14039 Filed 6-18-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15810; 812-66621]

Application for Exemption; Residential Mortgage Investments, Inc. and Residential Mortgage Acceptance, Inc.

Date: June 12, 1987

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Residential Mortgage Investments, Inc. ("RMI") and Residential Mortgage Acceptance, Inc. ("RMA") on behalf of RMA and certain future subsidiaries and/or trusts ("Trusts") to be formed by RMI, RMA or any future subsidiary thereof.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from all provisions of the 1940 Act.

Summary of Application: Applicants seek a conditional order of exemption from all provisions of the 1940 Act in connection with the issuance and sale of mortgage-backed securities and equity interests in the Trusts.

Filing Date: The application was filed on March 25, 1987 and amended on June 12, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the Application

will be granted. Any interested person may request a hearing on this Application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on July 1, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 2624 West Freeway, Fort Worth, Texas 76102.

FOR FURTHER INFORMATION CONTACT: Denis R. Moller, Staff Attorney (202) 272-2363 or Curtis Hilliard, Special Counsel (202) 272-3026 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the Application; the complete Application is available for a fee from either the Commission's Public Reference Branch in person, or the Commission's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicants' Representations

1. RMI is a publicly-owned real estate investment trust which invests primarily in fixed-rate, long-term mortgage loans secured by single-family residential properties.

2. RMA is a direct limited purpose finance subsidiary of RMI. RMA limits its activities to (1) issuing and delivering collateralized mortgage obligations and other evidences of indebtedness (the "Bonds") secured by mortgage collateral and/or funding agreements (as hereinafter defined) (2) using the proceeds therefrom to acquire mortgage collateral or lending such proceeds to limited purpose financing entities affiliated with home builders, thrifts, commercial banks, mortgage bankers and other entities engaged in mortgage finance for use in connection with their funding or acquisition of mortgage collateral and (3) other activities incidental or necessary for such purposes.¹

¹ Although RMA intends to limit its activities in the future to the issuance of its own Bonds, it has in the past participated in bond offerings of another issuer, through the pledge of mortgage loan held by RMA and the receipt by RMA of borrowings funded by the offering.

¹ Securities Exchange Act Release No. 24432 (May 6, 1987), 52 FR 17876.

² Philadelphia Depository Trust Company By-laws, Article IV, Section 2.

³ See Securities Exchange Act Release No. 20221 (September 23, 1983), 48 FR 45167 (October 3, 1983).

3. Applicants seek relief on behalf of themselves and any direct or indirect limited purpose finance subsidiaries (the "Future Subsidiaries") or Trusts formed by RMI, RMA or any Future Subsidiary. All Future Subsidiaries and Trusts will engage in activities substantially similar to those engaged in by RMA.

4. RMA, the Future Subsidiaries and Trusts (together, "Issuers") will issue and sell Bonds secured primarily by Mortgage Collateral.² Each series ("Series") of Bonds will be issued pursuant to an indenture ("Indenture") between an Issuer and an independent trustee (the "Indenture Trustee"). The Indenture will meet the requirements of the Trust Indenture Act of 1939. Each Series will consist of one or more classes which will have fixed (established at the time of issuance) or variable (adjusted periodically according to a fixed index set forth in the Indenture) interest rates. Each class will either consist of current-pay Bonds or compound interest Bonds (on which interest is not paid currently but accrues and is added to the principal amount of the Bond until the first payment date set forth in the Indenture).

5. The Mortgage Collateral securing each series of Bonds will be owned either (i) by an Issuer or (ii) by limited purpose financing entities affiliated with homebuilders, thrifts, commercial banks, mortgage bankers and other entities engaged in mortgage finance ("Borrowers") and pledged to secure such series of Bonds pursuant to funding agreements between the Issuer and such Borrowers ("Funding Agreements").³ Each Series of Bonds may also be secured by certain funds and accounts including collection accounts and reserve funds, and by other credit enhancement devices described in the prospectus supplement for such series. Each Issuer will assign to the Indenture Trustee as security for the relevant

series of Bonds its entire right, title and interest in the Mortgage Collateral and the related funds and accounts.

6. The Mortgage Collateral securing each series of Bonds, together with cash available to be withdrawn from any reserve funds or other funds will have scheduled cash flow sufficient, when taken together with reinvestment income thereon at assumed reinvestment rates acceptable to each rating agency rating the Bonds, to make timely payments of principal of and interest on the Bonds in accordance with their terms.

7. An Issuer may sell some or all of its equity interest ("Equity Interest") to one or more banks, savings and loan associations, pension funds, insurance companies or other investors which customarily engage in the purchase of mortgage loans or mortgage-related securities ("Owners") in transactions not constituting a public offering under section 4(2) of the Securities Act of 1933 ("1933 Act"). Mortgage Collateral held by Issuers selling Equity Interests will be limited to GNMA, FNMA and FHLMC Certificates.

8. There will not be a conflict of interest between the holders of the Bonds ("Bondholders") and Owners as: (a) The Mortgage Collateral will not be speculative in nature; (b) the Bonds will be issued only if an independent nationally recognized statistical rating agency has rated such Bonds in one of the two highest rating categories; and (c) the relevant Indenture subjects the Mortgage Collateral, all income distributions thereon and all proceeds from a conversion, voluntary or involuntary, of any such collateral to a first priority perfected security interest in the name of the Indenture Trustee on behalf of the Bondholders. Further, neither the Owners nor the Indenture Trustee will be able to impair the security afforded by the Mortgage Collateral because, without the consent of each affected Bondholder, neither the Owners nor the Indenture Trustee will be able to: (a) Change the stated maturity on any Bond; (b) reduce the principal amount or rate of interest on any Bond; (c) change the priority of payment on any class of any Series; (d) impair or adversely affect the Mortgage Collateral; or (e) permit the creation of a lien ranking prior to or on parity with the lien of the related Indenture with respect to the Mortgage Collateral or otherwise deprive the Bondholders of the security afforded by the lien of the related Indenture.

9. The sale of Equity Interests will not alter the payment of cash flow under any Indenture, including the amounts to

be deposited in the collection account or any reserve fund. Pricing efficiencies mandate that the Mortgage Collateral does not substantially exceed the amount of collateral required to be pledged in order to satisfy the standards of the rating agency. Thus, the excess cash flow from the Mortgage Collateral which is available to Owners always will be far less than the cash flow from the Mortgage Collateral that is used to make principal and interest payments to Bondholders. Further, except for the limited right to substitute Mortgage Collateral, it will not be possible for Owners to alter the Mortgage Collateral, and, in no event will such right of substitution result in a diminution in the value or quality of the Mortgage Collateral. Although substitution may result in a different prepayment experience, the Bondholders' interests will not be impaired because: (a) The prepayment experience of any collateral will be determined by market conditions beyond the Owners' control which market conditions are likely to affect similar mortgage certificates in similar fashion; (b) the Owners' interests are likely to be different from those of Bondholders with respect to prepayment experience; (c) to the extent that the Owners may cause substitution which has a different prepayment experience than the original collateral, this situation is no different for the Bondholders than the traditional collateralized mortgage obligation structure where bonds are issued by an entity that is a wholly-owned subsidiary.

10. An election by an Issuer to be treated as a real estate mortgage investment conduit ("REMIC") will have no effect on the level of expenses that would be incurred by such issuer. Administrative fees and expenses will be paid or provided for in a manner satisfactory to the agency rating the Series and subject to Condition D below.

11. The relief requested is necessary and appropriate in the public interest because neither RMA nor any Future Subsidiary or Trust is the type of entity which was intended to be regulated under the 1940 Act, and Applicants' limited activities do not require the protection of the 1940 Act.

Conditions To Order

Applicants agree that the requested order may be expressly conditioned upon the following:

A. Conditions Relating to the Mortgage Collateral

(1) Each Series of Bonds will be registered under the 1933 Act unless

² The "Mortgage Collateral" securing each series of Bonds will consist of (i) mortgage loans secured primarily by first liens on single family residential properties ("Mortgage Loans"), (ii) fully-modified pass-through mortgage-backed certificates guaranteed by the Government National Mortgage Association ("GNMA Certificates"), (iii) guaranteed mortgage pass-through securities issued by the Federal National Mortgage Association ("FNMA Certificates"), (iv) mortgage participations certificates issued by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates") (GNMA, FNMA and FHLMC Certificates are collectively referred to as "Agency Certificates") or (v) pass-through certificates, collateralized mortgage obligations, or other interests in mortgages issued by any other person or entity ("Non-Agency Certificates") (Agency Certificates and Non-Agency Certificates are collectively referred to as "Mortgage Certificates").

³ Mortgage Collateral pledged pursuant to Funding Agreements will be limited to GNMA, FNMA and FHLMC Certificates.

offered in a transaction exempt from registration pursuant to section 4(2) of the 1933 Act.

(2) The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934. In addition, the Mortgage Collateral securing a series of Bonds will be limited to: Mortgage Loans, Non-Agency Certificates, GNMA Certificates, FNMA Certificates and/or FHLMC Certificates. In addition, if an Issuer sells Equity Interests, the Mortgage Collateral securing a series of Bonds will be limited to GNMA, FNMA and FHLMC Certificates.

(3) New Mortgage Loans may be substituted for Mortgage Loans initially pledged as collateral for a series of Bonds only in the event of default, late payments or defects in the Mortgage Loans being replaced. New Non-Agency Certificates may be substituted for Non-Agency Certificates initially pledged as collateral for a series of Bonds only in the event of default, late payments or defects in the collateral being replaced. If new Mortgage Collateral owned by an Issuer or pledged pursuant to Funding Agreements is substituted for a series of Bonds, the substitute Mortgage Collateral will: (1) Be of equal or better quality than the Mortgage Collateral replaced; (ii) have similar payment terms and cash flow as the Mortgage Collateral replaced; (iii) be insured or guaranteed to the same extent as the Mortgage Collateral replaced and (iv) meet the conditions set forth in paragraphs (2), (4) and (6) herein. In addition, new Mortgage Collateral may not be substituted for more than 20% of the aggregate face amount of the Mortgage Loans initially pledged as collateral for a series of Bonds or more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as collateral for a series of Bonds. In no event may any new Mortgage Collateral be substituted for any substitute Mortgage Collateral pledged as security for a series of Bonds.

(4) All Mortgage Loans, Mortgage Certificates, Funding Agreements, funds, accounts or other collateral securing a series of Bonds will be held by the Indenture Trustee or on behalf of the Indenture Trustee by an independent custodian (the "Custodian"). Neither the Indenture Trustee nor the Custodian will be an affiliate (as the term "affiliate" is defined in 1933 Act Rule 405 (17 CFR 230.405) of the Applicants or of the master servicer of originating lender of any Mortgage Loans that are pledged as collateral for a series of Bonds. If there is no master servicer, no servicer of such Mortgage Loans will be an affiliate of

the Custodian. The Indenture Trustee will have a first priority perfected security or lien interest in and to all Mortgage Collateral securing a series of Bonds.

(5) Each series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating organization that is not affiliated with the Applicants. The Bonds will not be redeemable securities within the meaning of section 2(a)(32) of the 1940 Act.

(6) The master servicer of any Mortgage Loans pledged as collateral for a series of Bonds will not be an affiliate of the Indenture Trustee. If there is no master servicer, no servicer of those Mortgage Loans may be an affiliate of the Indenture Trustee. Any master servicer and servicer of such Mortgage Loans will be approved by FNMA or FHLMC as an "eligible seller/servicer" of conventional, residential mortgage loans. The agreement governing the servicing of Mortgage Loans shall obligate the servicer to provide substantially the same services with respect to the Mortgage Loans as it is then currently required to provide in connection with the servicing or mortgage loans insured by FHA, guaranteed by the VA or eligible for purchase by FNMA or FHLMC.

(7) At least annually, an independent public accountant will audit the books and records of an Issuer and will report on whether the anticipated payments of principal and interest on the Bond Collateral continue to be adequate to pay the principal and interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's report(s) will be provided to the Indenture Trustee.

B. Conditions Relating to Adjustable Interest Rate Bonds

(1) Each class of Adjustable Interest Rate Bonds will have a set maximum interest rate.

(2) At the time of the transfer of Mortgage Collateral to an Issuer, as well as during the life of the Bonds, the scheduled payment of principal and interest to be received by the Indenture Trustee on all Mortgage Collateral pledged to secure the Bonds, plus reinvestment income thereon, and funds, if any, pledged to secure the Bonds will be sufficient to make all payments of principal and interest on the Bonds then outstanding, assuming the maximum interest rate on each class of Adjustable Interest Rate Bonds. Such Mortgage Collateral will be paid down as the Mortgage Loans securing a series of Bonds, or the mortgage loans underlying Mortgage Certificates security a series

of Bonds, are repaid, but will not be released from the lien of the Indenture prior to the payment of the Bonds.

C. Conditions Relating to the Sale of Equity Interests

(1) Any Equity Interest in an Issuer will be offered and sold only to (i) institutions or (ii) non-institutions which are "accredited investors" as defined in Rule 501(a) of the 1933 Act. Institutional investors will have such knowledge and experience in financial and business matters as to be capable to evaluate the risks of purchasing Equity Interests and understand the volatility of interest rate fluctuations as they affect the value of mortgages, mortgage-related securities and residual interests therein. Non-institutional accredited investors will be limited to more than 15, will purchase at least \$200,000 of such Equity Interest and will have net worth at the time of purchase that exceeds \$1,000,000 (exclusive of their primary residence). Further, non-institutional accredited investors will have such knowledge and experience in financial and business matters, specifically in the field of mortgage-related securities, as to be able to evaluate the risk of purchasing an Equity Interest in such Issuer and will have direct, personal and significant experience in making investments in mortgage-related securities and because of such knowledge and experience, understand the volatility of interest rate fluctuations as they affect the value of mortgage-related securities and residual interests therein. Owners will be limited to mortgage lenders, thrift institutions, commercial and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, mutual funds, real estate investment trust and other institutional or non-institutional investors as described above which customarily engage in the purchase of mortgages and mortgage-related securities.

(2) Each sale of an Equity Interest will qualify as a transaction not involving any public offering within the meaning of section 4(2) of the 1933 Act.

(3) Each sale of an Equity Interest will prohibit the transfer of such Equity Interest if there would be more than 100 beneficial Owners of Equity Interests in an Issuer at any time.

(4) Each sale of an Equity Interest will require each purchaser thereof to represent that it is purchasing for investment and not for distribution and that it will hold such Equity Interest in its own name and not as nominee for undisclosed investors.

(5) Each sale of an Equity Interest will provide that (i) no Owner of such Equity

Interest may be affiliated with the Indenture Trustee for the relevant Issuer and (ii) no holders of a controlling (as that term is defined in Rule 405) Equity Interest in any Issue may be affiliated with either the custodian of the Mortgage Collateral or the agency rating the Bonds of the relevant series.

(6) If the sale of the Equity Interest results in the transfer of control (as the term "control" is defined in Rule 405) of any Issuer from the Applicants, the relief afforded by any Commission order granted on the application would not apply to subsequent Bond offerings by that Issuer.

D. Condition Relating to REMICs

The election by an Issuer to be treated as a REMIC will have no effect on the level of expenses that would be incurred by any such Issuer. Any Issuer which elects to be treated as a REMIC will provide for the payments of administrative fees and expenses as set forth in the Application. Each Issuer will ensure that the anticipated level of fees and expenses will be adequately provided for regardless of the method selected.

E. Special Condition

The Applicants undertake to secure each Future Subsidiary or Trust's consent to comply with all of the applicable representations and conditions set forth above and more specifically described in the Application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-14040 Filed 6-18-87; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

[Docket No. 37554]

Aviation Proceedings; Order Adjusting the Standard Foreign Fare Level Index

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seatmile. Order 80-2-69 established the first interim SFFL and Order 87-4-1 set the currently effective two-month SFFL applicable through May 31, 1987.

In establishing the SFFL for the two-month period beginning June 1, 1987, we

have projected nonfuel costs based on the year ended December 31, 1986 data, and have determined fuel prices on the basis of the latest experienced monthly fuel cost levels as required to the Department.

By Order 87-6-31 fares may be increased by the following factors over the October 1, 1979, level:

Atlantic.....	1.0375
Latin America.....	1.1027
Pacific.....	1.4940
Canada.....	1.1474

For further information contact: Julien R. Schrenk (202) 366-2441.

By the Department of Transportation.

Vance Fort,

Deputy Assistant Secretary for Policy and International Affairs.

Dated: June 12, 1987.

[FR Doc. 87-14033 Filed 6-18-87; 8:45 am]

BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Week Ending June 12, 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. 44944

Date Filed: June 11, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: July 9, 1987.

Description: Application of Aeronaves Del Peru S.A. pursuant to section 402 and Subpart Q of the Regulations requests a foreign air carrier permit to engage in scheduled foreign air transportation of persons, property, and mail between Miami, Florida, and Lima, Peru.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-14048 Filed 6-18-87; 8:45 am]

BILLING CODE 4910-62-M

Aviation Proceedings; Agreements Filed During the Week Ending June 12, 1987

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

Docket No. 44926

Parties: Members of International Air Transport Association.

Date Filed: June 8, 1987.

Subject: Special N/C Pacific Security Surcharge Resolution.

Proposed Effective Date: July 1, 1987.

Docket No. 44927

Parties: Members of International Air Transport Association.

Date Filed: June 8, 1987.

Subject: South/Mid-Atlantic Cargo Resolutions.

Proposed Effective Date: July 1, 1987.

Docket No. 44928

Parties: Members of International Air Transport Association.

Date Filed: June 8, 1987.

Subject: TC3 Cargo Resolutions.

Proposed Effective Date: July 1, 1987.

Docket No. 44929

Parties: Members of International Air Transport Association.

Date Filed: June 8, 1987.

Subject: TC1 Cargo Resolutions.

Proposed Effective Date: August 15, 1987.

Docket No. 44930

Parties: Members of International Air Transport Association.

Date Filed: June 8, 1987.

Subject: TC2 Creative Fares Board.

Proposed Effective Date: November 1, 1987.

Docket No. 44941

Parties: Members of International Air Transport Association.

Date Filed: June 11, 1987.

Subject: Revision to 014a.

Proposed Effective Date: July 1, 1987.

Docket No. 44942

Parties: Members of International Air Transport Association.

Date Filed: June 8, 1987.

Subject: Within Africa Fares.

Proposed Effective Date: July 1, 1987.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-14047 Filed 6-18-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration**Environmental Impact Statement;
Jamestown, Fentress County, TN**

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of final approval.

SUMMARY: The FHWA is issuing this notice to advise the public that a finding of no significant impact (FONSI) has been made for a proposed highway project in Jamestown, Fentress County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. Wright B. Aldridge, Jr. Community Planner, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway, Suite A-926, Nashville, Tennessee, 37203, telephone (615) 736-7106.

SUPPLEMENTARY INFORMATION: A notice of intent to prepare an environmental impact statement (EIS) was published in the *Federal Register* on October 5, 1983, (48 FR 45490) for a proposal to construct the proposed Jamestown Bypass in Fentress County, Tennessee.

The draft EIS was approved on June 1, 1984, and distributed to various local, state, and Federal agencies and made available to the public for comment. A design and corridor public hearing was held September 9, 1986.

The improvement selected for implementation involves the construction of a four-lane bypass on new location east of Jamestown. The selected improvement begins at SR-28, approximately 1.5 miles south of the Jamestown south city limits, runs in a northerly direction east of Jamestown, turns back to SR-28, approximately 1.2 miles north of Jamestown. The project length is approximately 6.5 miles. The facility will have grade separated interchanges and access will be limited to existing public roads.

We have reviewed all the comments made on the draft EIS and received as a result of the public hearing. We have also evaluated each impact in terms of its context and intensity to determine its significance. Based on our review and evaluation, we believe that the project has no significant impacts. Accordingly, a FONSI determination for this project was approved on June 11, 1987, and a Final EIS will not be prepared.

Any comments concerning this action should be sent to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning, and Construction. The provisions of Executive Order 12372 regarding State and

local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on: June 11, 1987.

Wright B. Aldridge, Jr.,

Community Planner, Tennessee Division.

[FR Doc. 87-13962 Filed 6-8-87; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration**Final Determination and Order Regarding Noncompliances With Federal Motor Vehicle Safety Standards in Passenger Cars Imported by Peoples Car Co.**

Pursuant to section 152(b) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1412(b)), the National Highway Traffic Safety Administration hereby notifies Peoples Car Co. of San Diego, California, of its final determination that noncompliances with four Federal motor vehicle safety standards exist in Beetle passenger cars manufactured by Volkswagen of Mexico which were imported into the United States by Peoples Car Co. and not brought into compliance with all applicable Federal motor vehicle safety standards. There appear to be 51 such vehicles, all imported in 1983.

Notice of the agency's initial determination of noncompliance with eight Federal motor vehicle safety standards was published in the *Federal Register* on August 13, 1985 (50 FR 32673), and a public proceeding held on October 9, 1985, to afford Peoples Car Co. and other interested persons an opportunity to present data, views, and arguments regarding the initial determination of noncompliance. Subsequent to that time, Peoples made written submissions and, by counsel, it requested additional opportunities to make further presentations. Agency representatives met with Peoples' counsel on September 30, 1986 at which time counsel agreed to make additional submissions by October 20, 1986. This date was later extended to December 4, 1986 at the request of counsel. Neither Peoples nor its counsel have made the further submissions discussed at the September 30, 1986 meeting, which were to include additional evidence concerning some of the noncompliances covered by the initial determination and a statement by Peoples of its decision whether to take steps to recover the vehicles and export them or to commence a notification and remedy campaign for those apparent noncompliances for which the agency's

evidence was substantial and uncontradicted by Peoples.

The agency now finally determines that the vehicles imported by Peoples contain the following noncompliances with Federal motor vehicle safety standards based on the evidence summarized below:

1. 49 CFR 571.101 Motor Vehicle Safety Standard No. 101 *Controls and Display*. The agency initially determined, by inspection of one of the vehicles, that there were failures to illuminate the defroster symbol and hazard warning system control identification, to provide variable illumination of the identification of the controls, and to properly orient the seat belt tell tale.

The agency concluded that inversion of the seat belt tell tale was an isolated instance and did not extend across the entire import population. Peoples submitted a statement from the modifier of its vehicles that rheostats had been installed for variable illumination, and the agency concluded also that the noncompliance it had observed was an isolated example. Therefore no final determinations of noncompliance have been made with respect to the aspects of Standard No. 101.

Apparently conceding the existence of a noncompliance, Peoples proposed a correction for its failure to illuminate the identification for the defroster symbol and hazard warning system control. The correction has not been implemented, however, and the vehicles continue to contain the noncompliances with this aspect of Standard No. 101.

2. 49 CFR 571.103 Motor Vehicle Safety Standard No. 103 *Defrosting and Defogging Systems*. The initial determination was based upon a NHTSA test failure (agency file CIR 2658). Peoples did not contest the initial determination, and suggested a repair. However, it submitted insufficient data to indicate that the repair would bring the vehicles into compliance, and it has not implemented the repair. The vehicles continue to contain noncompliances with Standard No. 103.

3. 49 CFR 571.212 Motor Vehicle Safety Standard No. 212 *Windshield Mounting*. The agency's initial determination of noncompliance was based upon separate inspections of a Beetle by four agency engineers experienced in Standard No. 212 compliance testing. All concluded from observation of lack of visible adhesive or fasteners that the vehicle would not comply in a dynamic test. Although Peoples stated that windshield adhesive had been applied by a professional glazier with urethane sealant, this

statement is contradicted by the evidence obtained from the only vehicle inspected, and the agency infers that other vehicles are also likely to contain this kind of noncompliance. Accordingly the agency determines that the vehicles do not conform to Standard No. 212.

4. 49 CFR 571.214 Motor Vehicle Safety Standard No. 214 *Side Door Strength*. NHTSA's initial determination was based upon a test failure of a vehicle modified by Peoples' agent for the purpose of meeting the standard (agency file CIR 2658). Peoples did not contest this determination but submitted a suggested re-engineering of the door. The agency's technical staff has been unable to conclude that this re-engineering is different from the original modification. Peoples has taken no step to implement its proposal. Accordingly, the agency determines that the vehicles do not comply with Standard No. 214.

No final determination of noncompliance has been made with respect to the following standards for the reasons indicated.

1. 49 CFR 571.105 Motor Vehicle Safety Standard No. 105 *Hydraulic Brake Systems*. The brake failure warning system did not incorporate an automatic check function, activated when the ignition is turned to "on". A separate button was provided for this purpose. Peoples argued that the warning light could be checked through operation of the parking brake handle. While the standard requires a light to indicate when the parking brake is on, and this requirement is met, it also requires illumination when the ignition is turned to "on", and this requirement is not met. Nevertheless, in past instances of this type of noncompliance the agency has found such noncompliances to be inconsequential as they relate to motor vehicle safety, and has not required notification and remedy. Although a technical noncompliance does exist, the agency would not order notification and remedy of it, and thus, in an exercise of prosecutorial discretion, it makes no determination with respect to Standard No. 105.

2. 49 CFR 571.114 Motor Vehicle Safety Standard No. 114 *Theft Protection*. Upon review, NHTSA has concluded that its initial determination was based on an erroneous interpretation of the evidence. Accordingly the agency makes no finding with respect to Standard No. 114.

3. 49 CFR 571.210 Motor Vehicle Safety Standard No. 210 *Seat Belt Anchorages*. The agency's initial determination of noncompliance was based on a representation of an affiliate of the vehicles' original manufacturer that the vehicles contain no anchorages

for upper torso seat belts. Peoples offered photographic evidence of compliance, which the agency finds inconclusive but possibly supportive of Peoples' claim. The agency makes no determination concerning Standard No. 210 pursuant to section 152(b), 15 U.S.C. 1412, but it also finds that it has insufficient evidence of compliance with this standard to support a release of the Customs bonds concerning the vehicles.

4. 49 CFR 571.302 Motor Vehicle Safety Standard No. 302 *Flammability of Interior Materials*. The agency's initial determination was based on a representation of an affiliate of the original manufacturer that interior fabrics would not pass the flame retardation requirements of Standard No. 302. Documentation submitted by Peoples as evidence of the flammability characteristics of the material included procedures and data relative to FMVSS 302. The results, although obtained in a manner not identical to that specified in the safety standard were considered to be acceptable. Therefore, the agency makes no determination with respect to Standard No. 302.

Conclusion and Order

In consideration of the foregoing, and in accordance with its statutory authority under section 152 (15 U.S.C. 1412), the agency hereby notifies Peoples Car Co. of its findings that noncompliances exist with Federal Motor Vehicle Safety Standards Nos. 101, 103, 212, and 214 in Volkswagen Beetle passenger cars that the company imported from Mexico in 1983. Further, the agency orders Peoples Car Co. to furnish notification respecting such vehicles to owners, purchasers, and dealers in accordance with section 153 of the Act (15 U.S.C. 1413) and to remedy all failures to comply in accordance with section 154 of the Act (15 U.S.C. 1414).

(Sec. 152 Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.50)

Issued on June 16, 1987.

Diane K. Steed,
Administrator.

[FR Doc. 87-14034 Filed 6-18-87; 8:45 am]

BILLING CODE 4910-59-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration 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). This document contains two extensions and lists the following information: (1) The department or staff office issuing the forms, (2) the title of the forms, (3) the agency form numbers, if applicable, (4) a description of the need and use, (5) how often the forms must be filled out, (6) who will be required or asked to report, (7) an estimate of the number of responses, (8) an estimate of the total number of hours needed to fill out the forms, and (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the forms and supporting documents may be obtained from Patti Viers, Agency Clearance Officer (732), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-2146. Comments and questions about the items on the list should be directed to the VA's OMB Desk Officer, Elaina Norden, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-7316.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before August 18, 1987.

Dated: June 15, 1987.

By direction of the Administrator.

David A. Cox,
Associate Deputy Administrator for Management.

Extensions

1. Department of Veterans Benefits.
2. Application for Ordinary Life Insurance (at age 70) and Information About Modified Life Insurance Reduction and Insurance Replacement Features.
3. VA Forms 29-8485a and 29-8701.
4. This information is obtained from insured persons and is used to determine eligibility when applying for replacement insurance to replace the amount of modified life insurance that was reduced at age 70.
5. On occasion.
6. Individuals or households.
7. 7,704 responses.
8. 642 hours.
9. Not applicable.

1. Department of Veterans Benefits.
2. Invitation, Bid, and/or Acceptance or Authorization.
3. VA Form 26-6724.
4. This information is used to solicit competitive bids or serves as a work order for the repair of properties acquired by VA. It also serves as a record of contractor's bid, VA acceptance of bid, inspection of work

completed, and a contractor's invoice and payment record.

- 5. On occasion.
- 6. Businesses or other for-profit.
- 7. 312,000 responses.
- 8. 156,000 hours.
- 9. Not applicable.

1. Department of Veterans Benefits.
2. Application for Ordinary Life Insurance (at age 65) and Information About Modified Life Insurance Reduction Replacement Features (age 65).

- 3. VA Forms 29-8485 and 29-8700.

4. This information is obtained from insured persons and is used to determine eligibility when applying for replacement insurance to replace the amount of modified life insurance that was reduced at age 65.

- 5. On occasion.
- 6. Individuals or households.
- 7. 5,892 responses.

- 8. 491 hours.
- 9. Not applicable.

- 1. Department of Veterans Benefits.
- 2. Application for Education Loan.
- 3. VA Form 22-8725.

4. This information is used to determine eligibility for an education loan and to compute the amount of loan authorized.

- 5. On occasion.
- 6. Individuals or households.
- 7. 200 responses.
- 8. 133 hours.
- 9. Not applicable.

- 1. Department of Veterans Benefits.
- 2. Request for Employment Information in Connection With Claim for Disability Benefits.

- 3. VA Form 21-4192.

4. This information is used to determine employability for the purpose of granting disability benefits or for increasing current benefits.

- 5. On occasion.
- 6. Businesses or other for-profit.
- 7. 65,000 responses.
- 8. 16,250 hours.
- 9. Not applicable.

- 1. Department of Veterans Benefits.
- 2. Request for Supplemental Information on Medical and Non-Medical Applications.

- 3. VA Form Letter 29-615.

4. This information is required from the requested insured to establish eligibility for obtaining, reinstating, converting or changing a plan of Government life insurance.

- 5. On occasion.
- 6. Individuals or households.
- 7. 14,010 responses.

- 8. 4,670 hours.
- 9. Not applicable.

[FR Doc. 87-13998 Filed 6-18-87; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 118

Friday, June 19, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time)
Monday, June 29, 1987.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200-C on the 2nd Floor of the Columbia Plaza Office Building, 2401 E Street, NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. Report on Commission Operations (Optional)
3. Proposed Federal Sector Complaint Processing Manual

Closed

1. Litigation Authorization; General Counsel Recommendations
2. Agency Adjudication and Determination on the Record of Federal Agency Discrimination Complaint Appeals

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the *Federal Register*, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.)

Please telephone (202) 634-6748 at all times for information on these meetings.

CONTACT PERSON FOR MORE

INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634-6748.

Dated and issued: June 17, 1987.

Cynthia C. Matthews,
Executive Officer, Executive Secretariat.
[FR Doc. 87-14127 Filed 6-17-87; 3:56 pm]
BILLING CODE 6750-06-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

June 16, 1987.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 52, No. _____.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Thursday, June 18, 1987.

PLACE: Room 600, 1730 K St., NW., Washington, DC.

STATUS: Open.

CHANGES IN THE MEETING: The meeting regularly scheduled for June 18, 1987 has now been rescheduled for June 25, 1987. The Commission will consider and act upon the following:

1. Westmoreland Coal Company, Docket No. WEVA 81-256-C. (Issues include consideration of petitions for interlocutory review).
2. Ronald Tolbert v. Chaney Creek Coal Corp., Docket No. KENT 86-123-D has been cancelled.
3. Wilfred Bryant v. Dingess Mine Services, Docket No. WEVA 85-43-D has been cancelled.

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

It was determined by a unanimous vote of Commissioners that these changes be made and no earlier announcement of the changes was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5629.

Jean H. Ellen,
Agenda Clerk.
[FR Doc. 87-14123 Filed 6-17-87; 3:50 pm]
BILLING CODE 6735-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, June 24, 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 announcement of bank and bank holding company applications scheduled for the meeting.

Dated: June 16, 1987.

James McAfee,
Associate Secretary of the Board.
[FR Doc. 87-14045 Filed 6-16-87; 4:46 p.m.]
BILLING CODE 6210-01-M

Corrections

Federal Register

Vol. 52, No. 118

Friday, June 19, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS 62051; FRL 3179-1]

Polychlorinated Biphenyls Spill Cleanup Policy

Correction

In rule document 87-7262, beginning on page 10688, in the issue of Thursday, April 2, 1987, make the following corrections:

1. On page 10688, in the second column, under the **SUPPLEMENTARY INFORMATION**, in the 10th line, "Policy of" should read "Policy to", and in the 17th line "1b" should read "lb".
2. On page 10691, in the first column, in paragraph 6., in the eighth line, "761.30(1)(1)(ii)" should read "761.30(1)(1)(ii)".
3. On page 10692, in the second column, in paragraph d, in the first line, "of" should read "or", and in the third line, after "must" insert "be".
4. On page 10699, in the second column, in paragraph b, in the 14th line, "10" should read "100".

§ 761.123 [Corrected]

5. In § 761.123, on page 10707, in the first column, in the first complete paragraph, in the eighth line, "§ 761.30(1)(1)(ii)" should read "§ 761.30(1)(1)(ii)".
6. On the same page, in the second column, in the second complete paragraph, in the last line, "concentration" should read "contamination".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30000/27E;FRL-3191-6]

Intent To Cancel Registrations of Pesticide Products Containing 2,4,5-Trichlorophenol or Its Salts; Notice of Final Determination

Correction

In notice document 87-9155 beginning on page 15549 in the issue of Wednesday, April 29, 1987, make the following corrections:

1. On page 15549:
 - a. In the second column, in **FOR FURTHER INFORMATION CONTACT**, in the second paragraph, in the second line, "Crystal" was misspelled.
 - b. In the same column, in **SUPPLEMENTARY INFORMATION**, in the second paragraph, in the second line, insert "of" before "indices".
 - c. In the same column, under the heading "Introduction", in the 15th line, "fetotoxic" was misspelled; in the 18th line, "sales" should read "salts"; in the 20th line, remove the first period; in the 21st line, "review" was misspelled.
 - d. In the third column, in the first complete paragraph, in the 17th line, "nay" should read "any".
 - e. In the same column, in the second complete paragraph, in the 10th line, "fluids" was misspelled.
 - f. In the same column, in the last paragraph, in the fourth line, "fetotoxicity" was misspelled.
2. On page 15551, in the table, in the first column, the eighth entry should read "Rat/Sprague-Dawley"; the ninth entry should read "Rat/Wistar".
3. On page 15552:
 - a. In the first column, in the third paragraph, in the third line, "and" should read "the".
 - b. In the table, in the fourth column, in the seventh entry, "0.0" should read "0.1".
4. On page 15553:
 - a. In the first column of the table, the sixth entry should read "Oral".
 - b. In the seventh column of the table, in the 16th, 17th, 18th, and 19th entries, the fourth line should read, "carcinoma of the tongue".
 - c. In the ninth column of the table, the second entry, "(32)" should be removed.
5. On page 15554:
 - a. In the first column, in the first paragraph, in the fourth line, "Polychlorinated" was misspelled.
 - b. In the same column, in the second paragraph, in the 16th line, "turbines" was misspelled.
6. On page 15558:
 - a. In the first column, in reference 17, in the first line, insert ";" before "Halperin".
 - b. In the same column, in reference 25, in the first line, "O.G." should read "D.G."

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor Address

Correction

In rule document 87-11837 appearing on page 19501 in the issue of Tuesday, May 26, 1987, make the following correction:

1. In the second column, in the last line, "HVF" should read "HFV".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[BERC-325-FC]

Medicare Program; Changes to the Return on Equity Capital Provisions and the Exemption From Cost Limits for Newly Established Home Health Agencies

Correction

In rule document 87-12602 beginning on page 21216 in the issue of Thursday, June 4, 1987, make the following corrections:

1. On page 21217, in the third column, in the second line from the bottom, remove "[30 days after publication]" and insert "July 6, 1987".
2. On page 21218, in the third column, in the first complete response, in the ninth line, "our" should read "out".
3. On page 21222, in the second column, in the first complete paragraph, in the fourth line, "after" should read

"alter"; in the 13th line, "payment" should read "payments".

4. On the same page, in the same column, two lines from the bottom, "of" should read "or".

5. On the same page, in the third column, in the first line, "cities" should read "cites".

6. On page 21223, in the first column, in the first complete paragraph, in the fifth line, "or" should read "on"; in the ninth line, "on" should read "of".

§ 413.5 [Corrected]

7. On page 21225, in the first column, in § 413.5(c), in the third line, "interests" should read "interest"; in the 11th line, "proprietary" was misspelled.

§ 413.157 [Corrected]

8. On the same page, in the second column, in § 413.157(b), in the sixth line, "proprietary" was misspelled; in the third column, in § 413.157(b)(4), in the

heading, "service" should read "services"; in the same column, in § 413.157(c)(1)(ii), in the 14th line, "in" should read "is", and in the 16th line, insert a comma after "cost".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8142]

Income Tax; Taxable Years Beginning After December 31, 1953; Notice to Employees of Earned Income Credit

Correction

In rule document 87-13364 beginning on page 22301 in the issue of Thursday, June 11, 1987, make the following correction:

On page 22302, in the third column, in the last paragraph, in the sixth line, "section 353" should read "section 553".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Condensed Hardcopy To Automate Manual Processing System (Project Champs)

Correction

In notice document 87-12842 beginning on page 21403 in the issue of Friday, June 5, 1987, make the following correction:

On page 21403, in the second column, in the **SUMMARY**, in the 13th line, insert "application" before "forms".

BILLING CODE 1505-01-D

federal register

Friday
June 19, 1987

Part II

Department of Labor

Employment and Training Administration

29 CFR Part 90

**Certification of Eligibility To Apply for
Worker Adjustment Assistance; Final Rule**

DEPARTMENT OF LABOR

Employment and Training
Administration

29 CFR Part 90

Certification of Eligibility To Apply for
Worker Adjustment Assistance

AGENCY: Employment and Training
Administration, Labor.

ACTION: Final rule.

SUMMARY: This document contains a final rule amending the regulations on certifications of eligibility to apply for worker adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974 (Pub. L. 93-618), as amended. The final rule is intended to reduce the time required for completing factfinding investigations and issuing determinations on petitions by reassigning the responsibility for certifying worker groups for adjustment assistance and by making other changes that will facilitate administrative efficiency and flexibility.

EFFECTIVE DATE: June 19, 1987.

FOR FURTHER INFORMATION CONTACT:
Glenn M. Zech, Deputy Director, Office of Trade Adjustment Assistance, Employment and Training Administration, 601 D Street, NW., Washington, DC 20213; telephone (202) 376-2646 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The trade adjustment assistance (TAA) for workers program provides trade readjustment allowance (TRA) payments and reemployment services including training, job search allowances, and relocation allowances to workers whose separation from employment is linked to import competition. To qualify for TAA, workers must file a petition with the Department of Labor. A factfinding investigation is conducted to substantiate that increase imports of articles like or directly competitive with those produced by the workers' firm have contributed importantly to decreased company sales and/or production and to worker separations.

Regulations at 29 CFR Part 90 establish the procedures and processes for filing petitions, conducting factfinding investigations, issuing determinations on petitions, requesting administrative reconsideration or judicial review of negative determinations, and other pertinent information.

On February 20, 1987, a document was published in the *Federal Register* (52 FR 5310) proposing to revise the regulations at 29 CFR Part 90 and providing that

interested persons could submit comments regarding the proposed revision on or before March 23, 1987.

Discussion of Comments and Changes

The Department received timely written responses from four State employment security agencies. The Maryland and Vermont agencies endorsed the regulations. The Minnesota and Wisconsin agencies submitted comments and suggestions which were given full consideration before preparing final regulations.

1. Minnesota noted that regulations at 29 CFR 90.16 provide that the Department announce decisions on worker petitions for adjustment assistance promptly in the *Federal Register*. It stated that frequently the public will direct questions to the State agency about entitlement under a certification before the State is aware of the decision issued by the Department in response to the petition. Minnesota recommended that the Department inform the appropriate State agency immediately of a decision certifying or denying adjustment assistance benefits to a worker group.

The practice of the Department is to inform the appropriate State agency, the worker group, and the subject company immediately upon issuing a decision on a worker petition. Notices of decisions on petitions issued by the Department are published in the FR twice weekly. Because there are time delays in preparing notices once decisions are issued, in transmitting the notices to the FR and the twice weekly publication schedule, decisions on petitions are ordinarily announced to the worker group, subject company and the appropriate State agency at least 7 days before the notice is published in the FR.

The situation described by Minnesota can best be addressed by prompt distribution of decision documents from the Department's Office of Trade Adjustment Assistance to the Regional Office, to the appropriate State agency, and to local offices of the State agency where services are delivered to workers certified for adjustment assistance. This system will be reviewed to ensure that it is functioning as intended.

No change is made to § 90.16 of the final regulations.

2. Wisconsin commented on § 90.16(a) of the regulations, providing that where a certifying officer has not made a determination within 60 days after the filing of a petition, the certifying officer shall make a determination "as soon thereafter as possible." Wisconsin suggested if 100 percent achievement of the 60 day time provision is not realistic,

a standard should be established that is realistic.

Section 223(a) of the Trade Act, providing for a determination on a worker petition not later than 60 days after the filing date, is directory, not mandatory. This position has been supported by the courts. The Department's Office of Trade Adjustment Assistance has taken extraordinary actions in recent months to reduce the time required to complete factfinding investigations in response to worker petitions and to issue timely decisions. Because of the requirement to issue decisions based on a thorough and complete investigation, there will continue to be situations where more time is required.

No change is made in § 90.16(a) of the final regulations.

3. A typographical error appearing in the proposed rule in the first sentence of § 90.19(c) is corrected by changing the word "by" to "be".

4. Other clarifying and technical changes have been made.

Immediate Effective Date

This final rule is effective upon publication. The rule alters no substantive rights but rather makes procedural changes to facilitate administrative efficiency and flexibility. Accordingly, delaying the effective date of the final rule for 30 days after publication is not required. 5 U.S.C. 553(d).

Classification—Executive Order 12291

The final rule in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in 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.

Regulatory Flexibility Act

The Department believes that this final rule will have no "significant economic impact on a substantial number of small entities" within the meaning of 5 U.S.C. 605(b), as provided in the Regulatory Flexibility Act. This rule will affect only the procedures of the Labor Department in processing petitions for trade adjustment assistance for workers. The Secretary of Labor has

certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory flexibility analysis is required.

Catalogue of Federal Domestic Assistance Number

This program is listed in the *Catalog of Federal Domestic Assistance* as No. 17.245, "Trade Adjustment Assistance—Workers."

List of Subjects in 29 CFR Part 90

Administrative practice and procedure, Employment, Foreign trade, Labor, Trade adjustment assistance, Unemployment.

Words of Issuance

For the reasons set out in the preamble, Part 90 of Title 29 of the Code of Federal Regulations is amended as set forth below.

Signed at Washington, DC, on June 15, 1987.

Roberts T. Jones,

Deputy Assistant Secretary of Labor.

PART 90—CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

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

Authority: 19 U.S.C. 2320; Secretary's Order No. 3-81, 46 FR 31117.

2. Section 90.1 is revised to read as follows:

§ 90.1 Purpose.

The purpose of this Part 90 is to set forth regulations relating to the responsibilities vested in the Secretary of Labor by the Trade Act of 1974 (Pub. L. 93-618), as amended, concerning petitions and determinations of eligibility to apply for worker adjustment assistance. Section 248 of the Act directs the Secretary of Labor to prescribe regulations which will implement the provisions relating to adjustment assistance for workers. This Part will provide for the prompt and effective disposition of workers' petitions for certification of eligibility to apply for adjustment assistance.

3. Section 90.2 is amended by revising the definitions for "Act," "Certifying officer," "Date of filing," "Director," and "Increased imports" and by adding the definition for "Deputy Director" to read as follows:

§ 90.2 Definitions.

"Act" means the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 2011-2030 (19 U.S.C. 2271-2321, 2395), as amended.

"Certifying officer" means an official, including the Director, Office of Trade Adjustment Assistance, in the Employment and Training Administration, United States Department of Labor, who has been delegated responsibility to make determinations and issue certifications of eligibility to apply for adjustment assistance, and to perform such further duties as may be required by the Secretary or by this Part 90.

"Date of filing" means the date on which petitions and other documents are received by the Office of Trade Adjustment Assistance, Employment and Training Administration, United States Department of Labor, 601 D Street, NW., Washington, DC 20213.

"Deputy Director" means the Deputy Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, United States Department of Labor, Washington, DC.

"Director" means the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, United States Department of Labor, Washington, DC.

"Increased imports" means that imports have increased either absolutely or relative to domestic production compared to a representative base period. The representative base period shall be one year consisting of the four quarters immediately preceding the date which is twelve months prior to the date of the petition.

4. The first two sentences of paragraph (c) of § 90.11 are revised to read as follows:

§ 90.11 Petitions.

(c) *Contents.* Petitions may be filed on a U.S. Department of Labor form. Copies of the form may be obtained at a local office of a State Employment Security Agency or by writing to the Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

5. Section 90.12 is revised to read as follows:

§ 90.12 Investigation.

Upon receipt of a petition, properly filed and verified, the Director of the Office of Trade Adjustment Assistance shall promptly publish notice in the *Federal Register* that the petition has been received. The Director shall initiate, or order to be initiated, such investigation as he determines to be necessary and appropriate. The investigation may include one or more field visits to confirm information furnished by the petitioner(s) and to elicit other relevant information. In the course of any investigation, representatives of the Department shall be authorized to contact and meet with responsible officials of firms, union officials, employees, and any other persons, or organizations, both private and public, as may be necessary to marshal all relevant facts to make a determination on the petition.

(Approved by the Office of Management and Budget under OMB control nos. 1205-0197, 1205-0190, 1205-0191)

6. The first sentence of paragraph (a)(2) and paragraph (d) of § 90.13 are revised to read as follows:

§ 90.13 Public hearings.

(a) * * *

(2) Any other person found by the Director or Deputy Director to have a substantial interest in the proceedings. * * *

(d) *Presiding officer.* The Director or Deputy Director shall conduct and preside over public hearings.

7. Paragraphs (a), (b) and (d) of § 90.14 are revised to read as follows:

§ 90.14 Subpoena power.

(a) The Director or Deputy Director may require, by subpoena, in connection with any investigation or hearing, the attendance and testimony of witnesses and the production of evidence the issuing official in his or her discretion deems necessary to make a determination.

(b) If a person refuses to obey a subpoena issued under paragraph (a) of this section, the Director or Deputy Director may petition the United States District Court within the jurisdiction of which the proceeding is being conducted requesting an order requiring compliance with such subpoena.

(d) Subpoenas issued under paragraph (a) of this section shall be signed by the Director or Deputy Director and shall be served either in person by an authorized representative of the Department of

Labor or by certified mail, return receipt requested. The date for compliance shall be not earlier than seven (7) calendar days following service of the subpoena.

8. Section 90.15 is removed and reserved.

§ 90.15 [Removed and reserved]

9. Paragraph (a) of § 90.16 and that part of paragraph (b) of such section preceding the subordinate clauses of such paragraph are revised to read as follows:

§ 90.16 Determinations and certifications of eligibility to apply for adjustment assistance.

(a) *General.* Within 60 days after the date of filing of a petition, a certifying officer shall make a determination on the petition. If, however, for any reason, a certifying officer has not made a determination in 60 days after the date of filing of the petition, the certifying officer shall make the determination as soon thereafter as possible. If the determination is affirmative, the certifying officer shall issue a certification of eligibility as provided in paragraphs (b), (c), (d) and (g) of this section. If the determination is negative, the certifying officer shall issue a notice of negative determination as provided in paragraphs (b) and (f) of this section.

(b) *Requirements for determinations.* After reviewing the relevant information necessary to make a determination, the certifying officer shall make findings of fact concerning whether: * * *

10. Section 90.17 is amended by removing and reserving paragraph (c) of such section, and by revising the first sentence of paragraph (d) of such section as follows:

§ 90.17 Termination of certification of eligibility.

(c) [Reserved]

(d) *Notice of termination.* A certifying officer shall determine whether or not such certification shall be terminated. * * *

11. Paragraphs (a), (e), (h) and (i) of § 90.18 are revised to read as follows:

§ 90.18 Reconsideration of determinations.

(a) *Determinations subject to reconsideration; time for filing.* Any worker, group of workers, certified or recognized union, or authorized representative of such worker or group, aggrieved by a determination issued pursuant to the Act and § 90.16(c), 90.16(f), 90.16(g), or 90.17(d) may file an application for reconsideration of the

determination with the Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213. All applications must be in writing and must be filed no later than thirty (30) days after the notice of the determination has been published in the **Federal Register**.

(e) *Notice of negative determination regarding application for reconsideration.* Upon reaching a determination that an application for reconsideration does not meet the requirements of paragraph (c) of this section, the certifying officer shall issue a negative determination regarding the application and shall promptly publish in the **Federal Register** a summary of the determination, including the reasons therefor. Such summary shall constitute a Notice of Negative Determination Regarding Application for Reconsideration. A determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 284 of the Act, 19 U.S.C. 2395, and § 90.19(a).

(h) *Notice of revised certification of eligibility and notice of revised determination.* Upon reaching a determination on reconsideration that a group of workers has met all the requirements set forth in section 222 of the Act and paragraph (b) of § 90.16, the certifying officer shall issue a revised determination concerning certification of eligibility to apply for adjustment assistance and shall promptly publish in the **Federal Register** a summary of the revised determination together with the reasons for making such revised determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall include a certification of eligibility in accordance with paragraph (d) of § 90.16. The summary shall constitute a Notice of Revised Certification of Eligibility when the determination under reconsideration was a certification of eligibility. The summary shall constitute a Notice of Revised Determination when the determination under reconsideration was a negative determination or a certification containing a negative determination. A determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 284 of the Act, 19 U.S.C. 2395, and § 90.19(a).

(i) *Notice of negative determination on reconsideration.* Upon reaching a

determination on reconsideration that a group of workers has not met all the requirements set forth in section 222 of the Act and paragraph (b) of § 90.16, the certifying officer shall issue a negative determination on reconsideration and shall promptly publish in the **Federal Register** a summary of the determination together with the reasons for making such determination (with the exception of information which the certifying officer determines to be confidential). Such summary shall constitute a Notice of Negative Determination on Reconsideration. A determination issued pursuant to this paragraph shall constitute a final determination for purposes of judicial review pursuant to section 284 of the Act, 19 U.S.C. 2395, and § 90.19(a).

12. Section 90.19 is revised to read as follows:

§ 90.19 Judicial review of determinations.

(a) *General.* Pursuant to section 284 of the Act, 19 U.S.C. 2395, any worker, group of workers, certified or recognized union, or authorized representative of such worker or group, aggrieved by a final determination issued pursuant to the Act and § 90.16(c), § 90.16(f), § 90.16(g), § 90.17(d), § 90.18(e), § 90.18(h) or § 90.18(i) may commence a civil action for review of such determination with the United States Court of International Trade. The party seeking judicial review must file for review in the Court of International Trade within sixty (60) days after the notice of determination has been published in the **Federal Register**.

(b) *Certified record of the Secretary.* Upon receiving a copy of the summons and complaint from the clerk of the Court of International Trade, the certifying officer shall promptly certify and file in such court the record on which the determination was based. The record shall include transcripts of any public hearings, the findings of fact made pursuant to § 90.16(b), § 90.18(e), § 90.18(h) or § 90.18(i), and other documents on which the determination was based.

(c) *Further proceedings.* If a case is remanded to the Secretary by the Court of International Trade for the taking of further evidence, the Director or Deputy Director shall direct that further proceedings be conducted in accordance with the provisions of Subpart B of this Part, including the taking of further evidence. A certifying officer, after the conduct of such further proceedings, may make new or modified findings of fact and may modify or affirm the previous determination. Upon the completion of such further proceedings,

the certifying officer shall certify and file in the Court of International Trade the record of such further proceedings.

(d) *Substantial evidence.* The findings of fact by the certifying officer shall be conclusive if the Court of International Trade determines that such findings of fact are supported by substantial evidence.

13. Paragraph (a) of § 90.31 is revised to read as follows:

§ 90.31 Filing of documents.

(a) *Where to file; date of filing.* Petitions and all other documents shall be filed at the Office of Trade

Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213. If properly filed, such documents shall be deemed filed on the date on which they are actually received in the Office of Trade Adjustment Assistance.

* * * * *

14. Paragraph (a) of § 90.32 is revised to read as follows:

§ 90.32 Availability of information.

(a) *Information available to the public.* Upon request to the Director of the Office of Trade Adjustment

Assistance, members of the public may inspect petitions and other documents filed with the Director under the provisions of this Part 90, transcripts of testimony taken and exhibits submitted at public hearings held under the provisions of this Part 90, public notices concerning worker assistance under the Act and other reports and documents issued for general distribution.

* * * * *

[FR Doc. 87-13950 Filed 6-18-87; 8:45 am]

BILLING CODE 4510-30-M

federal register

Friday
June 19, 1987

Part III

Office of Management and Budget

**Cumulative Report on Rescissions and
Deferrals; Notice**

OFFICE OF MANAGEMENT AND BUDGET
Cumulative Report on Rescissions and Deferrals

June 1, 1987.

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of June 1, 1987, of 57 deferrals contained in the five special messages of FY 1987. These messages were transmitted to the Congress on September 26, and December 15, 1986, and January 5 and 28, and March 4, 1987.

Rescissions (Table A and Attachment A)

As of June 1, 1987, there were no rescission proposals pending before the Congress.

Deferrals (Table B and Attachment B)

As of June 1, 1987, \$5,765.8 million in 1987 budget authority was being deferred from obligation and \$2.1 million in 1987 outlays was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during FY 1987.

Information from Special Messages

The special message containing information on the deferrals covered by this cumulative report is printed in the *Federal Register* listed below:

Vol. 51, FR p. 35976, Tuesday, October 7, 1986

Vol. 51, FR p. 47356, Wednesday, December 31, 1986

Vol. 52, FR p. 964, Friday, January 9, 1987

Vol. 52, FR p. 3552, Wednesday, February 4, 1987

Vol. 52, FR p. 8046, Friday, March 13, 1987

James C. Miller, III,
Director.

TABLE A.—STATUS OF 1987 RESCISSIONS

	Amount (in millions of dollars)
Rescissions proposed by the President	\$5,835.8
Accepted by the Congress.....	0
Rejected by the Congress.....	5,835.8
Pending before the Congress.....	0

TABLE B.—STATUS OF 1987 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President	11,457.6
Routine Executive releases through June 1, 1987 (OMB/Agency releases of \$5,661.8 million and cumulative adjustments of \$0.7 million).....	-5,661.1
Overtaken by the Congress.....	-28.6
Currently before the Congress	* 5,767.9

* This amount includes \$2.1 million in outlays for a Department of the Treasury deferral (D87-21).

Attachments.

BILLING CODE 3110-01-M

Attachment A - Status of Rescissions - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF AGRICULTURE								
Agricultural Research Service Buildings and facilities.....	R87-1 R87-1A	28,000		1-5-87 1-28-87		28,000	3-16-87	
Agricultural Stabilization and Conservation Service								
Rural clean water program.....	R87-2	6,000		1-5-87		6,000	3-16-87	
Agricultural conservation program.....	R87-3	164,356		1-5-87		164,356	3-16-87	
Water bank program.....	R87-4	8,166		1-5-87		8,166	3-16-87	
Emergency conservation program.....	R87-5	10,000		1-5-87		10,000	3-16-87	
Farmers Home Administration								
Rural water and waste disposal grants....	R87-6	79,500		1-5-87		79,500	3-16-87	
Rural community fire protection grants....	R87-7	2,300		1-5-87		2,300	3-16-87	
Rural housing for domestic farm labor....	R87-8	7,400		1-5-87		7,400	3-16-87	
Mutual and self-help housing.....	R87-9	8,000		1-5-87		8,000	3-16-87	
Very low income housing repair grants....	R87-10	9,400		1-5-87		9,400	3-16-87	
Compensation for construction defects....	R87-11	500		1-5-87		500	3-16-87	
Rural housing preservation grants.....	R87-12	14,400		1-5-87		14,400	3-16-87	
Soil Conservation Service								
Watershed and flood prevention operations	R87-13	96,000		1-5-87		96,000	3-16-87	
Great Plains conservation program.....	R87-14	8,000		1-5-87		8,000	3-16-87	
Resource conservation and development....	R87-15	5,000		1-5-87		5,000	3-16-87	
Forest Service								
Land acquisition.....	R87-16	49,030		1-5-87		49,030	3-16-87	
DEPARTMENT OF COMMERCE								
Economic Development Administration								
Economic development assistance programs.	R87-17	169,718		1-5-87		169,668	3-16-87	
	R87-17A	-50		1-28-87				
International Trade Administration								
Operations and administration.....	R87-18	11,400		1-5-87		11,400	3-16-87	
National Oceanic and Atmospheric Administration								
Operations, research, and facilities.....	R87-19	58,857		1-5-87		58,857	3-16-87	
National Telecommunications and Information Administration								
Public telecommunications facilities, planning and construction.....	R87-20	19,300		1-5-87		19,300	3-16-87	

Attachment A - Status of Rescissions - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF DEFENSE - MILITARY								
Procurement								
Procurement of weapons and tracked combat vehicles, Army.....	R87-21	15,000		1-5-87		15,000	3-16-87	
Other procurement, Navy.....	R87-22	116,000		1-5-87		116,000	3-16-87	
Military Construction								
Military construction, Air Force.....	R87-23	2,750		1-5-87		2,750	3-16-87	
DEPARTMENT OF DEFENSE - CIVIL								
Corps of Engineers - Civil Construction, general.....	R87-24	7,715		1-5-87		7,715	3-16-87	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Compensatory education for the disadvantaged.....	R87-25	7,500		1-5-87		7,500	3-16-87	
Impact aid.....	R87-26	17,500		1-5-87		17,500	3-16-87	
Special programs.....	R87-27	54,980		1-5-87		54,980	3-16-87	
Office of Bilingual Education and Minority Languages Affairs								
Bilingual education.....	R87-28	45,886		1-5-87		45,886	3-16-87	
Office of Special Education and Rehabilitative Services								
Education for the handicapped.....	R87-29	288,659		1-5-87		288,659	3-16-87	
Rehabilitation services and handicapped research.....	R87-30	127,455		1-5-87		127,455	3-16-87	
Office of Vocational and Adult Education								
Vocational and adult education.....	R87-31	432,319		1-5-87		432,319	3-16-87	
Office of Postsecondary Education								
Student financial assistance.....	R87-32	1,269,000		1-5-87		1,269,000	3-16-87	
Higher education.....	R87-33	203,050		1-5-87		203,050	3-16-87	
	R87-33A			1-28-87				
Office of Educational Research and Improvement								
Libraries.....	R87-34	34,500		1-5-87		34,500	3-16-87	

Attachment A - Status of Rescissions - Fiscal Year 1987

As of June 1, 1987

Amounts in Thousands of Dollars

Agency/Bureau/Account

Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF ENERGY								
Energy Programs								
Energy supply, research and development activities.....	R87-35	81,800		1-5-87		81,800	3-16-87	
Fossil energy research and development...	R87-36	44,464		1-5-87		44,464	3-16-87	
Energy conservation.....	R87-37	87,433		1-5-87				
	R87-37A	-3500		1-28-87		83,933	3-16-87	
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Food and Drug Administration								
Buildings and facilities.....	R87-38	500		1-5-87		500	3-16-87	
Health Resources and Services Administration								
Health resources and services.....	R87-39	161,210		1-5-87		161,210	3-16-87	
	R87-39A			1-28-87				
Indian health facilities.....	R87-40	57,100		1-5-87		57,100	3-16-87	
	R87-40A			1-28-87				
National Institutes of Health								
National Library of Medicine.....	R87-41	5,405		1-5-87		5,405	3-16-87	
Office of the Assistant Secretary of Health								
Public health service management.....	R87-42	5,000		1-5-87		5,000	3-16-87	
Departmental Management								
Policy research.....	R87-43	2,200		1-5-87		2,200	3-16-87	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs								
Annual contributions for assisted housing	R87-44	473,313		1-5-87		473,313	3-16-87	
Housing counseling assistance.....	R87-45	3,500		1-5-87		3,500	3-16-87	
Community Planning and Development								
Community development grants.....	R87-46	375,200		1-5-87		375,200	3-16-87	
Urban development action grants.....	R87-47	237,500		1-5-87		237,500	3-16-87	
Management and Administration								
Salaries and expenses.....	R87-48	19,042		1-5-87		19,042	3-16-87	

Attachment A - Status of Rescissions - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF THE INTERIOR								
Bureau of Land Management								
Management of lands and resources.....	R87-49	6,500		1-5-87		6,500	3-16-87	
Construction and access.....	R87-50	1,600		1-5-87		1,600	3-16-87	
Land acquisition.....	R87-51	2,700		1-5-87		2,700	3-16-87	
Bureau of Mines								
Mines and minerals.....	R87-52	16,594		1-5-87		16,594	3-16-87	
United States Fish and Wildlife Service								
Resource management.....	R87-53	20,500		1-5-87		20,500	3-16-87	
	R87-53A			1-28-87				
Construction.....	R87-54	23,200		1-5-87		23,200	3-16-87	
Land acquisition.....	R87-55	26,762		1-5-87		26,762	3-16-87	
National Park Service								
Operation of the national park system....	R87-56	7,950		1-5-87		7,950	3-16-87	
Construction.....	R87-57	58,981		1-5-87		58,981	3-16-87	
Land acquisition.....	R87-58	97,638		1-5-87		97,638	3-16-87	
Historic preservation fund.....	R87-59	15,000		1-5-87		15,000	3-16-87	
Bureau of Indian Affairs								
Construction.....	R87-60	22,811		1-5-87		22,811	3-16-87	
Territorial and International Affairs								
Administration of territories.....	R87-61	2,500		1-5-87		2,500	3-16-87	
DEPARTMENT OF JUSTICE								
Immigration and Naturalization Service								
Salaries and expenses.....	R87-62	24,598		1-5-87		24,598	3-16-87	
DEPARTMENT OF LABOR								
Employment and Training Administration								
Training and employment services.....	R87-63	332,000		1-5-87		332,000	3-16-87	

Attachment A - Status of Rescissions - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congressional Action
DEPARTMENT OF THE TREASURY								
Federal Law Enforcement Training Center Salaries and expenses.....	R87-64	8,450		1-5-87		8,450	3-16-87	
Bureau of Alcohol, Tobacco, and Firearms Salaries and expenses.....	R87-65	15,000		1-5-87		15,000	3-16-87	
United States Customs Service Salaries and expenses.....	R87-66	38,945		1-5-87		38,945	3-16-87	
ENVIRONMENTAL PROTECTION AGENCY								
Abatement, control, and compliance.....	R87-67	47,500		1-5-87		47,500	3-16-87	
Buildings and facilities.....	R87-68	2,500		1-5-87		2,500	3-16-87	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION								
Research and development.....	R87-69	25,796		1-5-87		25,796	3-16-87	
VETERANS ADMINISTRATION								
Medical care.....	R87-70	75,000		1-5-87		(See Note Below)		
OTHER INDEPENDENT AGENCIES								
Appalachian Regional Commission Appalachian regional development programs	R87-71	31,059		1-5-87		31,059	3-16-87	
National Endowment for the Humanities National capital arts and cultural affairs	R87-72	4,000		1-5-87		4,000	3-16-87	
Selective Service System Salaries and expenses.....	R87-73	409		1-5-87		409	3-17-87	
Total, rescissions.....		5,835,751	0			5,760,751		

NOTE. - The \$75 million proposed for rescission in Rescission Proposal No. R87-70 was never withheld from obligation. Therefore, there was no need to release the funds on March 16.

Attachment B - Status of Deferrals - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 6-1-87
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance	D87-22	4,040,441		12-15-86	2,155,000				1,885,441
Foreign military sales credit.....	D87-1	95,000		9-26-86					606,907
Economic support fund.....	D87-1A		2,351,470	12-15-86	1,839,563				428,350
Military assistance.....	D87-23	847,000		12-15-86	418,650				
International military education and training.....	D87-24	2,000		12-15-86	2,000				0
Agency for International Development	D87-32	2,278		1-28-87					2,278
Functional development assistance.....	D87-25	57,000		12-15-86	52,566				4,434
International disaster assistance.....									0
Special Assistance for Central America	D87-26	60,000		12-15-86	60,000				0
Assistance for the Nicaraguan Democratic Resistance.....									
Promotion of stability and security in Central America.....	D87-27	1,000		12-15-86					1,000
DEPARTMENT OF AGRICULTURE									
Commodity Credit Corporation	D87-33	28,559		1-28-87		28,559 P.L. 100-6			0
Temporary emergency food assistance.....									
Rural Electrification Administration	D87-34	20,000		1-28-87					20,000
Reimbursement to the Rural electrification and telephone and revolving fund for interest subsidies and losses.....									
Forest Service	D87-35	797		1-28-87					797
State and private forestry.....	D87-36	27,070		1-28-87					27,070
Land acquisition.....	D87-2	111,202		9-26-86					
Expenses, brush disposal.....	D87-2A		1,534	3-4-87					112,736
Timber roads, purchaser election.....	D87-37	11,900		1-28-87					11,900
Timber salvage sales.....	D87-3	29,731		9-26-86	6,113			3	23,621
Cooperative work.....	D87-4	526,938		9-26-86					
Gifts, donations, and bequests for forest and rangeland research.....	D87-4A		8,336	3-4-87					535,275
	D87-5	200		9-26-86	25				175

Attachment B - Status of Deferrals - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OHB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 6-1-87
DEPARTMENT OF DEFENSE - MILITARY									
Military Construction									
Military construction, Defense.....	D87-6 D87-6A	2,350	1,316,152	9-26-86 12-15-86	807,820				510,682
Family Housing									
Family housing, Defense.....	D87-7 D87-7A	76,943	190,022	9-26-86 12-15-86	210,650				56,315
DEPARTMENT OF DEFENSE - CIVIL									
Soldiers' and Airmen's Home									
Capital outlays.....	D87-38	1,132		1-28-87					1,132
Wildlife Conservation, Military Reservations									
Wildlife conservation.....	D87-8 D87-8A D87-8B	1,065	25 46	9-26-86 1-5-87 3-4-87	40				1,096
DEPARTMENT OF ENERGY									
Power Marketing Administration									
Alaska Power Administration, Operation and maintenance.....	D87-9	165		9-26-86					165
Southwestern Power Administration, Operation and maintenance.....	D87-10 D87-10A	7,554	6,106	9-26-86 1-5-87					13,660
Western Area Power Administration, Construction, rehabilitation, operation and maintenance.....	D87-29	4,485		1-5-87					4,485
Departmental Administration									
Departmental administration.....	D87-30	24,182		1-5-87					24,182

Attachment B - Status of Deferrals - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 6-1-87
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Resources and Services Administration Indian catastrophic health emergency fund..	D87-28	10,000		12-15-86	10,000				0
Centers for Disease Control Disease control, research, and training....	D87-39	2,428		1-28-87					2,428
Alcohol, Drug Abuse, and Mental Health Administration Alcohol, drug abuse, and mental health...	D87-40	10,000		1-28-87					10,000
Office of Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....	D87-11	2,900		9-26-86					2,900
Social Security Administration Limitation on administrative expenses (construction).....	D87-12 D87-12A	7,073	89	9-26-86 1-28-87	12				7,151
Limitation on administrative expenses (information technology systems).....	D87-57	134,437		3-4-87					134,437
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management Payments for proceeds, sale of Mineral Leasing Act of 1920, Section 40(d).....	D87-31	49		1-5-87					49
DEPARTMENT OF JUSTICE									
Office of Justice Programs Crime victims fund.....	D87-13	70,000		9-26-86					70,000
DEPARTMENT OF LABOR									
Employment Standards Administration Salaries and expenses.....	D87-41	9,659		1-28-87					9,659

Attachment B - Status of Deferrals - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 6-1-87
DEPARTMENT OF STATE									
Bureau for Refugee Programs United States emergency refugee and migration assistance fund, executive.....	D87-14 D87-14A	6,100	14,000	9-26-86 1-5-87					20,100
Other Assistance for implementation of a Contadora agreement.....	D87-15	2,000		9-26-86	2,000				0
DEPARTMENT OF TRANSPORTATION									
Federal Railroad Administration									
Rail service assistance.....	D87-42	462		1-28-87					462
Railroad safety.....	D87-43	1,101		1-28-87	1,101				0
Conrail labor protection.....	D87-44	646		1-28-87					646
Northeast corridor improvement program.....	D87-45	16,962		1-28-87					16,962
Conrail commuter transition assistance.....	D87-46	10,000		1-28-87					10,000
Urban Mass Transportation Administration									
Research, training and human resources.....	D87-47	4,336		1-28-87					4,336
Interstate transfer grants - transit.....	D87-48	51,800		1-28-87					51,800
Federal Aviation Administration									
Operation and maintenance, Metropolitan Washington Airports.....	D87-49	12,214		1-28-87					12,214
Facilities and equipment (Airport and airway trust fund).....	D87-16 D87-16A	803,877	295,611	9-26-86 12-15-86	19,996				1,079,492
Coast Guard									
Research, development, test, and evaluation.....	D87-50	5,000		1-28-87					5,000
Offshore oil pollution compensation fund....	D87-51	2,154		1-28-87					2,154
Deepwater port liability fund.....	D87-52	5,176		1-28-87					5,176
Office of the Secretary									
Payments to air carriers.....	D87-53	10,748		1-28-87					10,748

Attachment B - Status of Deferrals - Fiscal Year 1987

As of June 1, 1987 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change	Date of Message	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Congres- sional Action	Cumulative Adjustments	Amount Deferred as of 6-1-87
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
Local government fiscal assistance trust fund.....	D87-17	74,149		9-26-86	71,208				2,941
Local government fiscal assistance trust fund.....	D87-21	5,981		9-26-86	4,641			723	2,063
ENVIRONMENTAL PROTECTION AGENCY									
Research and development.....	D87-54	11,000		1-28-87					11,000
Abatement, control, and compliance.....	D87-55	11,400		1-28-87					11,400
OTHER INDEPENDENT AGENCIES									
Commission on the Ukraine Famine Salaries and expenses.....	D87-18	100		9-26-86					100
Office of the Federal Inspector for the Alaska Natural Gas Transportation System, Salaries and expenses.....	D87-19	411		9-26-86	411				0
Pennsylvania Avenue Development Corporation Land acquisition and development fund.....	D87-20	11,873		9-26-86					11,873
United States Railway Association Administrative expenses.....	D87-56	1,155		1-28-87					1,155
TOTAL, DEFERRALS.....		7,274,185	4,183,392		5,661,796	28,559		726	5,767,947

Note: All of the above amounts represent budget authority except the Local Government Fiscal Assistance Trust Fund (D87-21) of outlays only.

federal register

Friday
June 19, 1987

Part IV

Department of the Interior

Minerals Management Service

St. George Basin Lease Sale 101;
Request for Interest; Notice

receiving information on industry interest prior to the issuance of the Call, the Federal Government and other parties can avoid unnecessary expenditures on the lengthy and costly presale process.

The presale process includes the following steps: Call for Information and Nominations and Notice of Intent to Prepare an Environmental Impact Statement (EIS), Area Identification, draft EIS, Public Hearings, final EIS, proposed Notice of Sale, Governors' Comments, and final Notice of Sale. For Alaska sales, the entire process takes approximately 29 months.

Description of Area

The St. George Basin is located generally north of the Aleutian Islands in the Bering Sea approximately between longitudes 174° W. and 165° W. and approximately between latitudes 53° N. and 59° N. as shown on the attached map. The planning area includes approximately 12,600 blocks covering approximately 70 million acres.

Large portions of the area were requested for deferral by the State of Alaska and the signatories to the Institute for Resource Management (IRM) Bering Sea Proposal. A portion of the area requested for deferral has been deferred pursuant to the Proposed Final 5-Year Program. This is shown as a subarea deferral on the attached map. Deferrals requested by the State and the IRM that were not adopted at this time have been highlighted for special presale consideration. Highlighting areas for special presale consideration means special mention of such areas in the Call for Information and Nominations and consideration of them as potential deferral alternatives in the EIS scoping process. This is consistent with the commitment made in the Proposed Final program.

The area open for comment at this time consists of 7,004 blocks (approximately 39.3 million acres) and is outlined on the attached map. A larger scale map of the St. George Basin Planning Area showing boundaries and deferral areas on a block-by-block basis is available from the Records Manager, Alaska Region, Minerals Management Service, 949 East 36th Avenue, Room 502, Anchorage, Alaska 99508-4302, telephone (907) 261-4621.

Previous Presale Activities

A Call for Nominations and Comments for a sale in the Bering Sea was issued in December 1974. The Department of the Interior (DOI) selected 299 tracts totaling approximately 1.7 million acres in March 1976 for a tentative sale scheduled for early 1977. However, an EIS was never initiated. The approved 1980 5-Year OCS Oil and Gas Leasing Schedule listed Sale 70, St. George Basin, as the only sale in that area.

UNITED STATES DEPARTMENT OF THE INTERIOR MINERALS MANAGEMENT SERVICE

Request for Interest
St. George Basin
Lease Sale 101

Purpose

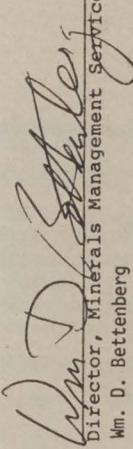
The St. George Basin proposed Outer Continental Shelf (OCS) Oil and Gas Lease Sale has been designated as a Frontier Exploration Sale in the Proposed Final 5-Year Leasing Program for Mid-1987 to Mid-1992, dated April 1987. Sale 101 is being reviewed by the Secretary of the Interior to determine whether the OCS presale process should be initiated for this sale. The oil and gas industry is asked to assist in this process by providing up-to-date information on its interest in leasing and exploring within the St. George Basin planning area.

If a decision is made to begin the OCS presale process, for this sale, a Call for Information and Nominations would be issued in October 1987 with a sale proposed for February 1990. If interest is determined to be insufficient to justify proceeding with the presale process, the sale can be canceled, or delayed and a Request for Interest reissued on an annual or less frequent basis until interest is determined to be sufficient to hold the sale or the sale is canceled.

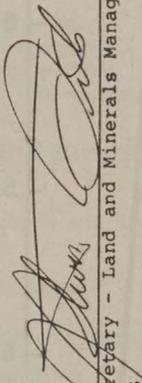
Use of Information from Request

The responses will assist the Secretary of the Interior to determine if the presale process for the proposal should be started, canceled, or deferred for consideration in a future 5-year schedule. This approach is designed to add flexibility to the program by providing for the reasonable possibility that changes in geologic data or economic or other conditions could create bidding interest in the future in areas which now appear unattractive. For example, a substantial oil price increase (such as might result from an oil supply disruption), if anticipated to be relatively long term, could make an area now unattractive to potential bidders into one which could be of interest to them. Other information of interest would include new geophysical data, new geological data, new interpretations of existing data, and new estimates of costs of production. By

Hand deliveries to the headquarters office may be made at 18th and C Streets, NW, Room 2523, Washington, D.C.


 Director, Minerals Management Service
 Wm. D. Bettenberg

Approved


 Assistant Secretary - Land and Minerals Management
 J. Steven Grilles

JUN 15 1987

Date

The first Federal offshore sale in this area, OCS Oil and Gas Lease Sale 70, was held on April 12, 1983. Of 479 blocks (about 2.6 million acres) offered, 97 blocks received bids, and bids on 96 blocks were accepted. Issuance of leases was delayed due to litigation against the sale (Village of Faise Pass v. William Clark, 733 F.2d 605 (9th Cir. 1984)) resulting in an injunction against lease issuance. After preparation of a supplemental EIS, the injunction was lifted and leases were issued effective February 1 and March 1, 1984. All 96 leases were for a primary term of 10 years. Ten wells were drilled as a result of Sale 70; all were plugged and abandoned. Fifty-eight leases were relinquished as of May 1987.

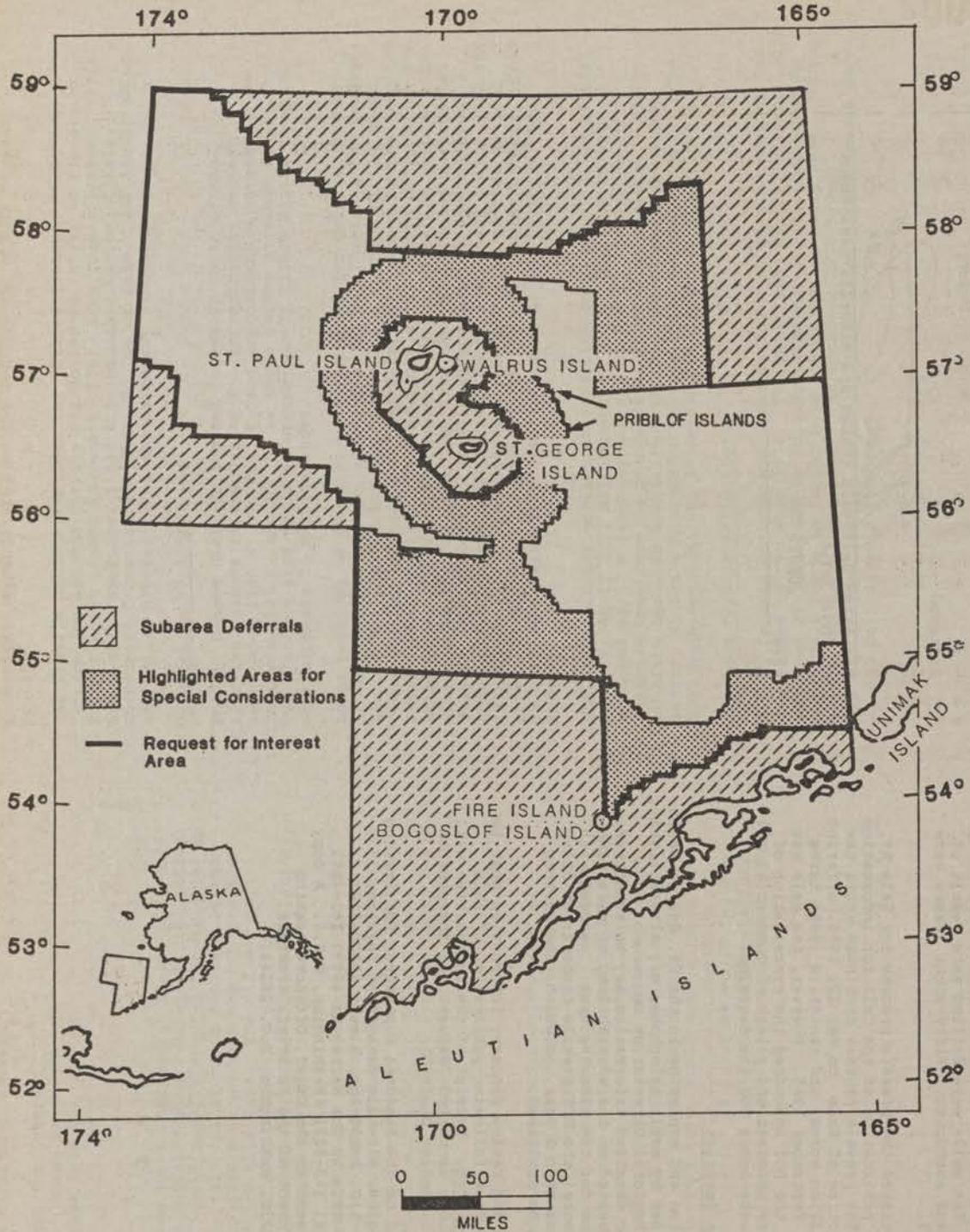
On April 29, 1983, DOI initiated the presale process for Sale 89, St. George Basin, with the publication of the Call for Information in the Federal Register. The presale process continued until the issuance of the proposed Notice of Sale on May 22, 1985, offering 11,543 blocks (about 65 million acres) and tentative lease terms for the sale scheduled for September 1985. However, the sale was not held. On May 2, 1986, the DOI announced the cancellation of Sale 89, citing low industry interest and a lack of commercial oil discovery announcements as the basis for the decision.

Instructions on Request for Interest

Information regarding leasing and exploring in the St. George Basin planning area may be provided by mail, telephone, or, alternatively, informal meeting with the Regional Director or designated representative. General or detailed information may be submitted. Specific responses are requested on the advisability of selecting one of the following options for the planning area: proceed with the OCS presale process; cancel the OCS presale process; or delay the sale process for no less than 1 year, at which time another Request for Interest would be published.

In order to be included in the review process, information must be submitted no later than 45 days following publication of this document in the Federal Register. Receipt of the information will be facilitated if the envelope is marked "Request for Interest on Proposed Lease Sale 101, St. George Basin."

Letters should be addressed to the Regional Supervisor for Leasing and Environment, Alaska Region, Minerals Management Service, 949 East 36th Avenue, Room 110, Anchorage, Alaska 99508-4302. Telephone inquiries may be made to Tom Warren at (907) 261-4691 or to Yvonne Morehouse (202) 343-5121 (Washington, D.C.). A copy of the response should be sent to the Chief, Offshore Leasing Management Division, Department of the Interior, Minerals Management Service, Room 4230, Washington, D.C. 20240.



U. S. DEPARTMENT OF THE INTERIOR
 MINERALS MANAGEMENT SERVICE
 ALASKA OCS REGION



ST. GEORGE BASIN PLANNING AREA

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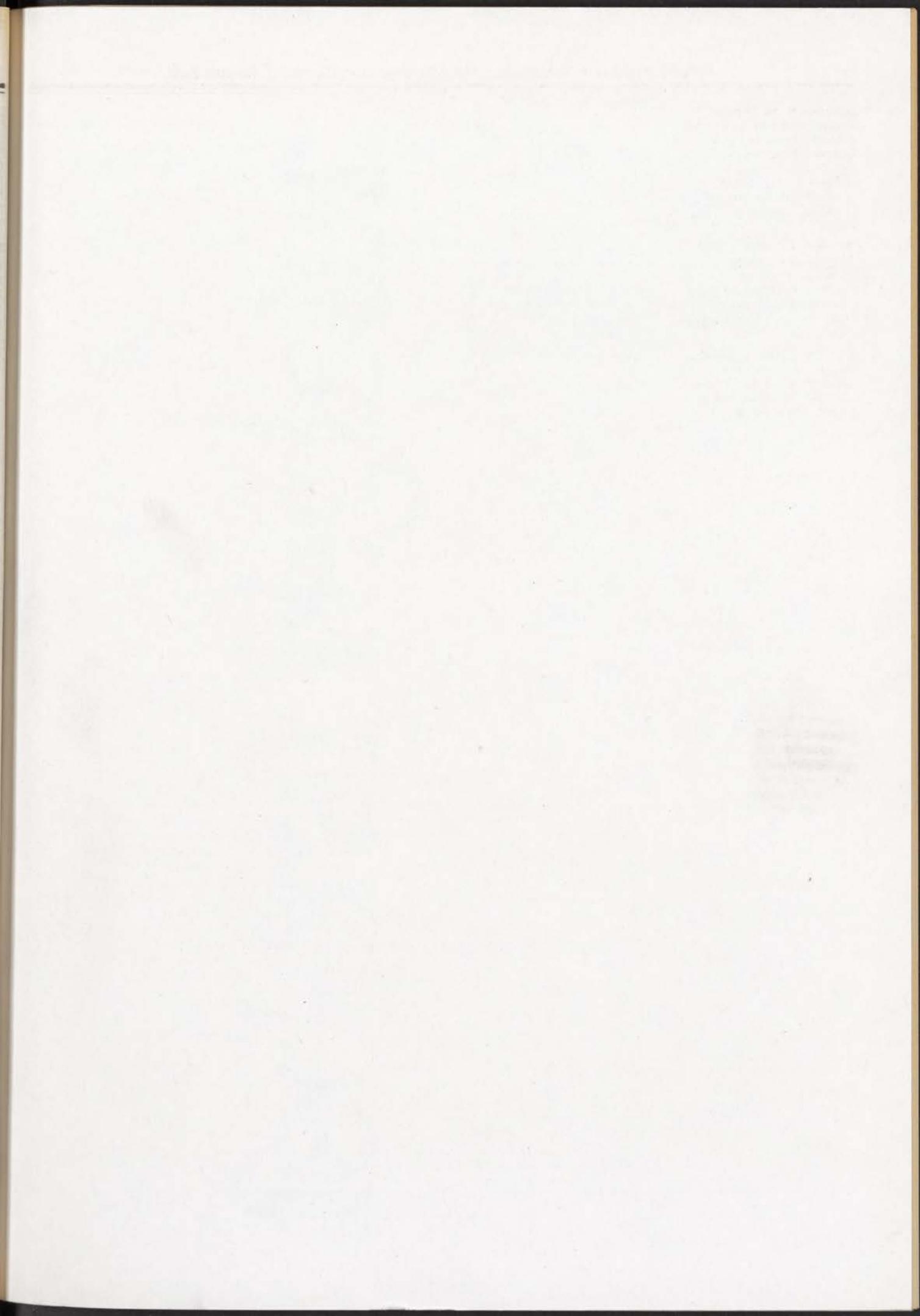
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H.J. Res. 280/Pub. L. 100-51

To observe the 300th Commencement exercise at the Ohio State University on June 12, 1987. (June 16, 1987; 101 Stat. 364; 1 page) Price: \$1.00

S.J. Res. 5/Pub. L. 100-52

Designating June 14, 1987, as "Baltic Freedom Day." (June 16, 1987; 101 Stat. 365; 2 pages) Price: \$1.00



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