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Presidential Documents

Title 3—

The President

Proclamation 5683 of July 20, 1987

International Special Olympics Week and Day, 1987

By the President of the United States of America

A Proclamation

The 1987 VII International Summer Special Olympic Games, to be held from July 31 to August 8 at the University of Notre Dame in South Bend, Indiana, will host 6,000 athletes, 15,000 volunteers, and thousands of guests from around the United States and the world. Every American can be grateful for the many dedicated and selfless organizers of these games, the largest worldwide amateur sporting event of the year.

We can also be grateful indeed for the entire program of Special Olympics. Its comprehensive local as well as national programs foster self-challenge and discovery and help the physically and mentally impaired form a healthy self-image, develop positive interpersonal skills and relationships, and realize all they have to offer. Special Olympics is one of several advances—along with recent progress in scientific and medical research and increased integration of handicapped and developmentally disabled people into the workplace—that have led to a dramatic change in public perception of the capabilities of this important segment of our population. That is truly cause for celebration, at this Special Olympiad and always.

The pride and good wishes of every American go with the special athletes of Special Olympics, now and always.

The Congress, by Senate Joint Resolution 85, has designated the period beginning August 2, 1987, and ending August 8, 1987, as "International Special Olympics Week," and August 3, 1987, as "International Special Olympics Day," and authorized and requested the President to issue a proclamation in observance of these events.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the period beginning August 2, 1987, and ending August 8, 1987, as International Special Olympics Week, and August 3 as International Special Olympics Day. I invite all Americans to observe this period with appropriate ceremonies and activities directed toward increasing public awareness of the needs and the potential of people with handicapping conditions and developmental disabilities. I further urge all Americans to join with me in according our fellow citizens with such disabilities the encouragement and opportunities they need to achieve their full potential.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of July, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

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Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Canned White Potatoes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise the voluntary U.S. grade standards for canned white potatoes. This final rule was developed by the United States Department of Agriculture (USDA) at the request of a major processor of canned white potatoes. This final rule will: (1) Change the procedure for determining uniformity of size and shape in whole style canned white potatoes; (2) make the acceptance numbers allowed in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR 52.1–52.83) applicable to size designation for whole style canned white potatoes; (3) change the format to include definitions of terms and easy-to-read tables; and (4) make minor editoral changes. Its effect will be to improve the grade standards and encourage uniformity in commercial practices which will facilitate the trading of canned white potatoes.

EFFECTIVE DATE: August 24, 1987.

FOR FURTHER INFORMATION CONTACT: Leon R. Cary, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under and Executive Order 12291 and Departmental Regulation 1512–1 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because it is only a revision and simplification of grade standards which are voluntary.

The currently effective U.S. grade standards for canned white potatoes base uniformity of size and shape determination for whole style on the weight of the largest whole potato compared to the weight of the second smallest whole potato present in the sample unit.

This final rule will base uniformity of size and shape on the weight of the largest compared to the weight of the smallest of the ninety percent most uniform whole potatoes in the sample unit. This will allow the ten percent (by count) least uniform potatoes, whether large, small or a combination of large and small, to be removed from the sample unit before uniformity of size and shape is determined.

The Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR 52.1–52.83) include sample sizes and acceptance numbers that may be applied to scorable factors in the U.S. grade standards. This acceptance number allows an occasional sample unit to fail the intended grade—it is based on an Acceptable Quality Level (AQL) of 6.5—one in six, two in thirteen, etc. The currently effective U.S. grade standards for canned white potatoes do not allow acceptance numbers to be applied to the non-scorable factor of size designation. This final rule will allow acceptance numbers to be applied when determining size designation of the product.

On May 12, 1986, a proposed rule was published in the **Federal Register** (51 FR 17349). The comment filing period ended July 11, 1986. The National Food Processors Association (NFPA), a scientifically and technically based trade association that represents nearly 600 food processing companies, commented in support of the proposal.

Two food processing companies suggested changes in the recommended minimum drained weights for some styles and can sizes. At this time, the Department has insufficient data to make or propose any drained weight changes.

One food processor suggested that size designations for whole style potatoes be based on count rather than diameter, and if this were not feasible, that a total allowance of 20 percent "out of size" be permitted instead of the current 10 percent of the next smaller and 10 percent of the next larger size designations. The Department has insufficient data to establish "by count" size designations for canned white potatoes at this time, and believes the application or use of acceptance number(s) when determining or assigning size designations will provide an adequate allowance for size.

One food processing company suggested that uniformity of size and shape, in whole style potatoes, be based on the 95 percent (by count) most uniform units rather than the proposed 90 percent. NFPA and three individual processors supported determination of uniformity of size and shape as published in the proposed rule. It is the determination of the Department that it will be in the best interest of the industry and the consumers to retain the requirements for uniformity of size and shape as outlined in the proposal.

After consideration of all relevant matters, including the proposal and the comments, the Department, in order to improve the standards and encourage uniformity and consistency in commercial practices which will facilitate the trading of canned white potatoes, hereby revises the grade standards to: (1) Change the procedure for determining uniformity of size and shape in whole style canned white potatoes; (2) make the acceptance numbers allowed in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products (7 CFR 52.1–52.83) applicable to size designation for whole style canned white potatoes; (3) change the format to include definition of terms

and easy to read tables; and (4) make minor editoral changes.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

Accordingly, 7 CFR Part 52 is amended as follows:

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

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205; 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

PART 52—[AMENDED]

2. *Subpart—United States Standards for Grades of Canned White Potatoes* (7 CFR 52.1811–52.1826) is revised to read as follows:

Subpart—United States Standards for Grades of Canned White Potatoes

Sec.

Subpart—United States Standards for Grades of Canned White Potatoes

§ 52.1811 Product description.

Canned white potatoes is the product as defined in the Standards of Identity for Certain Other Canned Vegetables (21 CFR 155.200) issued under the Federal Food, Drug, and Cosmetic Act.

§ 52.1812 Styles.

(a) *Whole* consists of peeled white potatoes that retain the approximate original conformation of the whole potato.

(b) *Slices or sliced* consist of peeled whole white potatoes cut into slices of substantially uniform thickness.

(c) *Dice or diced* consist of peeled whole white potatoes cut into slices of substantially uniform thickness.

(d) *Shoestring, french style, or julienne* consists of peeled whole white potatoes cut into rectangular units having length measurements which are three (3) or more times the width measurements.

(e) *Pieces* consist of peeled whole white potatoes of random size and/or shape, or potatoes that have been cut into approximate quarters or wedge-shaped units.

(f) Any combination of two (2) or more of the foregoing styles constitutes a style and shall be considered as a mixture of the individual styles that comprise the combination.

§ 52.1813 Definitions of terms.

As used in these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Blemished* means units affected by brown or black internal or external discoloration, discolored or unpeeled eyes, hollow heart, scab, or units blemished by other means to such an extent that the appearance or eating quality of the unit is materially affected.

(b) *Seriously blemished* means units affected by brown or black internal or external discoloration, pathological or insect injury or units blemished by other means to such an extent that the appearance or eating quality of the unit is seriously affected.

(c) *Color*—(1) *Good color* means that the units, exclusive of blemished areas, are practically free from oxidation or light greenish coloration, and have a bright, practically uniform, light color, typical of canned white potatoes processed from potatoes of similar varietal characteristics.

(2) *Reasonably good color* means that the units possess a reasonably good color, and the units individually or collectively may be variable in color, dull, slightly oxidized, or otherwise discolored but not to the extent that the appearance of the product is seriously affected.

(3) *Poor color* means the units fail to meet the requirements for reasonably good color.

(d) *Defects*—(1) *Practically free from defects* means the defects present do not materially affect the appearance or edibility of the product.

(2) *Reasonably free from defects* means the defects present do not seriously affect the appearance or edibility of the product.

(e) *Diameter:* (1) Of elongated whole potatoes means the greatest measurement at right angles to the longitudinal axis of the units.

(2) Of round or nearly round whole potatoes means the greatest measurement across the center of the unit.

(3) Of sliced style potatoes means the shortest measurement of the larger cut surface of the slice.

(f) *Extraneous vegetable material (EVM)* means harmless plant material such as leaves, stems, or roots.

(g) *Flavor and Odor*—(1) *Good flavor and odor* means a good, distinctive flavor and odor which is characteristic of properly prepared and properly processed canned white potatoes, (including any permitted safe and suitable optional ingredient(s)), that are free from objectionable flavors or odors.

(2) *Reasonably good flavor and odor* means that the canned white potatoes, (including any permitted safe and suitable optional ingredient(s)), may be lacking in good flavor and odor but are free from objectionable flavors or odors.

(h) *Mechanical damage* means damage incurred during harvesting or processing such as broken, crushed or cracked units, and units that are excessively trimmed.

(i) *Pathological or insect injury* means damage caused by disease or insects.

(j) *Peel* means the outer layer of the potato that is normally removed during processing.

(k) *Potato unit* means one whole, slice, dice, shoestring, or piece of potato as applicable for the style.

(l) *Sample unit size* means the amount of product to be used for grading. It may be:

(1) The entire contents of a container;

(2) A portion of the contents of a container;

(3) A combination of the contents of two (2) or more containers;

(4) A portion of unpacked product.

(m) *Texture.* The factor of texture refers to the tenderness of the canned white potatoes and to the degree of freedom from sloughing and from hard or objectionably coarse grained units.

(1) *Good texture* means the texture of the potatoes is practically uniform and is typical of properly prepared and properly processed potatoes and that the potatoes are firm and tender and have a fine and even grain. There may be sloughing to a degree that does not more than slightly affect the appearance of the product.

(2) *Reasonably good texture* means the potatoes are reasonably tender, and may be variable in texture, ranging from somewhat soft to firm, but are not tough, hard or mushy. There may be a moderate amount of sloughing that does not seriously affect the appearance of the product.

(3) *Poor texture* means the potato units fail to meet the requirements for reasonably good texture.

§ 52.1814 Recommended fill of container.

(a) The fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. Each container shall be filled with white potatoes as full as practicable without impairment of quality and the product and packing

medium shall occupy not less than 90 percent of the total capacity of the container.

(b) Total capacity of the container means the maximum weight of distilled water, at 68 degrees Fahrenheit (20 degrees Celsius), which the sealed container will hold.

§ 52.1815 Recommended minimum drained weights.

(a) *General.* (1) The minimum drained weight values are given in Table I. They are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The minimum drained weights are based on the weight of the white potatoes after the canned product has been allowed to equalize for 15 or more days after the product has been canned.

(b) *Method of determining drained weight.* (1) The drained weight of canned white potatoes is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve (or equivalent) of the proper diameter containing 8 meshes to the inch (0.0937-inch (2.4 mm), ±3 percent, square openings) so as to distribute the product evenly. Without shifting the product, incline the sieve to a 17 to 20 degree angle to facilitate drainage and allow to drain for two (2) minutes.

(2) The drained weight is the weight of the sieve and white potatoes less the weight of the dry sieve. The diameter of the sieve shall be 8 inches (20.3 cm), or equivalent, if the water capacity of the container is less than 3 pounds (1.36 kg), or 12 inches (30.5 cm), or equivalent, if such capacity is 3 pounds (1.36 kg) or more.

(c) *Compliance with minimum drained weight values.* Compliance with the minimum drained weight values in Table I is determined by averaging the drained weights from all the containers in the sample which represent a specific lot. Such lot is considered as meeting the minimum drained weight values if the following criteria are met:

(1) The sample average (average of all the containers in the sample) meets the minimum average drained weight value (designated as "X_d" in Table I); and

(2) The number of sample units which fail to meet the minimum drained weight value for individual containers (designated as "LL" in Table I and IA) does not exceed the applicable acceptance number specified in the applicable single sampling plans of the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1 through 52.83).

TABLE I.—MINIMUM DRAINED WEIGHTS FOR CANNED WHITE POTATOES ENGLISH (AVOIRDUPOIS) SYSTEM

Container Designation	Container Dimensions		Styles									
			Whole		Sliced		Diced		Julienne		Pieces	
	Diameter (inches)	Height (inches)	$\bar{X}d$[1] (ounces)	LL[2] (ounces)	$\bar{X}d$ (ounces)	LL (ounces)	$\bar{X}d$ (ounces)	LL (ounces)	$\bar{X}d$ (ounces)	LL (ounces)	$\bar{X}d$ (ounces)	LL (ounces)
8Z Tall	2 1/16	3 3/16	5.5	4.8	5.5	5.0	5.6	5.1	5.3	4.8	5.5	4.8
No. 300	3	4 7/16	9.5	8.7	9.7	9.0	10.0	9.5	8.8	8.3	9.5	8.7
No. 303	3 3/16	4 6/16	10.2	9.3	10.2	9.4	10.5	9.8	9.3	8.6	10.2	9.3
No. 2	3 7/16	4 9/16	13.0	11.9	13.3	12.4	13.5	12.7	12.3	11.5	13.0	11.9
No. 2½	4 1/16	4 11/16	19.0	17.7	19.5	18.4	20.0	19.0	18.3	17.3	19.0	17.7
No. 10	6 3/16	7	74.0	71.5	75.0	73.0	76.0	74.2	72.0	70.2	74.0	71.5

[1] "$\bar{X}_d$" means the minimum average drained weight from all the containers in the sample.
[2] "LL" means the minimum drained weight for individual containers.

TABLE IA.—MINIMUM DRAINED WEIGHTS FOR CANNED WHITE POTATOES METRIC SYSTEM (SYSTEME INTERNATIONAL)

Container Designation	Container Dimensions		Styles									
			Whole		Sliced		Diced		Julienne		Pieces	
	Diameter (millimeters)	Height (millimeters)	$\bar{X}d$[1] (grams)	LL[2] (grams)	$\bar{X}d$ (grams)	LL (grams)	$\bar{X}d$ (grams)	LL (grams)	$\bar{X}d$ (grams)	LL (grams)	$\bar{X}d$ (grams)	LL (grams)
8Z Tall	68.3	82.6	155.9	136.1	155.9	141.7	158.8	144.6	150.3	136.1	155.9	136.1
No. 300	76.2	112.7	269.3	246.6	275.0	255.1	283.5	269.3	249.5	235.2	269.3	246.6
No. 303	81.0	111.1	289.2	263.7	289.2	266.5	297.7	277.8	263.7	243.8	289.2	263.7
No. 2	87.3	115.9	368.5	337.4	377.0	351.5	382.7	360.0	348.7	326.0	368.5	337.4
No. 2½	103.2	119.1	538.6	501.8	552.8	521.6	567.0	538.6	518.8	490.4	538.6	501.8
No. 10	157.2	177.8	2097.9	2027.0	2126.2	2069.5	2154.6	2103.5	2041.2	1990.1	2097.9	2027.0

[1] "$\bar{X}_d$" means the minimum average drained weight from all the containers in the sample.
[2] "LL" means the minimum drained weight for individual containers.

§ 52.1816 Recommended sample unit sizes.

The requirements for size determination and for quality factors other than the defect defined as extraneous vegetable material are based on a recommended sample unit size of 567g (20.0 oz) of drained product, or the entire drained contents of a container. The recommended sample unit size for extraneous vegetable material is the entire contents of the container.

§ 52.1817 Size requirements for whole potatoes.

(a) A lot of canned whole potatoes shall be assigned a single size designation if the applicable requirements of Table II are met.

(b) A lot of canned whole potatoes that fails the requirements of Table II for a single size designation shall be declared in terms of individual sample unit size designations.

TABLE II.—SIZE DESIGNATION OF WHOLE POTATOES

Word designation	Number designation	In a 567g (20.0 oz) sample unit	One or more sample unit(s) may fall in
Tiny	Size 1	At least 453.6g (16.0 oz)—80% are not more than 25mm (0.98 in) in diameter. 113.4g (4 oz)—20% may have a diameter of more than 25mm (0.98 in) but not more than 38mm (1.49 in).	The next larger designation—small (size 2), provided these sample units do not exceed the acceptance number.[1]
Small	Size 2	At least 453.6g (16.0 oz)—80% have a diameter of more than 25mm (0.98 in) but not more than 38mm (1.49 in). 56.7g (2.0 oz)—10% may have a diameter of 25mm (0.98 in) or less. 56.7g (2.0 oz)—10% may have a diameter of more than 38mm (1.49 in) but not more than 51mm (2.0 in).	The next smaller designation—tiny (size 1), the next larger designation—medium (size 3) or a combination thereof, provided these sample units do not exceed the acceptance number.[1]
Medium	Size 3	At least 453.6g (16.0 oz)—80% have a diameter of more than 38mm (1.49 in) but not more than 51mm (2.0 in). 56.7g (2.0 oz)—10% may have a diameter of more than 25mm (0.98 in) but not more than 38mm (1.49 in). 56.7g (2.0 oz)—10% may have a diameter of more than 51mm (2.0 in).	The next smaller designation—small (size 2), the next larger designation—large (size 4) or a combination thereof, provided these sample units do not exceed the acceptance number.[1]
Large	Size 4	At least 510.3g (18.0 oz)—90% have a diameter of more than 51mm (2.0 in). 56.7g (2.0 oz)—10% may have a diameter of more than 38mm (1.49 in) but not more than 51mm (2.0 in).	The next smaller designation—medium (size 3), provided these sample units do not exceed the acceptance number.[1]

[1] Number of sample units—3, 6, 13, 21, 29.
[1] Acceptance number—0, 1, 2, 3, 4.

§ 52.1818 Grades.

(a) *U.S. Grade A* is the quality of canned white potatoes that meets the applicable requirements of Tables III through VII and scores not less than 80 points.

(b) *U.S. Grade B* is the quality of canned white potatoes that meets the applicable requirements of Table III through VII and scores not less than 80 points.

(c) *Substandard* is the quality of canned white potatoes that fails to meet the requirements for U.S. Grade B.

§ 52.1819 Factors of quality.

The grade of a lot of canned white potatoes is based on the following quality factors:

(a) Color;

(b) Uniformity of size and shape;

(c) Defects;

(d) Texture;

(e) Flavor and odor.

§ 52.1820 Requirements for grades.

TABLE III—WHOLE STYLE

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably Good.
Score	18–20 points	16–17 points.
Uniformity of size	Practically uniform	Reasonably uniform.
In the 90 percent (by count)[5] most uniform units, the weight of the largest unit is not more than.	3.0 times the weight of the smallest unit.	4.0 times the weight of the smallest unit.
Score	118–20 points	16–17 points
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished and blemished: Maximum	113.4g (4.0 oz)[4]	170.1g (6.0 oz.).[4]
Seriously blemished and blemished: Maximum	56.7g (2.0 oz.)[4]	113.4g (4.0 oz.).[4]
Seriously blemished: Maximum	28.4g (1.0 oz)[4]	56.7g (2.0 oz).[4]
Extraneous vegetable material (EVM)	1 piece/1.7kg (60.0 oz.) net wt..	3 pieces/1.7kg (60.0 oz.) net wt.
Sand, grit or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.

TABLE III—WHOLE STYLE—Continued

Quality factors [1]	Grade A [2]	Grade B [3]
Score	27–30 points	24–26 points.
Total Score	90–100 points	80–89 points.
Flavor & Odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567g (20 oz.).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.
[4] Or 1 unit provided the lot average does not exceed the prescribed requirement.
[5] Or 1 unit if the count is less than 10.

TABLE IV.—SLICED STYLE

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size & shape	Practically uniform	Reasonably uniform.
Maximum thickness:	19mm (0.74 in)	25mm (0.98 in)
The diameter of the largest slice is not more than	1.5 times the diameter of the second smallest slice.	2.0 times the diameter of the second smallest slice
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished & blemished: Maximum	85g (3.0 oz)	127.6g (4.5 oz).
Seriously blemished & blemished: Maximum	56.7g (2.0 oz)	85g (3.0 oz).
Seriously blemished: Maximum	14.2 (0.5 oz)	28.4g (1.0 oz).
Extraneous vegetable material (EVM)	1 piece/1.7kg (60.0 oz) net wt. (sample average).	3 pieces/1.7kg (60.0 oz) net wt. (sample average).
Sand, grit or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points.
Total Score	90–100 points	80–89 points.
Flavor & Odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

TABLE V.—DICED STYLE

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size & shape	Practically uniform	Reasonably uniform.
Maximum allowance for irregular shaped units & units that are noticeably larger or smaller than the prevalent cube size	56.7g (2.0 oz)	141.8g (5.0 oz).
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished & blemished: Maximum	56.7g (2.0 oz)	85g (3.0 oz).
Seriously blemished & blemished: Maximum	22.7g (0.8 oz)	34g (1.2 oz).
Seriously blemished: Maximum	5.7g (0.2 oz)	11.3g (0.4 oz).
Extraneous vegetable material (EVM)	1 piece/1.7kg (60.0 oz) net wt. (sample average).	3 pieces/1.7kg (60.0 oz) net wt. (sample average).
Sand, grit or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.

TABLE V.—DICED STYLE—Continued

Quality factors [1]	Grade A [2]	Grade B [3]
Score	27–30 points	24–26 points.
Total Score	90–100 points	80–89 points.
Flavor & Odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

TABLE VI.—FRENCH STYLE

Quality Factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size & Shape	Practically Uniform	Reasonably uniform.
Allowance for units less than 13mm (0.51 in) in length	56.7g (2.0 oz)	141.8g (5.0 oz).
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished & blemished:		
Maximum	56.7g (2.0 oz)	85g (3.0 oz).
Seriously blemished & blemished:		
Maximum	22.7g (0.8 oz)	34g (1.2 oz).
Seriously blemished:		
Maximum	5.7g (0.2 oz)	11.3g (0.4 oz).
Extraneous vegetable material (EVM)	1 piece/1.7kg (60.0 oz) net wt. (sample average)	3 pieces/1.7kg (60.0 oz) net wt. (sample average).
Sand, grit or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points.
Total Score	90–100 points	80–89 points.
Flavor & Odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

TABLE VII—PIECES

Quality factors [1]	Grade A [2]	Grade B [3]
Color	Good	Reasonably good.
Score	18–20 points	16–17 points.
Uniformity of size & shape	Practically uniform	Reasonably uniform.
Maximum allowance for units weighing less than 7.1g (0.25 oz)	28.4g (1.0 oz)	56.7g (2.0 oz).
Of those units weighing 7.1g (0.25 oz) or more, the weight of the largest unit is not more than.	2.0 times the weight of the second smallest unit.	4.0 times the weight of the second smallest unit.
Score	18–20 points	16–17 points.
Defects	Practically free	Reasonably free.
Mechanical damage, seriously blemished & blemished:		
Maximum	85g (3.0 oz)	127.6g (4.5 oz).
Seriously blemished & blemished:		
Maximum	56.7g (2.0 oz)	85g (3.0 oz).
Seriously blemished:		
Maximum	14.2g (0.5 oz)	28.4g (1.0 oz).
Extraneous vegetable material. (EVM)	1 piece/1.7kg (60.0 oz) net wt. (sample average).	3 pieces/1.7kg (60.0 oz) net wt. (sample average).
Sand, grit, or silt	None	Trace.
Score	27–30 points	24–26 points.
Texture	Good	Reasonably good.
Score	27–30 points	24–26 points.
Total Score	90–100 points	80–89 points.

TABLE VII—PIECES—Continued

Quality factors [1]	Grade A [2]	Grade B [3]
Flavor & Odor	Good	Reasonably good.

[1] All quality factors except EVM are based on a sample unit size of 567g (20 oz).
[2] Can be reasonably uniform in size and shape if total score is 90 points or more.
[3] Can fail requirements for reasonably uniform size and shape if total score is 80 points or more.

§ 52.1821 Determining the grade of a lot.

The grade of a lot of canned white potatoes covered by these standards is determined by the procedures found in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1 through 52.83).

Done at Washington, DC, on: July 16, 1987.

J. Patrick Boyle,

Administrator.

[FR Doc. 87-16661 Filed 7-22-87; 8:45 am]

BILLING CODE 3410-02-M

Food and Nutrition Service

7 CFR Part 245

Categorical Eligibility for Free Meals and Milk in Schools for Children Receiving Assistance Under the Food Stamp and AFDC Programs

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule; Notice of extension of public comment period.

SUMMARY: The Interim Categorical Eligibility rule, amending 7 CFR Part 245, was published in the **Federal Register** (52 FR 19273) on May 22, 1987, with a 60-day comment period which closes on July 21, 1987. This notice extends the public comment period to November 30, 1987. This extension will provide the public the opportunity to submit additional comments subsequent to implementation of the categorical certification and verification provisions of the interim rule. The Department is anticipating that commenters will gain additional operating experience on which to make recommendations that will aid the Department in developing the final rule.

DATE: To be assured of consideration, comments must be postmarked on or before November 30, 1987.

ADDRESS: Comments should be sent to Lou Pastura, Chief, Policy and Program Development Branch, Child Nutrition Division, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. Copies of all written comments will be available for review during normal business hours (8:30 am to 5:00 pm, Mondays through Fridays) at 3101 Park Center Drive, Room 509, Alexandria, Virginia 22302.

FOR FURTHER INFORMATION CONTACT: Mr. Pastura at the above address, or telephone (703) 756-3620.

SUPPLEMENTARY INFORMATION: The Department published an interim rule to implement the provisions of the School Lunch and Child Nutrition Amendments of 1986, as reflected in Pub. L. 99-500 and Pub. L. 99-591, which mandate categorical eligibility for free meals under the Child Nutrition Programs and simplified verification of such eligibility for children in food stamp households and AFDC assistance units. This rule, which became effective upon publication (May 22, 1987), is expected to make it easier for households to apply for free meal and milk benefits for children who are members of food stamp households or AFDC assistance units. It is also expected to facilitate eligibility and verification determinations at the school or school food authority level. In connection with the interim rule, the Department developed and issued revised prototype application forms and guidance materials for use by schools and school food authorities.

Interested parties have requested that the Department extend the comment period to provide additional time for schools and school food authorities to gain operational insight on which to base their comments. Since the Department is interested in receiving comments based on experience, the Department believes that an extension of the comment period will best serve the public.

The Department will continue to accept comments postmarked on or before November 30, 1987. Commenters who have already submitted comments are welcome to submit additional recommendations if they wish to address new subjects or revise previous remarks. Otherwise, the comments previously submitted will be considered in the comment analysis.

Dated: July 20, 1987.

Anna Kondratas,

Administrator.

[FR Doc. 87-16722 Filed 7-20-87; 3:26 pm]

BILLING CODE 3410-30-M

Animal and Plant Health Inspection Service

7 CFR Part 352

[Docket No. 87-101]

Avocados From Mexico Transiting the U.S. to Foreign Countries

AGENCY: Aninal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Plant Quarantine Safeguard Regulations by adding a section that contains specific requirements for shipping avocados from Mexico through the United States to other destinations. With one exception—geographical restrictions on shipping routes—the specific requirements in this document reflect current practice. The restrictions on shipping routes prohibit the avocados from being shipped through areas in the western and southeastern United States. The requirements in the new section are necessary to prevent injurious plant pests that might be carried by avocados from Mexico from being introduced into the United States.

DATES: Interim rule effective: July 23, 1987. Consideration will be given only to comments postmarked or received on or before September 21, 1987.

ADDRESSES: Send your comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 87-101. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, APHIS, USDA, Room 637,

Federal Building, Hyattsville, MD 20782; 301–436–8248.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR Parts 319, 320, 321, and 330 prohibit or restrict the importation of plants, plant products, and related articles that could spread certain plant pests and diseases into the United States. However, Part 352 states that Parts 319, 320, 321, and 330 do not apply to plants, plant products, and most other articles that are moved through the United States to other destinations. Instead, these articles are subject to the Plant Quarantine Safeguard Regulations, which are contained in Part 352 and are referred to below as the regulations.

The regulations contain general requirements applicable to most plants, plant products, and related artricles, including avocados from Mexico, that are moved through the United States for export. These requirements concern permits, ports of arrival, notification of arrival, inspections, safeguards, carriers, and routes of travel through the United States. In addition, § 352.30 contains specific requirements for certain organges, tangerines, and grapefruit from Mexico. Specific requirements for other articles subject to the regulations, including avocados from Mexico, are listed in the permit for the articles or specified, either orally or in writing, by an inspector authorized by Plant Protection and Quarantine (PPQ). As explained in § 352.10, the specific requirements for these articles vary, depending on the following factors:

—The nature of the plants, plant products, plant pests, soil, or other products or articles;

—The nature of containers or other packaging and the adequacy of this packaging to prevent the dissemination of plant pests;

—Climatic conditions;

—The proposed routing in the United States;

—The presence of soil;

—Type and physical condition of the vehicle in which the articles are to be transported in the United States;

—Facilities for treatment or destruction;

—Availability of transportation for immediate exportation;

—Other factors that would affect the risk of the articles' spreading plant pests or diseases.

Avocados from Mexico could be infested with the following plant pests, which are widely disributed in Mexico: Avocado seed weevils (*Conotrachelus aguacatae* Barber, *C. perseae* Barber, and certain *Heilipus* species, such as *H. lauri* Boheman); the avocado seed moth (*Stenoma catenifer* Walsingham); and exotic fruit flies (*Anastrepha fraterculus* (Wiedemann), *A. ludens* (Loew), *A. serpentina* (Wiedemann), and *A. striata* (Schimer)).

Of these pests, only *A. ludens*, known as the Mexican fruit fly, is found in the United States. The Mexican fruit fly exists, sporadically, in the lower Rio Grande Valley of Texas, where an eradication program for the fruit fly is in effect.

Of the four fruit flies that could infest avocados from Mexico, the Mexican fruit fly poses the greatest threat to U.S. crops because it is the least tropical. The Mexican fruit fly could overwinter in areas of the southeastern and western United States and, therefore, become established in these areas. Host fruits of the Mexican fruit fly include apples, pears, peaches, plums, quinces, apricots, pomegranates, mangoes, avocados, and all citrus except sour limes and certain lemons. Hosts of the other *Anastrepha* species are generally limited to tropical fruits that are not grown commercially in the United States.

The avocado seed weevils and the avocado seed moth are serious pests of avocados, which are grown commercially in the United States in California, Florida, Hawaii, Puerto Rico, the Virgin Islands of the United States, and, to a very limited extent, in Texas.

To protect plants and plant products in the United States from the avocado seed weevils, avocado seed moth, and the Mexican fruit fly, we have allowed avocados from Mexico to move through the United States only under certain conditions: The owner or owner's agent must obtain a permit to move the avocados through the United States, must declare the avocados upon arrival at a port in the United States, and must make the avocados available for examination by an inspector. The avocados may enter the United States only at Houston, Texas; the border ports of Nogales, Arizona, or Brownsville, Eagle Pass, El Paso, Hidalgo, or Laredo, Texas; or at other ports within approved shipping areas in the United States for avocados. The avocados must be transported through the United States either by air or in a refrigerated truck or rail car on in refrigerated containers on a truck or rail car. If the avocados are containerized, an inspector must seal the containers with a serially numbered seal at the port of arrival. If the avocados are shipped in a refrigerated truck or rail car, an inspector must seal the truck or rail car with a serially numbered seal at the port of arrival. If the avocados are transferred to another vehicle or container in the United States, an inspector must be present to supervise the transfer and must apply a new serially numbered seal. The avocados must be shipped through the United States under Customs bond, a monetary bond given by an owner to guarantee, among other things, that the avocados are moved in accordance with the regulations. We also restrict the areas of the United States through which the avocados may be shipped.

This interim rule places these conditions in the regulations in a new administrative instruction, similar to the one on oranges, tangerines, and grapefruit from Mexico.

With one exception—geographical restrictions on shipping routes—the requirements in the new section reflect current practice.

Until recently, we restricted the area of the United States through which the avocados could be shipped to that area of the United States bounded on the west by a line extending from El Paso, Texas, to Salt Lake City, Utah, to Portland, Oregon; and on the east by a line extending from Brownsville, Texas, to Houston, Texas, to Kinder, Louisiana, to Memphis, Tennessee, to Louisville, Kentucky, and due east from Louisville. We did not allow avocados from Mexico to move through the southeastern and western United States because pests that may be carried by the avocados could become established in these areas.

Within the past year, however, in response to specific requests, we granted three permits allowing the Hass variety of avocados from Mexico to be shipped from the Mexican border port of Nogales, Arizona, through the western United States for export from the ports of Long Beach and Los Angeles, California. We also granted one permit, also in response to a specific request, allowing Hass avocados from Mexico to be shipped from the Mexican border ports of Laredo or Hidalgo, Texas, through the southeastern United States for export from the port of Savannah, Georgia. The permits were issued only for "hard, green fruit" shipped in sealed containers or trailers. Hard, green fruit was considered a poor host for the Mexican fruit fly because the fruit fly probably would not be able to lay its eggs in the hard fruit. In addition, avocados moving to Savannah were prohibited south of Interstate 10, keeping them far from the avocado growing areas in Florida, and avocados moving through California were restricted to routes specified by the California Department of Food and Agriculture.

However, after reviewing what is known about exotic pests of avocados from Mexico, we have determined that hard, green Hass avocados, as well as other avocados, may carry pests that present a significant risk to U.S. crops.

We have determined that the risk of avocados from Mexico introducing the Mexican fruit fly into the western and southeastern United States may be significant. Quite simply, we do not have enough information to be confident that the risk is not significant. Various authors have rated the avocado as a satisfactory, secondary, inferior, or tertiary host of the Mexican fruit fly. Since the 1930's, we have intercepted avocados infested with fruit fly larvae, many times identified as *A. ludens*, approximately 200 times. Although we know that certain cultivars of avocados are resistant to attack by various species of fruit flies, we do not have sufficient data on the susceptibility of Hass avocados to the Mexican fruit fly. Avocado seed weevils and the avocado seed moth also may pose a significant pest risk in areas of the United States where avocados are grown. The seed weevils, for example, pupate within the seed of avocados and emerge from the fruit as adults. We commonly intercept avocado seed weevils and the avocado seed moth in avocados from Mexico. These pests could become established in the United States if introduced into areas of the United States where avocados are grown.

To protect U.S. crops from the Mexican fruit fly, avocado seed weevils, and the avocado seed moth, we must prohibit avocados from Mexico from being shipped through the western and southeastern United States. Effective immediately, we are restricting the movement of avocados from Mexico in transit through the United States to that area of the United States bounded on the west and south by a line extending from El Paso, Texas, to Salt Lake City, Utah, to Portland, Oregon, and due west from Portland; and on the east and south by a line extending from Brownsville, Texas, to Houston, Texas, to Kinder, Louisiana, to Memphis, Tennessee, to Louisville, Kentucky, and due east from Louisville.

Executive Order 12291 and Regulatory Flexibility Act

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

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

With the exception of geographical restrictions of shipping routes through the United States, this rule does not make any changes in the current requirements for shipping avocados from Mexico through the United States for export. This rule restricts the movement of avocados from Mexico to that area of the United States bounded on the west and south by a line extending from El Paso, Texas, to Salt Lake City, Utah, to Portland, Oregon, and due west from Portland; and on the east and south by a line extending from Brownsville, Texas, to Houston, Texas, to Kinder, Louisiana, to Memphis, Tennessee, to Louisville, Kentucky, and due east from Louisville. During the past year, we granted four permits that allowed certain avocados from Mexico to be shipped through the western and southeastern United States. One of these permits has expired. Three of these permits were to be effective through part of 1988. This rule invalidates those permits. However, these permit holders may apply for new permits that prescribe a shipping route within the permitted area of the United States. This rule does not prohibit these permit holders from moving their avocados through the United States; it merely restricts the shipping routes.

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

Paperwork Reduction Act

This interim rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

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

Emergency Action

Mr. William F. Helms, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists, which warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to stop avocados from Mexico from being moved through areas of the United States where pests that could be carried by the avocados could become established.

Further, in accordance with the administrative procedure provisions in 5 U.S.C. 553, we find upon good cause that prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest; and we find good cause for making this interim rule effective less than 30 days after publication in the **Federal Register**. We will consider comments postmarked or received within 60 days of publication of this interim rule in the **Federal Register**. Any amendments we make to this interim rule as a result of these comments will be published in the **Federal Register** as soon as possible following the close of the comment period.

List of Subjects in 7 CFR Part 352

Agricultural commodities, Customs duties and inspections, Imports, Plant disease, Plant pests, Plants (Agriculture), Postal service, Quarantine, Transportation.

PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS

Accordingly, 7 CFR Part 352 is amended as follows:

1. The authority citation for Part 352 is revised to read as follows:

Authority: 7 U.S.C. 149, 150bb, 150dd, 150ee, 150ff, 154, 159, 160, 162, and 2260; 31 U.S.C. 9701; and 7 CFR 2.17, 2.51, and 371.2(c).

2. Section 352.29 is added to read as follows:

§ 352.29 Administrative instructions: avocados from Mexico.

Avocados from Mexico may be moved through the United States to destinations outside the United States only in accordance with this section.

(a) *Permits.* Before moving the avocados through the United States, the owner must obtain a formal permit in accordance with § 352.6 of this part.

(b) *Ports.* The avocados may enter the United States only at the following ports: Houston, Texas; the border ports of Nogales, Arizona, or Brownsville,

Eagle Pass, El Paso, Hidalgo, or Laredo, Texas; or at other ports within that area of the United States specified in paragraph (f) of this section.

(c) *Notice of arrival.* At the port of arrival, the owner must provide notification of the arrival of the avocados in accordance with § 352.7 of this part.

(d) *Inspection.* The owner must make the avocados available for examination by an inspector. The avocados may not be moved from the port of arrival until released by an inspector.

(e) *Shipping requirements.* The avocados must be moved through the United States either by air or in a refrigerated truck or refrigerated rail car or in refrigerated containers on a truck or rail car. If the avocados are moved in refrigerated containers on a truck or rail car, an inspector must seal the containers with a serially numbered seal at the port of arrival. If the avocados are removed in a refrigerated truck or refrigerated rail car, an inspector must seal the truck or rail car with a serially numbered seal at the port of arrival. If the avocados are transferred to another vehicle or container in the United States, an inspector must be present to supervise the transfer and must apply a new serially numbered seal. The avocados must be moved through the United States under Customs bond.

(f) *Shipping areas.* Avocados moved by truck or rail car may transit only that area of the United States bounded on the west and south by a line extending from El Paso, Texas, to Salt Lake City, Utah, to Portland, Oregon, and due west from Portland; and on the east and south by a line extending from Brownsville, Texas, to Houston, Texas, to Kinder, Louisiana, to Memphis, Tennessee, to Louisville, Kentucky, and due east from Louisville. All cities on these boundary lines are included in this area. If the avocados are moved by air, the aircraft may not land outside this area. Avocados that enter the United States at Nogales, Arizona, must be moved to El Paso, Texas, by the route specified on the formal permit.

Done in Washington, DC, this 21st day of July, 1987.

W.F. Helms,

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

[FR Doc. 87-16828 Filed 7-22-87; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

[Rev. 4; Amdt. 16]

Loans to State and Local Development Companies

AGENCY: Small Business Administration.

ACTION: Interim final rule.

SUMMARY: On June 6, 1986, SBA published one set of final and one set of interim final regulations for development companies (Revision 4, Amendments 14 and 15; 51 FR 20764). At that time SBA invited comments on the interim final amendments and has considered the comments received in response thereto and incorporated them appropriately in the rules promulgated hereby. In addition, SBA also publishes hereby as interim final regulations certain rules made necessary by the public sale to investors of certificates representing fractional undivided interests in pools of SBA guaranteed development company debentures. These regulations will be identified below and comments are invited on them.

DATES: *Effective date:* July 23, 1987. Comments on the regulations specifically identified below should be submitted on or before September 21, 1987.

ADDRESS: Written comments in duplicate on the regulations identified herein for comment may be sent to the Office of Economic Development, Small Business Administration, Room 720, 1441 L Street, NW., Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: LeAnn M. Oliver, Financial Analyst, 202-653-6416.

SUPPLEMENTARY INFORMATION: On June 6, 1986, SBA published at 51 FR 20764 Amendment 14 to Revision 4 of the captioned regulations, as a final rule, and Amendment 15 as an interim final rule at 51 FR 20781, and invited comment on the latter. 43 timely comments were received. The comment period expired August 5, 1986. Some of the comments also discussed Amendment 14, the final rule. SBA is now publishing Amendment 16 as an interim final rule, which is responsive to the comments received on the June 6 publication. SBA also invites comments on certain sections of this rule, which are identified in this part of the publication by ending the respective paragraph with an appropriate invitation for comment. The reason for this procedure is the need to conform the regulations to certain requirements to which SBA has agreed with representatives of the development company industry and the underwriters of certificates representing interests in pools of SBA-guaranteed debentures.

The following is a summary of the changes made in the rules promulgated in interim final form hereby from the way they appeared in the June 6 publication, and the reasons for their adoption.

Section 108.2 Definition is amended, primarily to rearrange the definitions in alphabetical order for convenient reference. However, several new definitions have been added, and others amended, as follows:

"*Associate*" is defined, similarly to an analogous definition in Part 120 of 13 CFR, but in relation to a development company or a borrower, rather than lender, as the prior reference to 13 CFR § 120.2-2 did. That reference did not fit the development company programs. Conforming amendments are made to §§ 108.4(d)(2), 108.503-3(g), and 108.505(k). SBA invites comments on this change.

"*Central Fiscal Agent*" and "*Central Servicing Agent*" are defined to clarify that the former services 503 loans, and the latter 504 loans.

"*Development Company*" is redefined to make clear that both a State and a local development company may be certified as a 503 Company. The clause stating that a development company may be organized either for profit or not-for-profit is dropped since a new 503 Company henceforth must be organized not-for-profit.

"*Fiscal Agent*" is redefined to clarify its role in the 504 process.

"*Funding Fee*" is defined as a transaction fee determined by SBA.

"*Independent Public Accountant*" is amended by the insertion of a comma, to make clear that it is only the Public Accountant (and not also the CPA) who must have been licensed on or before December 31, 1971. Seven correspondents pointed out that the prior definition could be misinterpreted.

"*Pooler*" is defined as meaning one or more parties approved by SBA to form pools of 504 Debentures.

"*Reserve Deposit*" is redefined as meaning two percent of Net Debenture Proceeds in the 503 program, and one-half of one percent in the 504 program.

"*Selling Agent*" is defined as the agent for the development companies to arrange the sale of 504 debentures.

"*Small Business Concern*" is redefined with reference to the correct size regulation.

Section 108.503-1(b)(3) Professional staff is amended by adding language

making clear that a 503 company may provide paid services to another 503 company outside its geographic area. This change is intended to encourage inactive or underutilized 503 companies to seek assistance from successful active 503 companies.

Section 108.503–1(c)(1) Area of Operations is amended by adding a provision to allow a temporary expansion of a 503 company's area of operation on a case by case basis if the loan is to be made to a business in a geographical area underserved by the 503 program. Such temporary expansion is exempted from certain qualification requirements of § 108.503–1.

Section 108.503–3(f) Reporting Requirements is amended by changing the dates in the fourth and fifth sentences from "December 31, 1986" to "September 30, 1987". Two comments criticized the requirement of a regulatory compliance audit pursuant to a hitherto unpublished annual report guide. It should be noted that regulatory compliance, in the absence of this provision, falls within the jurisdiction of SBA's Inspector General (Pub. L. 95–452, 5 USC App.). Section 108.503–15(b) offers an alternative to an audit by the Inspector General. In an effort to make the compliance audit convenient and perhaps less expensive, the alternative, when effective, will permit an audit by the 503 company's independent public accountants pursuant to an audit guide which remains to be published by SBA. Accordingly, this amendment postpones this requirement from fiscal years ending after December 31, 1986 to fiscal years ending after December 31, 1987, to allow more time for the preparation and internal SBA clearance of the proposed guide. SBA invites comments on this change.

Section 108.503–4(c) Project Eligibility has been amended by the addition of a new paragraph (4), which reflects the substance of former § 108.503–8(a). We found that the former arrangement caused confusion between the Federal/Non-federal dichotomy, and the trichotomy of third-party/debenture/503 company injection financing. Accordingly, we placed the restriction on Federal source funds under the heading "Restrictions" of § 108.503–4(c), and rearranged § 108.503–8 to describe the entire financial structure without regard to the restriction on Federal source funds. References to these sections in other sections have been conformed. SBA invites comments on this change.

Section 108.503–6 Costs which may be charged to the small business concern by the 503 company. (1) SBA was urged to drop the requirement that legal fees be based on hourly charges, because at times a flat fee could benefit the borrower. Accordingly, SBA reserved for itself the right to approve a flat fee if SBA finds that such approval would benefit the small concern, but retained the hourly computation for all other cases. Thus, paragraph 2 was amended to provide for SBA approval in appropriate cases. SBA invites comments on this change. (2) Five letters proposed that SBA should permit the 503 companies to charge a fee when the 503 or 504 loan is assumed by a substitute for the original borrower. They argued that such assumption requests more closely resemble a new loan application than a servicing action, which is compensated by the servicing fee under § 108.503–6(a)(3). Some of these letters also proposed an extra fee for substitutions of collateral. SBA agrees with these writers as to assumption, but not as to a collateral substitution without an assumption. Accordingly, a new subsection (d) has been added to § 108.503–6 which permits the charge, with SBA's approval, of an assumption fee up to one percent of the loan balance, payable by the assumptor or the transferor, as the case may be. No special fee is authorized for a change in collateral without substitution of debtors. SBA invites comments on this amendment.

Section 108.503–7(c) Use of construction escrow account is amended primarily by a cross-reference to § 108.504(i), to make clear that the treatment of construction escrow accounts in the 503 program differs from that in the 504 program. The reason for this difference is stated in this preamble under the heading 108.504(i) *Use of construction escrow account.* The word "specific" has been added before the words "future date" to make clear that a firm delivery date for the missing component is required.

Section 108.503–8 Financing Structure (1) is a rewrite of the section of the same number, previously titled "Private Sector Financing". As noted in the explanation of § 108.503–4(c), the prior arrangement (which contained restrictions and requirements in the same section) proved confusing. Accordingly, this section now describes only the interrelation of SBA with other investors in a 503 or 504 financing in terms of lien priority and maturity. SBA invites comments on this change. (2) Twenty-three comments objected to the requirement that indebtedness resulting from a seller-financed purchase (most often a purchase money mortgage) be subordinated to the 503/504 loan indebtedness. SBA's reasoning that otherwise the 503/504 loan would benefit the seller, was countered by some writers with the argument that this reasoning was equally applicable to all liens prior to the 503/504 loan. SBA does not believe that this argument is compelling. The possibility of a conflict of interest is greatest when a seller finances the purchase of his or her property. Accordingly, SBA has decided to retain this rule.

Section 108.503–9(a)(6) Multiple Loan Debenture is deleted. That paragraph authorized the issuance of debentures from the proceeds of which two or more loans could simultaneously be funded. This provision is impractical where debentures or pool certificates are sold to the public, because a default on one of several loans represented by a single debenture would entail the default of that debenture, and therefore would invoke SBA's guaranty for a much larger amount than would be required under a single-loan debenture. SBA invites comments on this change.

Section 108.503–10 503 Company Injection has been amended to make clear that the 503 company may issue non-voting stock in exchange for a contribution from a third party for its required ten-percent injection. Another amendment provides that property used for the 503 company injection must be valued at the lower of contributors's cost or fair market value. The purpose here is to preclude stepped-up valuations of project costs. SBA invites comments on these changes.

Section 108.503–12 Loan Closing is amended to make clear that at the debenture closings in both the 503 and 504 programs the 503 company, with the consent of the small concern, enters into a servicing agreement with a central agent, called Central Fiscal Agent in the 503 program and Central Servicing Agent in the 504 program. This servicing agreement, in turn, is subject to a Master Fiscal or Servicing Agreement concluded between SBA and the central agent, to ensure coordination and the ready flow of funds to the transfer agent or trustee, and ultimately to the certificate holders. SBA invites comments on this amendment.

Section 108.503–13(d) Service Fee. One comment questioned whether the cited regulation would be interpreted to mean that "as a loan payment is received, the [503 Company] will receive its service fee regardless of the level of currency", i.e., irrespective of the timeliness of such loan payment. SBA assures the writer that this is indeed the correct interpretation and intended meaning of this regulation, except in those unrelated cases of willful or negligent non-compliance by the 503

company with the reporting or servicing requirements stated in the same paragraph. Accordingly, the 503 company will receive its service fee from loan payments received, whether or not such loan payments are timely.

Section 108.503–13(h) Deferments is amended by adding at the end thereof the assurance that no deferment which SBA may grant to the borrower at the request of the 503 company will affect the timely payment of principal and interest on the 503 company's debentures, as SBA will make such payments under its guaranty of the respective debenture.

Section 108.504 Pilot Program is amended in several respects. The citation at the end of paragraph (a) is amended to conform to that adopted by the U.S. Code. Paragraph (b) of this section is amended to conform to the format of § 108.2 as adopted by this amendment. Paragraph (c) of this section is amended to reflect the addition of new paragraphs to this section by this amendment.

Section 108.504(d) relating to the debenture term remains unchanged. Four letters objected to the limitation of 504 debentures to ten or twenty years maturity. They would have preferred 15 and 25 years. For marketing reasons it was necessary to reduce the four maturities of former § 108.503–9 to two, namely ten and twenty years, which, in SBA experience, are the most desired and will be sufficient to handle demand. Accordingly, the 10/20 years' maturities are retained.

Section 108.504(e) is replaced by a new § 108.504(e) which requires the 503 Company, with the consent of the small concern, to conclude an individual servicing agreement with a Central Servicing Agent designated by SBA pursuant to a Master Servicing Agreement. The purposes of the Master and the individual agreements (as in § 108.503–12) are uniformity and the orderly, timely flow of funds to the Trustee or Transfer Agent, and ultimately to the investors. The Central Servicing Agent will establish the various accounts prescribed by the Master Servicing Agreement, into which will be deposited and from which will be disbursed the payments specified in the individual servicing agreement, including the non-refundable reserve deposits of one-half of one percent of net debenture proceeds. These funds are available to ensure timely payments to the Trustee or Transfer Agent. This paragraph is designed to meet objections, raised in forty letters, to the prior regulation. The regulation required a 2% reserve deposit and provided for its return, without interest, to the borrowers when the 504 debenture is repaid. The objectors pointed out that the accumulation with interest of the 2% reserve deposits over the ten or twenty year life of the debenture would amount to sums in excess of need, would deprive the small concerns of a valuable savings program and the 503 company of a successful marketing tool. On the other hand it should be noted that the accrual of interest pending pay-out at the end of the debenture term subjects the small concern to taxes on amounts it has not actually received. For this reason, most writers expressed a preference for a reduction in the reserve deposit. SBA has accordingly reduced the deposit from a refundable 2% to a non-refundable one-half of one percent. SBA invites comments on this new subsection.

Section 108.504(f), dealing with prepayment by the borrower small concern, is amended by deleting the reference therein to a lease of property (purchased with 504 debenture proceeds) by the 503 company to the small concern. The treatment of leases differs from that of loans, and is the subject of a new section 108.504(g).

Section 108.504(g) discusses the situation in which a lease from the 503 company to the small concern is prematurely terminated. Such termination could result from a breach of the lease, from the consensual abrogation of the lease, from the purchase of the property by the lessee, or from whatever other cause, with or without the payment of a premium by the small concern. In that event, the 503 company will have the choice of either continuing the service of the debenture of repaying the debenture in full, with a premium if such is prescribed in the debenture. SBA also will have the choice of servicing the debenture, if the 503 company does not, or accelerating it. This treatment differs from the case of the voluntary prepayment by the borrower of a 504 loan, which requires the 503 company to prepay the related 504 debenture with a premium, if applicable. SBA invites comments on this new subsection.

Section 108.50(h) Prepayment by the 503 company is also new, the former paragraph (h) being renumbered paragraph (k). This subsection reflects the authority of the 503 company, expressed in the 504 debenture, to repurchase its debenture, as a whole but not in part, at any time convenient to SBA upon payment of outstanding amounts, and of the applicable prepayment premium, if any.

Section 108.504(i) Use of construction escrow account is also new, the present paragraph (i) being renumbered (1). This paragraph parallels § 108.503–7(c) with one exception. Both paragraphs contemplate the case of a minor project component not being completed at the time of the sale of the debenture, but scheduled for completion at a fixed price at a given date in the near future. The example given is that of a parking lot serving the project plant. In such case, the sale of the debenture could go forward, with the sum required to pay for completion being placed in escrow. Such escrow could be arranged with a bank or title insurance company of the small concern's choice, or with the central servicing agent. The escrow amount would bear interest for the benefit of the small concern, and would be payed out by a joint-payee check to the small concern and the supplier of the component, supported by invoices when the component is finished. This regulation differs from § 108.503–7(c) in the following respect: unless SBA approves otherwise, the escrow amount would remain in an escrow account until the final payment on the debenture. This procedure adapts that used in § 108.503–7(c) to the 504 program which provides no individual reserve accounts as the 503 program does. SBA invites comments on this new subsection.

Former § 108.504(g), *Purchase by SBA*, redesignated paragraph (j), is amended to make clear that SBA will purchase the debenture in the event of its acceleration. Such acceleration of the debenture may occur upon the acceleration of the related note upon the default or other violation of the loan terms by the borrower or, subject to new § 108.504(g), a termination of the lease of the project facility to the small concern.

Section 108.504(k) and (1) are the redesignated former paragraphs (h) through (i).

Section 108.505(a) is amended to correct the U.S. Code Citation to that eventually adopted, and paragraph (k) of the section is conformed to § 108.2 *Definitions*. In paragraph (d), cross references to paragraphs 108.504 (f) and (g) are amended to reflect the renumbering of those paragraphs to (h) and (j).

Section 108.505(f) Agents and (g) Pooler are revised to reflect changes made in the structure of the 504 pilot since the interim final regulations were published. The original structure contemplated fiscal and transfer agents and a selling group concept. Consultation with the various parties involved in the transaction has resulted in the development of a structure which requires a Fiscal and Selling Agent, Transfer Agent or Trustee, and Pooler.

The revised regulation spells out these various requirements.

Section 108.505(h) and (k) are amended to conform to the regulatory format adopted in these rules.

Compliance with Executive Order 12291 and the Regulatory Flexibility Act

SBA considers this amendment of regulations taken as a whole to be both a major rule for the purposes of Executive Order 12291 and a rule which will have a significant economic impact on a substantial number of small entities for the purposes of the Regulatory Flexibility Act. Therefore, we offer the following Regulatory Impact Analysis/ Regulatory Flexibility Analysis for the purpose of compliance with the pertinent requirements of those two measures.

1. *Description of potential benefits of the rule:* This amendment taken as a whole will provide both SBA and participants in its Development Company Program with clearer guidance as to the process by which participation in the program is achieved, and once that participation in achieved, how the participants and SBA are to conduct their mutual roles in the administration of the program. It is our belief that this amendment will benefit SBA since its purpose is to clarify the regulatory framework governing the program and thus provide for more efficient administration. In addition, program applicants and participants should benefit from the amendment because it should clarify for them the procedure by which participation in the program is attained and participation in the program is governed.

2. *Description of potential costs of the rule:* There should be no increase in costs inherent in the amendment which are not presently involved in the administration of the Development Company Program. This amendment merely establishes the regulatory framework upon which the program is administered, it does not increase monetary or other types of costs upon SBA or program participants.

3. *Description of the net benefits of amendment.* This amendment, taken as a whole, would provide for more efficient program management.

4. *Description of reasons why this action is being considered:* This action is being considered as part of normal periodic Agency revisions of its regulations. As such, the amendment is based upon general experience with administration of the regulations as they presently exist. It is also necessitated by amendment to the Small Business Investment Act, as indicated above.

5. *Statement of objectives and legal basis for the final rule:* The purpose of this regulation is to amend the regulations governing the Development Company Program which reflects statutory changes occurring since the initial program regulations were promulgated and administrative applications of those regulations. The legal basis for the final rule Title V of the Small Business Investment Act.

6. *Description of entities to which the final rule will apply:* This amendment will apply to all small business seeking assistance under the program and all development companies participating in the program.

7. *Description of the reporting, recordkeeping and compliance requirements of the proposed rule:* None of the following provisions of the final rule impose significant reporting requirements.

8. *Federal Rules:* There are no relevant Federal rules which duplicate or overlap the amendment.

9. *Analysis of Public Participation:* A detailed analysis of the public comments received in response to the proposal and SBA's efforts to conform this final rule to that commentary has been provided above.

SBA submits that it has rejected no significant alternative to this amendment which would minimize any significant economic impact on the proposed rule upon small entities. In this regard, the vast majority of comments on the proposal related to regulatory provisions which do not in and of themselves impose economic impact. In preparing these rules, we have sought to adhere closely to the statutory framework in establishing the eligibility and participation requirements for the program. While many suggestions have been made as to alternative approaches to the accomplishments of this objective in the case of individual sections of the amendment we feel that no alternatives which might in some way minimize economic impact on applicants or participants accomplish the stated objectives of the applicable statutes in a manner more consistent than that provided in the amendment.

These regulations contain no reporting requirements which are subject to approval by the Office of Management and Budget under the Paperwork Reduction Act, (44 U.S.C. Ch. 35).

In addition, SBA certifies pursuant to 5 U.S.C. 553(d) that good cause exist for immediate effectiveness of these regulations. Nevertheless, comments are invited and will be considered for possible amendment of this regulation.

List of Subjects in 13 CFR Part 108

Loan programs—business, Reporting and recordkeeping requirements, Small business.

Part 108—Loans to State and Local Development Companies

For reasons set forth in the preamble, Part 108 is amended as follows:

1. The authority citation for Part 108 continues to read:

Authority: Secs. 308(c), 501, 502, Pub. L. 85–699, 72 Stat. 689; Sec. 113, Pub. L. 96–302 (15 U.S.C. 631 note).

2. The table of contents is amended by revising the reference "108.503–8 Private Sector financing" to read "108.503–8 Third-party financing".

3. Section 108.1(b)(3) is amended by revising the reference to "§ 108.2(j) of this part" to read "§ 108.2 of this part".

4. Section 108.2 *Definitions* is revised to read as follows:

§ 108.2 Definitions.

For purposes of this part:

"501 loan" means a loan authorized under section 501 of the Small Business Investment Act of 1958, as amended.

"502 loan" means a loan authorized under section 502 of the Small Business Investment Act of 1958, as amended.

"503 Company" means a Development Company which meets the requirements of § 108.503–1 of this Part and is certified by SBA to operate pursuant to section 503 of the Small Business Investment Act, 15 U.S.C. 697.

"503 Debenture" means a debenture issued by a 503 Company and guaranteed by SBA, as authorized under Section 503 of the Small Business Investment Act of 1958, as amended ("503 guaranty") for sale to the Federal Financing Bank, an agency of the U.S. Treasury.

"503 Loan" means a loan evidenced by a note or lease made to a Small Concern from the proceeds of a 503 Debenture.

"504 Debenture" means a debenture issued by a 503 Company on SBA Form 1504 and guaranteed by SBA for sale to private investors (see § 108.504), either individually or as part of a Pool which backs 505 Certificates.

"504 Loan" means a loan evidenced by a note (SBA Form 1505), made to a Small Business Concern from the proceeds of a 504 Debenture.

"505 Certificate" means a certificate of interest issued by SBA or its agent representing ownership of all or a fractional part of a Pool.

"Administrator" means the Administrator of the Small Business Administration.

"Associate" of the Development Company or Small Concern (as the context requires) means any of the following individuals or entities relating to the Development Company or Small Concern (as the case may be), during the period six months before the date of loan application to SBA or an application for certification or at any time thereafter while the loan or the certification (as the case may be) are outstanding.

(1) An officer, director, member, proprietor, or partner, an employee authorized to act on behalf of the development company or small concern; a holder directly or indirectly of ten percent or more of such person's voting power, actual or contingent; or a close relative or partner of such person;

(2) Any individual or entity that directly or indirectly controls, is controlled by or is under common control with the development company or the small concern, or a close relative or partner of such person;

(3) Any enterprise in which ten percent or more of the value of the stock or ownership interest are owned or controlled, actually or conditionally, by one or more individuals or entities acting in concert and named in paragraphs (1) and (2) of this definition, or when any such individual or entity is an officer, director, proprietor, or partner.

(4) A "close relative" as used in paragraphs (1) and (2) of this definition means ancestor, lineal descendant, spouse, brother or sister of the lineal descendent of either; father-in-law, mother-in-law, any son-in-law, daughter-in-law, brother-in-law or sister-in-law, who is a member of such individual's household.

"Central Fiscal Agent" or *"CFA"* means an agent of the 503 Company designated by SBA to receive and disburse funds related to 503 Loans (see § 108.503–11 of this Part) pursuant to an individual fiscal agent agreement (SBA Form 1254).

"Central Servicing Agent" or *"CSA"* means an agent of the 503 Company designated by SBA to receive and disburse funds related to 504 Loans (see § 108.504(e) of this part) pursuant to an individual Servicing Agent Agreement (SBA Form 1506).

"Development company" means a Section 501 State Development Company or a Section 502 Local Development Company, whether or not certified as a 503 Company, incorporated under the laws of one of the several States, formed for the purpose of furthering the economic development of its community and environs, and with authority to promote and assist the growth and development of small business concerns in the areas covered by their operations.

(1) A State development company is a corporation organized under or pursuant to a special legislative act to operate on a statewide basis.

(2) A local development company is a corporation, chartered under any applicable state corporation law to operate within a State. A local development company shall be principally composed of and controlled by persons residing or doing business in the locality; such local persons shall ordinarily constitute not less than 75 percent of the voting control of the development company. No shareholder or member of the development company may own in excess of 25 percent of the voting control in the development company if he or his associate(s) have a pecuniary interest in the project involving the Section 502 loan or in the small business concern which is to be assisted. The primary objective of the development company must be the benefit to the community as measured by increased employment, payroll, business volume, and corresponding factors, rather than monetary profits to is shareholders or members; any monetary profits or other benefits which flow to the shareholders or members of the local development company must be merely incidental thereto.

"Fiscal Agent" means an agent appointed by SBA to provide expertise and assistance related to sales by development companies of debentures pursuant to Section 504 and/or 505 Certificates pursuant to Section 505.

"Funding Fee" means a fee levied pursuant to § 108.505(i), deposited into the master reserve account pursuant to § 108.504(e) and disbursed to defray necessary transaction costs as determined by SBA.

"Independent Public Accountant" means a Certified Public Accountant, or a Public Accountant licensed on or before December 31, 1971.

"Net Debenture Proceeds" means that part of the 503 Debenture proceeds that will finance eligible project cost, but does not include administrative costs (see § 108.503–5 (a) and (b)).

"Plant" means any long-term fixed asset which may include land, buildings, machinery, and equipment employed or to be employed by the Small Business Concern in the conduct of its business.

"Pool" means an aggregation of 504 Debentures approved by SBA.

"Pooler" means an entity approved by SBA to purchase 504 Debentures and, sometimes with other poolers, form a pool against which 505 Certificates may be issued.

"Reserve Deposit" means a refundable amount equal to two percent (2%) of the Net Debenture Proceeds in relation to a 503 Debenture, and a non-refundable amount of one half of one percent (0.5%) of the Net Debenture Proceeds in relation to a 504 Debenture.

"SBA" means the Small Business Administration.

"Selling Agent" means an agent of the development companies appointed to sell SBA-guaranteed 504 debentures to one or more poolers for their sale to investors of 505 Certificates.

"SIC Code" means the four digit designation by industry found in the Standard Industrial Classification Manual (1978), available from the Superintendent of Documents, Government Printing Office, Washington, DC, 20402–9325.

"Small business concern" or *"Small Concern"* means a business concern which qualifies as a small business under § 121.4 of this chapter.

"Trustee" or *Transfer Agent"* means an agent designated by SBA to issue 505 Certificates and perform the administration of pools of debentures against which 505 certificates are issued and also to perform registration and transfer functions as well as paying functions for Debentures sold pursuant to Section 504, or 505 Certificates sold pursuant to Section 505, or both.

§ 108.4 [Amended]

5. Section 108.4(d)(2)(iii) is amended by revising the reference "(as defined in § 120.2–2 of this Chapter)" to read "(as defined in § 108.2 of this Part)".

§ 108.5 [Amended]

6. Section 108.5(d) is amended by revising the parenthetical phrase "(see §§ 108.2(d) and 108.503–1, as the case may be)" to read "(see definition of "development company" in § 108.2 and § 108.503–1, as the case may be)".

§ 108.503–1 [Amended]

7. Section 108.503–1(b)(3) *Professional staff* is amended by adding at the end thereof the following sentence: "Nothing in the foregoing shall preclude a 503 company from contracting with another 503 company for such services, subject to SBA's prior written approval."

§ 108.503–1 [Amended]

8. Section 108.503–1 *Area of Operations* is amended by adding paragraph (c)(1)(iii) to read as follows:

* * * * *

(c) * * *

(1) * * *

(iii) With SBA prior approval of each loan, temporarily expand its area of

operations to include an area underserved by the 503 program. A company expanding such area in order to make one or more loans in such area for a period of one year or less shall, as to the expansion area, be exempt from the requirements of paragraphs (b)(2), (c)(4) and (d) of § 108.503–1 of this part.

* * * * *

§ 108.503–3 [Amended]

9. Section 108.503–3(f) *Reporting Requirements* is amended by revising the dates in the fourth and fifth sentences from "December 31, 1986" to "December 31, 1987".

10. *Section 108.503–3(g)* is amended by revising the parenthetical phrase "(as defined in § 120.2–2)" to read "(as defined in § 108.2)".

§ 108.503–4 [Amended]

11. Section 108.503–4 *Project Eligibility* is amended by revising the reference in paragraph (c)(3)(iii)(A) from "§ 108.503–8(a)" to "paragraph (c)(4) of this section", and adding a new paragraph (c)(4) at the end thereof, reading as follows:

* * * * *

(c) * * *

(4) *Administrative ceiling.* No more than fifty percent (50%) of eligible project cost as defined in § 108.503–5(a) shall be derived from Federal sources. Proceeds of a Federal loan, whether received directly or through one or more intermediaries, shall be deemed derived from a Federal source. Proceeds of a Federally guaranteed or insured loan shall be deemed derived from Federal sources to the extent of the Federally guaranteed or insured percentage of the entire loan, whether received directly or through one or more intermediaries. Funds similarly derived directly or indirectly from a Federal grant or from a Government Corporation (as defined in 31 U.S.C. 1901) shall also be deemed derived from Federal sources. Proceeds of obligations the income of which is exempt from Federal income taxes shall not be deemed derived from Federal sources. See also § 108.9.

§ 108.503–6 [Amended]

12. Section 108.503–6(a) *Charges and Fees* is amended by removing the parenthetical phrase "(§ 108.2(i))" in paragraph (a)(1), and further removing the last sentence of paragraph (a)(2) and adding in its place the following two sentences: "Unless SBA approves otherwise in writing, all legal fees shall be based on time and hourly charges. Legal fees shall be collected by the 503 Company and paid to the closing attorney."

13. Section 108.503–6 *Costs which may be charged to the small business concern by the 503 company* is amended by redesignating present paragraph (d) and (e) and adding a new paragraph (d) as follows:

* * * * *

(d) *Assumption fee.* In the event the 503 or 504 loan is assumed by a substitute small concern with SBA's prior written approval, the 503 company may also, with SBA's prior written approval, charge an assumption fee to the transferor or the transferee of the loan of up to one percent of the outstanding indebtedness, whether or not a change in collateral is also involved.

* * * * *

§ 108.503–7 [Amended]

14. Section 108.503–7(b)(2) is amended by revising the parenthetical phrase "(See § 120.2–2 of this chapter)" to read "(See definition in § 108.2 of this part)".

15. Section 108.503–7(c) is revised to read as follows:

* * * * *

(c) *Use of construction escrow account.* If acquisition of machinery and equipment of other portions of a project (e.g. a parking lot) represent a relatively minor portion of the total project and have been contracted for completion or delivery at a specified price and specific future date, the 503 Debenture may be sold and the proceeds authorized for acquisition of such assets may be held in escrow by the Central Fiscal Agent (see § 108.503–11) or a local title insurance company or bank. After approval by the 503 Company and the SBA, disbursements from such accounts shall be supported by invoices and made payable jointly to the small concern and the supplier in order to assure authorized use of debenture proceeds. Funds at a local institution remaining undisbursed after one year shall be returned to the Central Fiscal Agent for credit to the Reserve Account, see § 108.503–11(b)(2). For construction escrow under the 504 pilot program see § 108.504(i).

* * * * *

16. Section 108.503–8 *Private Sector Financing* is revised to read as follows:

§ 108.503–8 Third-Party Financing.

(a) *General.* Subject to § 108.503–4(c)(4) of this part, each project receives financing from three sources:

(1) Either directly or indirectly, from institutional lenders, private leaders or investors, Federal, State, local government sources or any combination of the foregoing (hereinafter referred to as third-party lenders or loans);

(2) The proceeds of a 503 or 504 debenture (see § 108.503–9); and

(3) The 503 Company injection (see § 108.503–10). The maximum participation of third-party lenders shall be required in each project

(b) *Terms of third-party financing.* (1) The maturity of the third-party loans shall be at least seven years when the Debenture is for a term of ten years and the project does not include real estate. Otherwise, such third-party loan maturities shall be for the greater of ten years or half the maturity of the 503 debenture for all other maturities. Balloon payments must be justified in the loan report and clearly identified in the loan authorization. A balloon payment shall not be due in less than 10 years. The SBA must determine in writing that the balloon payment will not adversely affect the small concern's ability to satisfy its financial obligation to SBA.

(2) Where any part of the financing of a project is supplied by the seller of property, such financing shall be subordinate to the 503 loan.

(3) Any financing of a project subordinate to the 503 loan shall not be prepaid without SBA's prior written approval, which shall be based on a finding that such prepayment will substantially benefit the small concern. See also §§ 108.9, 108.503–4(c)(3)(B), and 108.503–9(a)(5).

(4) SBA shall not participate in financing a project unless the interest rate on the other financing is legal and reasonable.

(5) The third-party loans may include consolidation of existing debt on the 503 project property: *Provided,* That such pre-existing debt is not considered part of project cost, collateral is adequate to fully protect the Government, and such consolidation does not result in upgrading the related lien position of such pre-existing debt.

(6) SBA shall not participate in financing a project unless the third-party lender has the capacity of, or has arranged for, servicing adequate to protect SBA's interests.

(7) The third-party lenders shall agree to notify SBA in writing within 30 days after a default and 60 days prior to a foreclosure sale.

(8) Except as otherwise permitted in this Part, SBA shall not participate in a financing where the third-party lender(s) have a preference as described in § 120.301–1 of this chapter. (See §§ 108.503–9(a)(5) and 108.503–13(c).)

(Reporting and recordkeeping requirements have been approved by the OMB under control number 3245–0192)

§ 108.503–9 [Amended]

17. Section 108.503–9 *503 Debenture Financing* is amended by removing paragraph (a)(6) and redesignating paragraphs (a)(7) through (a)(11) as (a)(6) through (a)(10).

18. Section 108.503–10 *503 Company injection* is revised to read as follows:

§ 108.503–10 503 Company injection.

The 503 Company shall be required to inject into each project an amount equal to at least ten percent (10%) of the project cost exclusive of administrative cost (see § 108.503–5 (a) and (b)). Subject to § 108.503–4(c)(4), such injection may come from any source, including the borrower small concern, and may consist of cash, or property at the lower of contributor's cost or fair market value (see also § 108.503–5(d)). Any such contribution or loan to the 503 Company may not be conditioned on the granting of voting rights, stock options or any other actual or potential voting interest in the 503 Company or the small concern, but the 503 Company may issue shares of nonvoting stock in exchange therefor. The interest on such injection shall not exceed a rate which is legal or reasonable. Such injection shall be subordinate to the 503 debenture and shall not be repaid at a faster rate than the 503 loan.

19. Section 108.503–2 *Loan closing* is revised to read as follows:

§ 108.502–12 Loan closing.

The closing of the loan between the small concern and the 503 company is the responsibility of the 503 company. At such closing, the 503 company, with the consent of the small concern, appoints a Central Fiscal Agent (503 program) or a Central Servicing Agent (504 program), as the case may be, to receive and disburse all payments flowing among the transfer agent or trustee, the small concern, the 503 company and such agent according to the particular agency agreement (SBA Form 1254 or 1506). This agreement is subject to a Master Fiscal or Servicing Agent Agreement, as the case may be, concluded between SBA and such agent. The debenture closing is the joint responsibility of the 503 company and the SBA.

§ 108.503–13 [Amended]

20. Section 108.503–13 is amended by adding at the end of paragraph (c), the following: "See § 108.503–8(b)(8)."

21. Section 108.503–13 is amended by adding at the end of paragraph (h), the following: "In the event of such deferment, SBA shall undertake the 503 company's obligation of timely payments of principal and interest on the related 503 or 504 debenture, as the case may be."

§ 108.504 [Amended]

22. Section 108.504 *Pilot program* is amended as follows:

A. By revising the U.S. Code reference at the end of paragraph (a) to read as follows: "15 U.S.C. 697a."

B. Paragraph (b) is revised to read as follows:

* * * * *

(b) *Pilot Program.* SBA is required to conduct a pilot program involving the sale to investors of 504 debentures or 505 certificates, as defined in § 108.2, either publicly or by private placement.

* * * * *

C. Section 108.504(c) is revised to read as follows:

* * * * *

(c) *Purpose.* The terms and conditions upon which assistance may be rendered under the Pilot Program shall be for the same purposes and shall be the same as set forth in §§ 108.503 to 108.503–15 of this Part, except as superseded by this section.

* * * * *

D. Section 108.504(e) is revised to read as follows:

* * * * *

(e) *Central Servicing Agent.* SBA, in a master servicing agreement shall designate a Central Servicing Agent (CSA) to act for all 503 companies participating in the sale of 504 Debentures, to ensure uniformity and the orderly flow of funds among 504 loan recipients, 503 companies, and the Trustee or Transfer Agent (see § 108.505(f)(3) of this part). Pursuant to such master servicing agreement, in consideration of SBA'a guaranty of the 503 company's debenture(s), the 503 Company, with the borrower's consent, shall enter into a servicing agent agreement (504 program), SBA Form 1506, with the CSA. Execution of such form shall constitute acceptance by the 503 company and the borrower of the terms of the master servicing agreement. SBA Form 1506 shall prescribe the deposits into the disbursements from a master reserve account, set up by the CSA pursuant to said master servicing agreement. The master reserve account shall be funded by a reserve deposit of one half of one percent (0.5%), and a funding fee of three eights of one percent (0.375%) of the net debenture proceeds, see definitions in § 108.2 of this part, and by principal and interest payments of 504 loans. Funds in such account shall be used to defray expenses of the program described under paragraph (b) of this section, and SBA shall add funds pursuant to its guaranty to insure the full and timely payment of the debentures in the event the borrower fails to make full and timely payment on its 504 loan.

* * * * *

E. Section 108.504(f) is revised to read as follows:

* * * * *

(f) *Prepayment by small concern.* If the Small Concern voluntarily exercises its right to prepay its 504 loan, it shall pay a prepayment premium incorporated into its Note (SBA Form 1505) equal to that required by the 504 Debenture. In the event of such voluntary prepayment, the 503 Company shall prepay the 504 Debenture with a like premium.

* * * * *

F. Paragraph (g) is redesignated as (j) and a new paragraph (g) is added to read as follows:

* * * * *

(g) *Termination of lease.* The termination of a lease to a small concern of property purchased by a 503 company with the proceeds of a 504 debenture pursuant to § 108.503–9(a)(9) of this part, for whatever reason, shall not require the prepayment of said 504 debenture unless the 503 company is unable to make the scheduled payments on said 504 debenture and SBA is unwilling to make such payments pursuant to its 503 guaranty. In such event SBA shall purchase said 504 debenture pursuant to paragraph (j) of this section.

* * * * *

G. Paragraph (h) is redesignated as (k) and a new paragraph (h) is added to read as follows:

* * * * *

(h) *Prepayment by 503 company.* The 503 company may elect to repurchase its 504 debenture as a whole but not in part, in accordance with SBA's instructions, at a price equal to the aggregate of the outstanding principal balance, unpaid interest and, if applicable, a prepayment premium stated in such debenture.

* * * * *

H. Paragraph (i) is redesignated as (l) and a new paragraph (i) is added to read as follows:

* * * * *

(i) *Use of construction escrow account.* If acquisition of machinery and equipment or other portions of a project (e.g. a parking lot) represent a relatively minor portion of the total project and have been contracted for completion or delivery at a specified price and specific future date, the 504 Debenture may be sold and the proceeds authorized for acquisition of such asset may be held in a special interest bearing escrow account by the Central Servicing Agent

(see paragraph (e) of this section), or a local title insurance company or bank. After approval by the 503 Company and the SBA, disbursement from such accounts shall be supported by invoices and made payable jointly to the small concern and the supplier in order to assure authorized use of debenture proceeds. Unless sooner disbursed according to the terms of the escrow or unless SBA approves otherwise, such funds shall remain in such escrow until final payment on the 504 debenture. See § 108.503–7(c) for escrow in the 503 program.

* * * * *

I. Paragraph (g) is redesignated as (j) and is revised to read as follows:

* * * * *

(j) *Purchase by SBA.* Upon the occurrence of an automatic event of default as specified in the note evidencing the 504 loan, such note shall become immediately due and payable. Upon the occurrence of an event of default specified in such note which does not require automatic acceleration, SBA may forbear acceleration of the note in an attempt to resolve the default in cooperation with the 503 company and the small concern. For termination of a lease, see paragraph (g) of this section. Upon acceleration of the note in either case, the 504 debenture shall be accelerated and become immediately due and payable. In such event SBA shall purchase the 504 debenture at a price equal to the then outstanding principal balance plus unpaid interest thereon, as of the time of such purchase, without premium. SBA shall not be required to reimburse the investor for any premium paid for 504 debentures or 505 certificates.

* * * * *

23. Section 108.505 *Debenture pool certificates* is amended as follows:

A. At the end of paragraph (a), the U.S. Code reference is revised to read: U.S.C. 697b.

B. in paragraph (d) the reference to "§ 108.504(f) or (g)" in the first sentence is revised to read: § 108–503(f), (h) or (j).

C. in paragraph (e) the reference to "paragraph (f)(2)" is revised to read: paragraph (f)(3).

D. Paragraph (f) is revised to read as follows:

* * * * *

(f) *Agents.* SGA will appoint or cause to be appointed agent(s) to perform functions necessary to market and service Debentures sold pursuant to § 108.504(b) of this Part or 505 Certificates sold pursuant to § 108.505(b) of this Part.

(1) *Selling Agent.* As a condition of guaranteeing a 504 Debenture, SBA shall cause each 503 Company to appoint a Selling Agent to perform functions which include but are not limited to:

(i) Establishing performance criteria for Poolers and select qualified entities to become Poolers. Such action shall be subject to SBA prior written approval and paragraph (g) of this section.

(ii) Receiving guaranteed debentures, negotiate the terms and conditions of periodic offerings of 504 Debentures and/or 505 Certificates with Poolers on behalf of 503 Companies.

(iii) Directing and coordinating periodic sales of 504 Debentures and/or 505 Certificates.

(2) *Fiscal Agent.* SBA shall appoint a Fiscal Agent to:

(i) Monitor and evaluate the financial markets to determine those factors that will minimize or reduce the cost of funding 504 Debentures.

(ii) Arrange for the production of the Offering Circular, certificates, and such other documents as may be required from time to time.

(iii) Monitor the performance of the transfer agent or the trustee and the Poolers.

(iv) Perform such other functions as SBA from time to time prescribe.

(3) *Transfer agent or trustee.* SBA shall appoint a transfer agent or trustee to:

(i) Issue 505 Certificates in the form prescribed by SBA at the time of the primary sale of Debentures.

(ii) Effect the transfer of 505 Certificates upon resale in secondary market transactions.

(iii) Maintain physical possession of the 504 Debentures for SBA and the Certificate holders.

(iv) Establish and maintain a system for central registration of:

(A) Debentures Pools including identification of interest rate payable on the Debentures that are included in each Pool, indentification of the development companies which are obligors of such Debentures and which may not be disclosed without SBA's prior written approval;

(B) 505 Certificates issued or transferred with respect to each sale including identification of the Pool backing the Certificate, name and address of such Certificate purchaser, price paid by each purchaser, the interest rate on such Certificates and fees or charges assessed by the transfer agent or trustee;

(C) Brokers and dealers in 505 Certificates and commissions, fees or discounts granted to such brokers of or dealers in such Certificates, and

(D) Other information as SBA may from time to time prescribe.

(v) Receive semi-annual payments of amounts due on 504 Debentures, or amounts paid under voluntary prepayments or prepayments by SBA pursuant to § 108.504 (f), (h) and (j) of this part.

(vi) Make periodic payments to registered holders of 504 Debentures or 505 Certificates as scheduled or required by their terms and pay all amounts required to be paid upon prepayment of 504 Debentures.

(vii) Before any resale of such Debenture(s) or Certificate(s) is recorded on the registry, assure that the seller has disclosed to each purchaser in writing information required to be disclosed by Section 108.505(j) of this Part.

Each Agent and Trustee shall provide a fidelity bond or insurance in such amount as necessary to fully protect the interest of the government."

(4) *Central Servicing Agent.* See § 108.504(e) of this part.

* * * * *

E. Paragraph (g) is revised to read as follows:

* * * * *

(g) *Pooler.* Each Pooler shall.

(1) Be regulated by a federal financial regulatory agency, or be a member of the National Association of Securities Dealers (NASD);

(2) Have a net worth in accordance with the requirements of the appropriate regulatory authority and have the financial capability to market 504 Debentures and 505 Certificates;

(3) Maintain its books and records in accordance with generally accepted accounting principles and in accordance with the guidelines promulgated by the regulatory body governing its activities;

(4) Conduct its business operations in accordance with accepted securities or banking industry practices, ethics, and standards and applicable SBA regulations;

(5) Be in good standing with SBA as determined by the SBA Associate Administrator for Finance and Investment (see paragraph (l) of this section) and with any Federal regulatory body governing the entity's activities or with NASD, if it is a member.

F. Paragraph (h) *Access to Records* is amended by revising the phrase "The fiscal agent, transfer agent and selling group" to read "The agents appointed pursuant to §§ 108.504(e) and 108.505(f)".

G. Paragraph (k) *Prohibition* is revised to read as follows:

* * * * *

(k) *Prohibition.* In addition to § 108.4(d) of this Part, a 504 loan

recipient or any associate of such small concern, as defined in § 108.2 of this Part, may not purchase the Debenture which funded its 504 loan. In such cases, SBA shall have the option of canceling its guarantee of such 504 Debenture. Also see §§ 108.7 and 108.503–15(e) of this part.

[Catalog of Federal Domestic Assistance No. 59.013]

Date: May 8, 1987.

James Abdnor,

Administrator.

[FR Doc. 87–16575 Filed 7–22–87; 8:45 am]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM86–12–000]

Generic Determination of Rate of Return on Common Equity for Public Utilities

July 17, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of benchmark rate of return on common equity for public utilities.

SUMMARY: In accordance with § 37.5, the Commission issues the update to the "advisory" benchmark rate of return on common equity applicable to rate filings made during the period August through October 1987. This rate is set at 11.74 percent.

EFFECTIVE DATE: August 1, 1987.

FOR FURTHER INFORMATION CONTACT: Ronald L. Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357–8293.

SUPPLEMENTARY INFORMATION:

On December 24, 1986, the Commission issued a final rule which amended the quarterly indexing procedure for establishing and updating the benchmark rate of return on common equity applicable to electric rate filings.[1] Based on this amended procedure, the Commission determines that the benchmark rate of return on common equity applicable to rate filings made during the period August 1 through October 31, 1987 is 11.74 percent.

According to the amended § 37.9, each quarterly benchmark rate of return is set equal to the average cost of common equity for the jurisdictional operations of public utilities. This average cost is based on the average of the median dividend yields for the two most recent calendar quarters for a sample of 100 utilities.[2] The average yield is used in the following formula with fixed adjustment factors (determined in the annual proceding) to determine the cost rate:

$$k_t = 1.02\ Y_t + 4.63$$

where k_t is the average cost of common equity and Y_t is the average dividend yield.

The median dividend yield for the sample of utilities for the first and second quarters of 1987 are 6.54 and 7.40 percent, respectively. The average is 6.97 percent. Using the latter yield produces an average cost of common equity of 11.74 percent. The attached appendix provides the supporting data for the latest quarter used in this update.

List of Subjects in 18 CFR Part 37

Electric power rates, Electric utilities, Rate of return.

In consideration of the foregoing, the Commission revises Chapter I, Title 18 of the Code of Federal Regulations, as set forth below, effective August 1, 1987.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

PART 37—[AMENDED]

1. The authority citation for Part 37 continues to read as follows:

Authority: Federal Power Act, 16, U.S.C. 791a–825r (1982); Department of Energy Organization Act 42 U.S.C. 7101–7352 (1982).

2. In paragraph (d) of § 37.9, the table is revised to read as follows:

§ 37.9 Quarterly indexing procedure.

* * * * *

(d) * * *

Benchmark applicability period (t)	Dividend increase adjustment factor (a)	Expected growth adjustment factor (b)	Current dividend yield (Y_t)	Cost of common equity (K_t)	Benchmark rate of return
Feb. 1, 1986 to Apr. 30, 1986	1.02	4.54	9.03	13.75	13.75
May 1, 1986 to July 31, 1986	1.02	4.54	8.37	13.08	13.25
Aug. 1, 1986 to Oct. 31, 1986	1.02	4.54	7.49	12.18	12.75
Nov. 1, 1986 to Jan. 31, 1987	1.02	4.54	6.75	11.43	12.25
Feb. 1, 1987 to Apr. 30, 1987	1.02	4.63	6.44	11.20	11.20
May 1, 1987 to July 31, 1987	1.02	4.63	6.54	11.30	11.30
Aug. 1, 1987 to Oct. 31, 1987	1.02	4.63	6.97	11.74	11.74

Note: The Appendix will not be codified in Code of Federal Regulations.

Appendix

Exhibit No. and Title

1—Initial Sample of Utilities

2—Utilities Excluded From the Sample for the Indicated Quarter Due to Either Zero Dividends or a Cut in Dividends for This Quarter or the Prior Three Quarters

3—Annualized Dividend Yields for the Indicated Quarter for Utilities Retained in the Sample

Source of Data: Standard and Poor's Compustat Services, Inc., Utility COMPUSTAT® II Quarterly Data Base.

EXHIBIT 1.—INITIAL SAMPLE OF UTILITIES

Utility	Ticker symbol
Allegheny Power System	AYP
American Electric Power	AEP
Atlantic City Electric	ATE
Baltimore Gas & Electric	BGE
Black Hills Corp	BKH
Boston Edison Co	BSE
Carolina Power & Light	CPL
Centerior Energy Corp	CX

[1] Generic Determination of Rate of Return on Common Equity for Public Utilities, 52 FR 11 (January 2, 1987) (Docket No. RM86–12–000) (Final Rule) (Order No. 461).

[2] Since the last update, there have been two name changes for utilities in the sample. AZP Group Incorporated is now the Pinnacle West Capital Corporation, with a change in ticker symbol from AZP to PNW. Consumers Power Company is now the CMS Energy Corporation.

EXHIBIT 1.—INITIAL SAMPLE OF UTILITIES—Continued

Utility	Ticker symbol
Central & South West Corp	CSR
Central Hudson Gas & Elec	CNH
Central Ill Public Service	CIP
Central Louisiana Electric	CNL
Central Maine Power Co	CTP
Central Vermont Pub Serv	CV
CilCorp Inc	CER
Cincinnati Gas & Electric	CIN
CMS Energy Corp	CMS
Commonwealth Edison	CWE
Commonwealth Energy System	CES
Consolidated Edison of NY	ED
Delmarva Power & Light	DEW
Detroit Edison Co	DTE
Dominion Resources Inc-VA	D
DPL Inc	DPL
Duke Power Co	DUK
Duquesne Light Co	DQU
Eastern Utilities Assoc	EUA
Empire District Electric Co	EDE
Fitchburg Gas & Elec Light	FGE
Florida Progress Corp	FPC
FPL Group Inc	FPL
General Public Utilities	GPU
Green Mountain Power Corp	GMP
Gulf States Utilities Co	GSU
Hawaiian Electric Inds	HE
Houston Industries Inc	HOU
I E Industries Inc	IEL
Idaho Power Co	IDA
Illinois Power Co	IPC
Interstate Power Co	IPW
Iowa Resources Inc	IOR
Iowa-Illinois Gas & Elec	IWG
Ipalco Enterprises Inc	IPL
Kansas City Power & Light	KLT
Kansas Gas & Electric	KGE
Kansas Power & Light	KAN
Kentucky Utilities Co	KU
Long Island Lighting	LIL
Louisville Gas & Electric	LOU
Maine Public Service	MAP
Middle South Utilities	MSU
Midwest Energy Co	MWE
Minnesota Power & Light	MPL
Montana Power Co	MTP
NECO Enterprises Inc	NPT
Nevada Power Co	NVP
New England Electric System	NES
New York State Elec & Gas	NGE
Niagara Mohawk Power	NMK
Northeast Utilities	NU
Northern Indiana Public Serv	NI
Northern States Power-MN	NSP
Ohio Edison Co	OEC
Oklahoma Gas & Electric	OGE
Orange & Rockland Utilities	ORU
Pacific Gas & Electric	PCG
Pacificorp	PPW
Pennsylvania Power & Light	PPL
Philadelphia Electric Co	PE
Pinnacle West Capital Corp	PNW
Portland General Corp	PGN
Potomac Electric Power	POM
Public Service Co of Colo	PSR
Public Service Co of Ind	PIN
Public Service Co of N H	PNH
Public Service Co of N Mex	PNM
Public Service Enterprises	PEG
Puget Sound Power & Light	PSD
Rochester Gas & Electric	RGS
San Diego Gas & Electric	SDO
Savannah Elec & Power	SAV
Scana Corp	SCG
Sierra Pacific Resources	SRP
Southern Calif Edison Co	SCE
Southern Co	SO
Southern Indiana Gas & Elec	SIG
St Joseph Light & Power	SAJ
Teco Energy Inc	TE
Texas Utilities Co	TXU
TNP Enterprises Inc	TNP
Tucson Electric Power Co	TEP
Union Electric Co	UEP
United Illuminating Co	UIL
Unitil Corp	UTL
Utah Power & Light	UTP
Utilicorp United Inc	UCU
Washington Water Power	WWP
Wisconsin Energy Corp	WEC
Wisconsin Power & Light	WPL
Wisconsin Public Service	WPS

EXHIBIT 2—UTILITIES EXCLUDED FROM THE SAMPLE FOR THE INDICATED QUARTER DUE TO EITHER ZERO DIVIDENDS OR A CUT IN DIVIDENDS FOR THIS QUARTER OR THE PRIOR THREE QUARTERS

[Year=87 quarter=2]

Ticker symbol	Utility	Reason for Exclusion
CMS	CMS Energy Corp	Dividend Rate Was Zero for the Quarter Ending 06/30/87.
FGE	Fitchburg Gas & Elec Light	Dividend Rate Was Zero for the Quarter Ending 09/30/86.
GPU	General Public Utilities	Dividend Rate Was Zero for the Quarter Ending 03/31/87.
GSU	Gulf States Utilities Co.	Dividend Rate Was Zero for the Quarter Ending 06/30/87.
LIL	Long Island Lighting	Dividend Rate Was Zero for the Quarter Ending 06/30/87.
MSU	Middle South Utilities	Dividend Rate Was Zero for the Quarter Ending 06/30/87.
NI	Northern Indiana Public Serv	Dividend Rate Was Zero for the Quarter Ending 06/30/87.
PIN	Public Service Co. of Ind	Dividend Rate Was Zero for the Quarter Ending 06/30/87.
PHN	Public Service Co. of N H	Dividend Rate Was Zero for the Quarter Ending 06/30/87.

N=9.

EXHIBIT 3—ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE

[Year=87 Quarter=2]

Ticker symbol	Price, 1st month of qrtr-high	Price, 1st month of qrtr-low	Price, 2nd month of qrtr-high	Price, 2nd month of qrtr-low	Price, 3rd month of qrtr-high	Price, 3rd month of qrtr-low	Dividends: annual rate	Annualized dividend yield
AEP	29.000	25.125	28.125	25.000	28.500	26.000	2.260	8.383
ATE	37.375	33.625	36.125	32.875	36.125	33.500	2.680	7.671
AYP	42.375	36.625	41.750	38.000	41.250	39.000	2.920	7.331
BGE	31.375	26.750	31.875	28.000	32.625	30.250	1.900	6.303
BKH	21.875	19.500	22.375	19.750	23.500	21.500	1.200	5.603
BSE	25.125	20.750	23.500	20.625	23.375	21.375	1.780	7.926
CER	35.750	32.375	35.000	31.500	34.625	32.000	2.340	6.976
CES	39.750	33.000	35.000	32.000	34.625	31.750	2.720	7.918
CIN	28.000	24.625	27.125	23.750	27.375	24.125	2.160	8.361
CIP	25.250	21.000	25.000	21.250	24.750	22.750	1.720	7.371
CNH	28.500	24.125	26.500	24.875	27.125	24.750	2.960	11.394
CNL	33.875	29.000	30.875	29.000	33.250	29.625	2.080	6.723
CPL	39.500	34.750	38.000	33.750	37.875	34.125	2.760	7.596
CSR	34.375	28.875	32.125	28.625	32.500	30.125	2.280	7.330
CTP	19.250	15.750	18.500	15.625	18.000	16.625	1.400	8.096
CV	26.875	23.375	28.000	23.750	27.250	23.375	1.900	7.469

EXHIBIT 3—ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE—Continued

[Year=87 Quarter=2]

Ticker symbol	Price, 1st month of qrtr-high	Price, 1st month of qrtr-low	Price, 2nd month of qrtr-high	Price, 2nd month of qrtr-low	Price, 3rd month of qrtr-high	Price, 3rd month of qrtr-low	Dividends: annual rate	Annualized dividend yield
CWE	36.125	32.625	36.000	32.375	36.500	33.000	3.000	8.711
CX	22.375	18.500	19.875	15.375	19.000	15.000	2.560	13.948
D	45.375	40.125	43.750	40.875	43.875	41.000	2.960	6.965
DEW	21.167	18.333	20.667	18.750	20.750	19.375	1.413	7.124
DPL	28.250	24.250	26.250	22.750	26.250	24.125	2.080	8.217
DQU	13.125	11.875	13.125	11.750	12.125	11.375	1.200	9.813
DTE	17.875	15.750	17.375	15.750	17.250	16.000	1.680	10.080
DUK	46.375	39.375	45.750	41.500	45.875	43.125	2.680	6.137
ED	44.625	40.250	43.750	40.000	45.375	42.125	2.960	6.934
EDE	31.750	30.000	30.875	29.125	29.125	27.625	2.000	6.723
EUA	35.500	30.875	33.875	30.250	33.500	30.000	2.300	7.113
FPC	38.500	34.250	37.375	33.250	36.500	34.000	2.400	6.733
FPL	31.625	28.500	31.000	28.500	32.000	29.250	2.120	7.032
GMP	26.000	23.375	25.125	23.500	24.750	23.125	1.800	7.404
HE	32.625	27.500	30.375	26.625	29.250	27.750	1.800	6.202
HOU	36.125	31.125	35.000	31.500	33.875	32.000	2.880	8.656
IDA	27.000	23.625	25.625	22.625	25.375	23.625	1.800	7.303
IEL	26.750	23.125	24.375	22.750	24.000	23.000	1.980	8.250
IOR	24.000	19.875	21.750	20.125	23.000	20.375	1.640	7.621
IPC	28.375	25.500	26.750	25.125	27.250	25.875	2.640	9.970
IPL	24.375	21.750	23.875	22.125	23.750	22.250	1.560	6.776
IPW	27.125	23.750	25.750	23.500	24.375	23.000	1.960	7.973
IWG	44.375	37.000	39.000	37.375	42.625	37.750	3.040	7.660
KAN	26.938	23.375	26.625	24.000	26.500	24.250	1.650	6.527
KGE	22.500	18.750	22.875	20.375	23.875	21.750	1.360	6.271
KLT	29.125	26.250	27.750	24.250	27.125	24.500	2.000	7.547
KU	19.063	16.813	19.437	18.125	20.250	18.125	1.300	6.976
LOU	37.375	33.500	37.375	33.875	37.875	35.125	2.600	7.252
MAP	30.500	27.750	29.750	29.000	29.375	27.875	1.600	5.509
MPL	28.125	24.750	27.625	25.500	27.750	25.750	1.600	6.245
MTP	38.500	33.500	37.000	33.000	37.250	35.125	2.680	7.501
MWE	22.250	19.125	21.500	18.250	20.875	19.625	1.480	7.301
NES	29.750	25.500	28.500	26.500	28.625	26.625	2.000	7.251
NGE	28.375	25.750	26.875	24.500	28.500	25.375	2.640	9.939
NMK	17.250	14.875	17.125	15.250	16.750	15.000	2.080	12.966
NPT	26.000	24.625	25.500	22.875	26.500	20.750	1.500	6.154
NSP	33.750	29.500	34.000	30.000	33.375	31.125	2.020	6.321
NU	25.500	21.500	24.625	22.000	23.875	21.875	1.760	7.577
NVP	20.750	17.250	19.625	17.750	19.500	18.125	1.440	7.646
OEC	21.250	18.500	22.125	20.000	21.750	20.250	1.960	9.493
OGE	34.125	28.625	33.000	29.625	33.375	31.000	2.180	6.893
ORU	32.000	27.000	32.000	29.750	32.500	31.375	2.180	7.085
PCG	22.750	19.875	21.500	19.125	21.375	19.500	1.920	9.281
PE	22.500	19.125	22.125	19.875	21.875	20.000	2.200	10.518
PEG	40.000	36.000	39.500	35.125	39.750	36.750	3.000	7.925
PGN	26.875	24.000	26.250	22.750	27.750	25.250	1.960	7.693
PNM	36.625	33.250	34.625	30.625	34.375	31.875	2.920	8.700
PNW	32.000	28.000	32.000	28.875	32.375	30.375	2.800	9.149
POM	24.625	21.250	24.187	21.750	23.750	21.250	1.300	5.701
PPL	39.625	34.000	37.625	34.625	37.625	35.250	2.680	7.351
PPW	36.375	31.875	34.750	32.125	36.625	33.750	2.520	7.358
PSD	21.000	19.000	19.875	19.000	20.625	19.125	1.760	8.902
PSR	20.875	18.500	21.500	19.875	22.875	20.375	2.000	9.677
RGS	19.875	15.625	18.500	16.000	18.750	16.125	2.200	12.586
SAJ	24.333	22.500	23.083	22.417	22.583	20.250	1.307	5.800
SAV	18.500	16.000	17.500	15.375	17.250	16.500	1.000	5.933
SCE	32.500	28.125	31.750	28.750	32.625	29.750	2.380	7.782
SCG	35.125	30.875	34.375	31.125	34.000	31.875	2.320	7.053
SDO	35.250	30.625	34.625	32.125	34.500	32.500	2.500	7.514
SIG	39.500	33.750	36.250	33.375	36.000	32.750	2.120	6.011
SO	26.875	21.750	24.250	22.000	25.000	22.750	2.140	9.003
SRP	25.625	21.000	23.125	22.125	25.375	22.250	1.720	7.398
TE	43.625	40.375	43.750	41.625	45.125	42.250	2.680	6.263
TEP	59.250	51.125	59.625	56.750	58.875	55.875	3.600	6.325
TNP	23.000	20.125	22.000	19.875	20.250	19.000	1.390	6.712
TXU	33.250	30.000	32.875	30.250	33.500	30.875	2.800	8.807
UCU	34.069	30.515	31.500	30.375	31.750	30.500	1.490	4.738

EXHIBIT 3—ANNUALIZED DIVIDEND YIELDS FOR THE INDICATED QUARTER FOR UTILITIES RETAINED IN THE SAMPLE—Continued

[Year=87 Quarter=2]

Ticker symbol	Price, 1st month of qrtr-high	Price, 1st month of qrtr-low	Price, 2nd month of qrtr-high	Price, 2nd month of qrtr-low	Price, 3rd month of qrtr-high	Price, 3rd month of qrtr-low	Dividends: annual rate	Annualized dividend yield
UEP	28.750	25.000	27.250	22.375	25.125	23.375	1.920	7.585
UIL	32.875	27.125	28.375	25.000	27.625	24.000	2.320	8.436
UTL	31.750	29.750	31.625	30.000	32.625	30.750	1.880	6.048
UTP	26.375	23.875	24.750	22.125	24.500	22.000	2.320	9.692
WEC	50.000	45.500	50.125	46.250	49.875	47.750	2.880	5.969
WPL	50.000	42.500	47.500	44.000	48.000	45.750	3.040	6.567
WPS	49.500	42.375	46.750	44.000	47.000	43.875	3.000	6.581
WWP	29.250	26.500	27.250	25.375	27.625	25.250	2.480	9.228

N=91.

[FR Doc. 87-16728 Filed 7-22-87; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 556

Tolerances for Residues of New Animal Drugs in Food; Testosterone Propionate; Technical Amendment

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is editorially amending the final rule that provided for the approval of two supplemental new animal drug applications (NADA's) that supported deletion of the slaughter withdrawal period for the use of estradiol benzoate and testosterone propionate in combination, and for progesterone and estradiol benzoate in combination (48 FR 48659; October 20, 1983). The supplement for the estradiol benzoate and testosterone propionate combination contained data to support incremental increases in the tolerances for estradiol benzoate and testosterone propionate; however, the tolerance for testosterone propionate has not been revised. This document revises the tolerance for testosterone propionate in accordance with the data contained in the supplement.

EFFECTIVE DATE: July 23, 1987.

FOR FURTHER INFORMATION CONTACT: Robert C. Livingston, Center for Veterinary Medicine (HFV-101), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 20, 1983 (48 FR 48659), FDA approved two supplemental new animal drug applications (NADA's) providing for the deletion of the slaughter withdrawal period for NADA 11-427 (estradiol benzoate and testosterone propionate) and NADA 9-576 (estradiol benzoate and progesterone). The drugs are used as ear implants in heifers for growth promotion and feed efficiency. The supplement for NADA 11-427 contained information to support incremental increases in the tolerances for estradiol benzoate and testosterone propionate in addition to supporting approval of the application.

The freedom of information summary placed on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, at the time of the approval contained summaries of safety and effectiveness data including data to support revised tolerances for estradiol benzoate and testosterone propionate. FDA revised the tolerance for estradiol benzoate (21 CFR 556.240) in the **Federal Register** of April 9, 1984 (49 FR 13872). This document amends 21 CFR 556.710 by revising the tolerance for testosterone propionate.

List of Subjects in 21 CFR Part 556

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 556 is amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. The authority citation for 21 CFR Part 556 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. Section 556.710 is revised to read as follows:

§ 556.710 Testosterone propionate.

No residues of testosterone, resulting from the use of testosterone propionate, are permitted in excess of the following increments above the concentrations of testosterone naturally present in untreated animals:

(a) In uncooked edible tissues of heifers:

(1) 0.64 part per billion in muscle.
(2) 2.6 parts per billion in fat.
(3) 1.9 parts per billion in kidney.
(4) 1.3 parts per billion in liver.

(b) [Reserved.]

Dated: July 17, 1987.

Richard A. Carnevale,

Acting Associate Director for Scientific Evaluation, Center for Veterinary Medicine.

[FR Doc. 87-16685 Filed 7-22-87; 8:45 am]
BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7-87-8]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, Jewfish Creek; Key Largo, FL

AGENCY: Coast Guard, DOT.
ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation (FDOT), the Coast Guard is adding regulations governing the Jewfish Creek drawbridge at Key Largo by permitting the number of openings to be limited during certain periods. This change is being made because of complaints about highway traffic delays. This action will accommodate the current needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on August 24, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne Lee, Chief, Bridge Section, Seventh Coast Guard District, telephone (305) 536–4103.

SUPPLEMENTARY INFORMATION: On April 30, 1987, the Coast Guard published proposed rules (52 FR 15735) concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated May 15, 1987. In each notice, interested persons were given until June 15, 1987, to submit comments.

Drafting Information

The drafters of these regulations are Mr. Brodie Rich, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Comments

Twenty-five comments were received. Four commenters supported the change as proposed. One commenter supported scheduled operation and asked that the bridge be opened at 30-minute intervals at all times. One response was from a planning council that felt that any impacts would not be of a regional scale. Nineteen commenters opposed the change, stating that a low-powered, single-screw sailboat would have difficulty maneuvering in a limited holding area with strong currents, especially when vessels had accumulated waiting to pass.

The Coast Guard has carefully considered the comments and does not believe scheduled operation of the bridge would result in significant problems for waterway users. The final regulation is unchanged from the proposed rule published on April 30, 1987.

The data on highway traffic and bridge openings do not support the need for a 30-minute operating schedule at all times. The proposed weekend and holiday restrictions should provide substantial relief to motorists without an undue burden on mariners.

A 20-minute opening schedule was authorized on a temporary basis for the July 4th and Labor Day weekends in 1986 and the Memorial Day weekend in 1987. Local authorities reported a significant improvement in highway traffic flow during the periods when scheduled operations were in effect. There were no complaints from waterway users about bridge openings during the two weekends in 1986. Commenters opposed to the regulation stated that several vessels cancelled trips to the Florida Keys because the bridge operated on a scheduled basis during the 1987 Memorial Day holiday.

Although a few boat owners may choose to avoid the bridge during periods of scheduled operation, the overall benefits of timed openings should outweigh the relatively minor impacts on navigation. The number of vessels accumulated at the bridge between openings should be limited if mariners plan their arrival time to coincide with scheduled operation of the drawspan. Because the holding area at the north side of the bridge is somewhat limited, FDOT will be required to post signs at the entrance to the narrow channel leading to the bridge to inform mariners about drawspan opening times.

An editorial change was proposed to revise the heading for 33 CFR 117.261 to extend coverage to Key Largo. No comments were received about the proposed editorial change.

Economic Assessment and Certification

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

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulations exempt tugs with tows. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, Part 117 of Title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46 and 33 CFR 1.05–1(g).

2. The heading for § 117.261 is revised and § 117.261(qq) is added to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(qq) *Jewfish Creek, mile 1134, Key Largo.* The draw shall open on signal, except that on Fridays from 3 p.m. to sunset, and Saturdays and Sundays from 10 a.m. to sunset, the draw need open only on the hour, twenty minutes after the hour and forty minutes after the hour. When a Federal holiday occurs on a Friday, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour from 12 noon to sunset on the Thursday before the holiday, and from 10 a.m. to sunset on Friday (holiday), Saturday, and Sunday. When a Federal holiday falls on a Monday, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour from 12 noon to sunset on the Friday before the holiday, and from 10 a.m. to sunset on Saturday, Sunday, and Monday (holiday).

Dated: July 13, 1987.

H.B. Thorsen,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 87–16761 Filed 7–22–87; 8:45 am]

BILLING CODE 4910–14–M

Proposed Rules

Federal Register
Vol. 52, No. 141
Thursday, July 23, 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 Part 60

Establishment of Fees and Charges for Cotton Market News Reports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) proposes to amend 7 CFR Part 60 to add the Cotton Division to the list of Divisions collecting user fees for published market news reports. A final rule, originally published on April 8, 1983 in 48 FR 15222, established the collection of fees for the distribution of copies of market news publications requested by the general public for all AMS Commodity Divisions except the Cotton Division. This proposal would establish user fees for recipients of market news reports issued by the Cotton Division.

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

ADDRESS: Written comments may be sent to Freddie S. Mullins, Cotton Division, AMS, USDA, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Freddie S. Mullins, (202) 447–2145.

SUPPLEMENTARY INFORMATION: The Department implemented a final rule, 7 CFR Part 60, (48 FR 15221–15222, April 8, 1983) which provided for the collection of fees for the printing, handling and mailing of market news reports distributed by AMS pursuant to the authority contained in the Agriculture and Food Act of 1981 (7 U.S.C. 2242a). Such fees and charges were set at a level which would cover as nearly as practicable the costs of printing, handling and postage of the market reports requested by the general public. The Department's decision to collect fees for market news reports is consistent with the Department's goal of reducing its cost of publishing and distributing publications.

Market News reports published by the Cotton Division of AMS were not included in Part 60. The purpose of this proposal is to add the Cotton Division, AMS, to that Part and to implement fees and charges, as determined reasonable for reports issued by the Cotton Division, AMS, pursuant to the authority contained in 7 U.S.C. 2242a, as amended by the Federal Security Act of 1985, Pub. L. 99–198.

Fees for the publications would vary from time to time due to numerous factors which affect printing, handling and distribution costs. As several of these factors (e.g. number of subscribers, postage, etc.) are not fixed, it is expected that the total costs would fluctuate. Since fees would only be adjusted as necessary to recover expenses of printing, handling and distribution, the fees would be computed and revised when necessary to assure recovery of the Departmental costs and each adjustment would not be published in the **Federal Register**. Subscription renewal notices will be used to specify subscription rates. Based on estimates of current costs and activity level, fees during the initial subscription period for reports published by the Cotton Division would be charged according to the following schedule:

REPORTS ISSUED BY COTTON DIVISION

Report	Freq.	Subscription rate in U.S. dollars			
		Annual		Single issue	
		US, Candada, Mexico	Other countries (air mail)	Daily, weekly, bi-weekly, monthly [1]	Annual
Daily Spot Cotton Quotations	Daily	115.00	175.00	1.00	
Daily Spot Cotton Quotations (Fri. only).	Weekly	25.00	40.00	1.00	
Weekly Cotton Market Review	Weekly	25.00	50.00	1.00	
Weekly Report of Certificated Stock in Licensed Whses.	Weekly	25.00	40.00	1.00	
Quality of Cotton Classed Under Smith-Doxey Act.	Weekly [2]	20.00	30.00	1.00	
Cottonseed Review	Weekly [2]	15.00	20.00	1.00	
Cotton Fiber and Processing Test Results.	Bi-Weekly [2] (plus annual.	30.00	60.00	1.00	
	Annual only	10.00	15.00		10.00
Cotton Price Statistics	Monthly + Annual	30.00	60.00	1.00	
	Annual only	5.00	8.00		5.00
Long Staple Review	Monthly	12.00	16.00	1.00	
Cotton Linters Review	Monthly	12.00	16.00	1.00	
US Cotton Quality Rpt for Ginnings Prior to.	Monthly [2]	15.00	30.00	1.00	
Cotton Quality, Crop of	Annual	10.00	12.00		10.00
Cotton Quality, Supply Disappearance-Carryover.	Annual	5.00	8.00		5.00
Cotton Varieties Planted, Crop	Annual	5.00	8.00		5.00
Cottonseed Quality, Crop of	Annual	5.00	8.00		5.00

[1] $5.00 minimum charge.
[2] during harvesting.

In addition, this proposed rule would delete unnecessary language in § 60.5(a). The changes, if adopted, would be made effective October 1, 1987.

A 15 day comment period is deemed adequate to allow interested persons to comment on this proposed rule because the anticipated effective date of these changes, if adopted, would be October 1, 1987, the beginning of the new fiscal year and sufficient time would be necessary after a final rule is published

for the complation of subscription lists on or before that date.

The proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and Department's Regulation 1512–1 and has been determined to be a "non-major" rule because it does not meet any of the criteria established for major rules under the executive order. In conformance with the provision of the Regulatory Flexibility Act Pub. L. 96–354 (5 U.S.C. 601), full consideration has been given to the potential economic impact upon small business entities. Most producers and dealers fall within the definition of "small business", as defined in the Regulatory Flexibility Act. A number of firms who are expected to use the market news reports do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. The Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact upon a substantial number of small entities. This proposed rule would in no way affect normal competition in the marketplace because it merely sets minimum fees and charges for market news reports that are requested on a voluntary basis.

List of Subjects in 7 CFR Part 60

Market news reports, Subscription fees.

Accordingly, for the reasons set forth in the preamble, it is proposed that 7 CFR Part 60 be appended as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: 7 U.S.C. 1622(g), 7 U.S.C. 2242a.

2. Section 60.5(a) would be revised to read as follows:

§ 60.5 Market News Reports published by the Cotton Division; Dairy Division; Fruit and Vegetable Division; Livestock, Meat, Grain, and Seed Division; and Poultry Division.

* * * * *

(a) Market news reports shall be available on an annual subscription (or seasonal subscription for reports issued by the (Fruit and Vegetable Division) upon written request and upon payment of a subscription fee, except that no fees will be charged to other government agencies which assist in the collection of market news data for the requested report.

* * * * *

Dated: July 20, 1987.

William T. Manley,

Deputy Administrator Marketing Programs.

[FR Doc. 87–16760 Filed 7–22–87; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 86–366]

Importation of Fruits and Vegetables

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We propose to amend the regulations by removing language authorizing States to enforce safeguards other than those contained in Federal regulations concerning the entry of fruits and vegetables into the United States for local consumption. This deletion appears necessary because States are precluded from imposing requirements on such fruits and vegetables while they are in foreign commerce.

DATE: Consideration will be given only to comments postmarked or received September 21, 1987.

ADDRESS: Send written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 86–366. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Regulatory Services Staff, PPQ, APHIS, USDA, Room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8248.

SUPPLEMENTARY INFORMATION:

Background

We are proposing to amend "Subpart—Fruit and Vegetables" contained in 7 CFR 319.56 *et seq.*, and referred to below as "the regulations." This subpart prohibits or restricts the importation of certain fruits and vegetables from certain foreign countries and localities as a means of preventing the spread of foreign plant pests to the United States.

The regulations provide for the following conditions of importation: certification, movement under permit, inspections, and treatment. These conditions are based on the pest hazard of the fruit and vegetables involved, the pests known to exist in the country or location of origin, and other circumstances appropriate to the specific intended movement.

Federal vs State Authority

Current paragrah (c) of § 319.56–6 contains language authorizing the States to enforce safeguards other than those contained in Federal regulations, concerning the entry of fruits and vegetables into the United States for local consumption. Such State regulation is not authorized by the Constitution; the States are precluded from imposing requirements on fruits and vegetables that are in foreign commerce (see Oregon-Washington Railroad and Navigation Co. vs State of Washington, 270 U.S. 87). Since the States are precluded from regulating foreign commerce, we are proposing to delete the following language from § 319.56–6(c):

Provided, That the requirements under the regulations in this subpart with respect to the entry of foreign fruits and vegetables into any State for local consumption shall not be a bar to the enforcement of such additional safeguards as may be deemed necessary by the officials of such States.

Executive Order 12291 and Regulatory Flexibility Act

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

Deletion of the language in § 319.56–6(c) would make it clear that States may not regulate fruits and vegetables in foreign commerce. Deletion of this language would not add, remove, or alter any requirements or provisions under Part 319. Current enforcement practices would also remain intact.

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

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

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

List of Subjects in 7 CFR Part 319

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

PART 319—FOREIGN QUARANTINE NOTICES

Accordingly, we propose to amend the regulations contained in 7 CFR Part 319 as follows:

1. The authority citation for Part 319 would continue to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 319.56–6 [Amended]

2. In paragraph (c) of § 319.56–6, the phase "*Provided*, That the requirements under the regulations in this subpart with respect to the entry of foreign fruits and vegetables into any State for local consumption shall not be a bar to the enforcement of such additional safeguards as may be deemed necessary by the officials of such States" would be removed.

Done in Washington, DC, this 17th day of July, 1987.

D. Husnik,

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

[FR Doc. 87–16657 Filed 7–22–87; 8:45 am]

BILLING CODE 3410–34–M

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7 CFR Part 353

[Docket No. 86–337]

Qualifications of Inspectors Issuing Phytosanitary Export Certificates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: APHIS is proposing to revise the Phytosanitary Export Certification regulations by amending the definition of "inspector" to include requirements for a state plant regulatory official to be authorized to issue federal phytosanitary certificates. To be considered qualfied to participate in the Cooperative Federal-State Phytosanitary Export Certification Program, inspectors would have to comply with specific selection criteria. This proposed action would ensure that all cooperating state inspectors meet the same basic requirements.

DATE: Consideration will be given only to comments postmarked on or before September 21, 1987.

ADDRESS: Send written comments to Steven B. Farbman, Assistant Director, Regulatory Coordination, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 86–337. Comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Leonard M. Crawford, Staff Officer, Regulatory Services Staff, PPQ, APHIS, USDA, Room 644, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8537.

SUPPLEMENTARY INFORMATION:

Background

The Phytosanitary Export Certification regulations in 7 CFR Part 353 (referred to below as the regulations) establish procedures for obtaining phytosanitary export certificates from inspectors authorized to represent Plant Protection and Quarantine (PPQ) of the Animal and Plant Health Inspection Service (APHIS).

With ratification of the United Nations' International Plant Protection Convention in 1972, the United States agreed to cooperate with other countries, both to control plant pests and to prevent their international spread. As part of the convention, about 88 member countries issue phytosanitary export certificates. These certify that a consignment of plants or plant products complies with the receiving country's plant quarantine import requirements.

Under section 102(e) of the Organic Act of 1944 (7 U.S.C. 147a(e)), PPQ provides phytosanitary certification as a service to exporters. After assessing the phytosanitary condition of the plants or plant products intended for export, and finding that the consignment conforms to the current phytosanitary regulations of the receiving country, the inspector issues an internationally recognized phytosanitary export certificate.

Since 1975, APHIS has participated with states in a Cooperative Phytosanitary Export Certification Program, which expands the pool of inspectors able to issue certificates. Because the number of federal inspectors is limited, the use of state inspectors is a considerable service to exporters of plants or plant products, in terms of both time and convenience.

To participate in the Cooperative Export Certification Program, a state plant regulatory agency signs a Memorandum of Understanding (MOU) with us. The MOU specifies the responsibilities and areas of cooperation to which both parties have agreed. We have now signed MOU's with 45 states. Because the success of the program depends on the competence of the inspectors issuing phyosanitary certificates, each MOU lists the basic qualifications required of state plant regulatory officials authorized to issue federal phytosanitary certificates. However, our regulations do not include these basic requirements. To ensure that all state inspectors have the same basic qualifications, we propose to incorporate into the definition of "inspector" now in § 353.1(b)(4) the selection criteria set forth in the MOU's.

To be eligible for designation as an "inspector," a state plant regulatory official must have a bachelor's degree in the biological sciences, a minimum of 2 years' experience in state plant regulatory activities, and a minimum of 2 years' experience in recognizing and identifying local domestic plant pests; 6 years' experience in state plant regulatory activities could be substituted for the degree requirements. Based on our experience with PPQ inspectors, we have found that this combination of education and experience is necessary for inspectors to ascertain the health of the plants they certify for export.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, federal, state or local government agencies, or geographic regions; and would not cause a significant adverse effect 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.

This proposed amendment sets forth the minimum requirements for a state plant regulatory official to qualify as an inspector authorized to issue federal phytosanitary certificates. The proposed amendment reiterates without changing the qualifications specified in each Memorandum of Understanding on the export certification program. Therefore, this proposed amendment should not have an effect on small entities.

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

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

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

List of Subjects in 7 CFR Part 353

Agricultural commodities, Exports, Plant diseases, Plant pests, Plants (agriculture).

PART 353—PHYTOSANITARY EXPORT CERTIFICATION

Accordingly, 7 CFR Part 353 would be amended to read as follows:

1. The authority citation for Part 353 would continue to read as follows:

Authority: 7 U.S.C. 147a, 7 CFR 2.17, 2.51, 371.2(c).

2. In § 353.1, paragraph (b)(4) would be revised to read as follows:

§ 353.1 Definitions.

* * * * *

(b) * * *

(4) *Inspector.* An employee of Plant Protection and Quarantine, or a state plant regulatory officials designated by the Secretary of Agriculture to inspect and certify to shippers and other interested parties, as to the phytosanitary condition of the products inspected under the Act. To be eligible for designation, a state plant regulatory official must have a bachelor's degree in the biological sciences, a minimum of 2 years' experience in state plant regulatory activities, and a minimum of 2 years' experience in recognizing and identifying domestic plant pests known to occur within the cooperating state. Six years' experience in state plant regulatory activities may be substituted for the degree requirement.

Done in Washington, DC, this 17th day of July, 1987.

D. Husnik,

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

[FR Doc. 87-16658 Filed 7-22-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD8-87-06]

Anchorage Ground; Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a proposal to amend the Lower Mississippi River anchorage regulations by decreasing the size of the New Orleans General Anchorage. This action is necessary to provide space for a mid-stream transfer and barge fleeting operation at about mile 89.7 above Head of Passes (AHP), on the Left Descending Bank (LDB).

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

ADDRESSES: Comments may be mailed or hand delivered to Commander, Eighth Coast Guard District (mps), Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130-3396. The comments and other materials referenced in this notice will be available for inspection or copying in Room 1341 at the above address. Office hours are between 7:30 a.m. and 4:00 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: LT Edwin M. Stanton, project officer, at the above address or by telephone at [504] 589-6901.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comment should include their names and addresses, identify this notice [CGD8-87-06] and the specific section of the proposal to which their comments apply, and give reasons for comment. Receipt of comments will be acknowledged if a stamped self-addressed envelope or postcard is enclosed.

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

Drafting Information

The drafters of this notice are LT Edwin M. Stanton, project officer, Eighth Coast Guard District Marine Safety Division and LCDR James J. Vallone, project attorney, Eighth Coast Guard District Legal Office.

Discussion of Proposed Regulations

The St. Bernard Port, Harbor and Terminal District requested that the Coast Guard relocate the lower limit of the New Orleans General Anchorage on the Mississippi River from mile 89.3 AHP to mile 90.5 AHP. The change to the anchorage is needed to accommodate operation of a new mid-stream transfer facility and barge fleet on the left descending bank at mile 89.7 AHP, at Chalmette, Louisiana. Kaiser Aluminum and Chemical Corporation has applied for a permit from the U.S. Army Corps of Engineers (ACOE) to construct the mid-stream facilility which will consist of seven anchor piles, chains, and buoys for a ship mooring for the mid-stream transfer of non-hazardous dry bulk commodities. The barge fleet will consist of eleven tiers of barges, eight barges wide. The proposed structures are to be located within an area about 2,300 feet long and 300 feet wide, extending lengthwise approximately parallel to the mean low water shoreline. The outer edge of the boundary will extend about 340 feet channelward from the mean low water shoreline on the left descending bank (LDB). The Mississippi River is approximately 2400 feet wide at the project location. The New Orleans General Anchorage presently extends 1.6 miles in length along the right descending bank from mile 89.3 AHP to mile 90.9 AHP. From mile 89.3 AHP to mile 90.5 AHP the anchorage has a width of 550 feet measured from the riverward edge of the Cutoff Revetment of the right descending bank (RDB). The outer edge of the anchorage lies about 950 from the shoreline. If the anchorage were to remain unchanged, about 1110 feet of navigable river channel would remain between the proposed facility

and the edge of the anchorage . Vessels using this portion of the anchorage are limited to 600 feet in length. During periods of low water, with Southwest winds, vessels using this anchorage sometimes lie athwart the channel. This restricts the channel further.

In commenting on the ACOE permit application, all three of the pilot organizations that use this area of the river stipulated that the close proximity of the anchorage to the Kaiser facility would create an unacceptable hazard to navigation. One of the pilot groups stated that the lower portion of the anchorage creates a safety problem even without the proposed project due to the problem of anchored ships lying across the channel. All three pilot groups recommended eliminating the lower end of the General Anchorage.

The Board of Commissioners of the Port of New Orleans has made comment to the ACOE to the effect that the Port of New Orleans favors elimination of the lower portion of the General Anchorage to make way for the Kaiser facility. The Port of New Orleans will share the fees generated by the proposed facility with the St. Bernard Port District.

The Louisiana Department of Transportation and Development stated to the ACOE that it had no objection to the proposed anchorage modification.

The New Orleans Steamship Association (NOSA) objected to the construction of the Kaiser facility if it meant the reduction of the General Anchorage. They felt that removing a portion of this anchorage would increase congestion in other anchorages, increasing potential hazards to vessels. They also stated the reduction of the anchorage would force vessels to use more distant anchorages. NOSA stipulated that this would unreasonably increase the cost to shipping companies.

To find a compromise solution to their problem, the New Orleans Steamship Association and the St. Bernard Port, Harbor and Terminal District commissioned the Louisiana State University Ports andWaterways Management Institute to conduct an independent study of the issues. Their study concluded that operation of the Kaiser facility without reduction of the lower part of the General Anchorage would create a potentially unsafe condition for navigation. The study also examined the economic impact on shipping of reducing the size of the anchorage. It concluded that the impact would be negligible. The study showed that, at present traffic loads, costs for vessels using anchorages in the area would increase 0.4%. This was considered the most likely case. At worst, if shipping were to increase dramatically and if Nine Mile Point Anchorage were closed due to revetment work, the additional cost to shipping would not exceed $90,000 per year (a 2.7% increase). The study considered this an unrealistic case. The study stated that the direct economic benefit from fees to the Ports of St. Bernard and New Orleans would equal $150,000 per year.

The Coast Guard feels that the proposed facility cannot exist safely side-by-side with the present configuration of the New Orleans General Anchorage.

The Coast Guard is therefore proposing to move the lower limit of the New Orleans General Anchorage from mile 89.3 AHP to mile 90.5 AHP.

Economic Assessment and Certification

The proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This regulation reduces the size of the New Orleans General Anchorage by 1.0 mile or 62.5% of its present length. The reduction is necessary to facilitate the creation of a mid-stream transfer facility and barge fleet while preserving navigation safety. A slight increase in costs to vessels forced to use more distant anchorages may occur as a result. However, this is countered by a greater positive economic benefit to be derived from operation of the facility. The Coast Guard is making its proposed change to the anchorage ground to promote both commerce and nagivation safety.

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

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations

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

PART 110—[AMENDED]

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

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g).

§ 110.195 [Amended]

2. In § 110.195, paragraph (a)(15) is revised to read as follows:

§ 110.195 Mississippi River below Baton Rouge, LA, including South and Southwest Passes.

(a) * * *

(15) New Orleans General Anchorage. An area .4 of a mile in length along the right descending bank of the river extending from mile 90.5 to mile 90.9 above Head of Passes. The area's width is 800 feet measured from the shore.

* * * * *

Dated: July 13, 1987.

Peter J. Rots,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 87–16762 Filed 7–22–87; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[OW–1–FRL–3235–7]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing designation of a dredged material disposal site which is located in the Atlantic Ocean offshore of Portland, Maine. This action is necessary to provide acceptable ocean disposal sites for the current and future disposal of this material.

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

ADDRESSES: Send comments to: Ronald G. Manfredonia, Chief, Water Quality Branch (WQB–2103), Environmental Protection Agency, J.F.K. Federal Building, Boston, MA 02203.

The file supporting this proposed site designation is available for public inspection at the following location: EPA Region 1, John F. Kennedy Building, Boston, MA.

FOR FURTHER INFORMATION CONTACT: Kymberlee Keckler, (617) 565–4432.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23,

1986, the Administrator delegated the authority to designate ocean dredged material disposal sites to Regional Administrators. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by promulgation in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et seq.) and was last extended on August 19, 1985 (50 FR 33338 et seq.). That list established a site near Portland, Maine as an interim site and extended its period of use until July 31, 1988, or until final rulemaking is completed. EPA is proposing a different dumpsite which was used for dredged material disposal in 1946–1947. As discussed under Section E, Proposed Action, the local fishing industry complained that the interim site would interfere with fishing activities.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et seq., ("NEPA") requires that Federal agencies prepare an EIS on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to incorporate careful consideration of all environmental aspects of proposed actions into the decision-making processes.

EPA has voluntarily committed to prepare EISs for site designations under the MPRSA (39 FR 16187 (May 7, 1974)), and has prepared a draft and final EIS entitled "Environmental Impact Statement (EIS) for the Portland, Maine, Dredged Material Disposal Sites Designation." On October 15, 1982, a notice of availability of the draft EIS for public review and comment was published in the **Federal Register** (47 FR 46135). The public comment period on this draft EIS closed November 29, 1982. Six reviewers commented on the draft EIS. The Agency assessed and responded to the comments in the final EIS. Editorial or factual corrections required by the comments were incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes were addressed point by point in the final EIS following the letters of comment.

On April 1, 1983, a notice of availability of the final EIS for public review and comment was published in the **Federal Register** (48 FR 14037). The public comment period on the final EIS closed May 2, 1983. One comment was received on the final EIS which favored giving final designation to the existing site. Anyone desiring a copy of the EIS may obtain one from the address given above.

The action discussed in the EIS is the final designation for continuing use of an environmentally acceptable ocean dredged material disposal site near Portland, Maine. However, this site designation does not indicate approval to dispose of dredged material passing the criteria. (40 CFR Part 227) Material disposition is determined on a case-by-case basis as part of the permit-issuing process.

The EIS discusses the need for the action and examines ocean disposal site alternatives to the proposed action. The EIS presents the information needed to evaluate the suitability of ocean disposal areas for final designation for continuing use and is based on one of a series of disposal site environmental studies. As explained in the EIS, land-based alternatives were rejected based on the lack of available land area near the disposal activities, the lack of information on possible constuction of marshlands, and inceased costs. A more detailed analysis of land-based alternatives will be performed as part of any application for a permit to use the site. The environmental studies and final designation process are being conducted in accordance with requirements of the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislataion.

C. Proposed Site Designation

Although no records are on file with the Corps of Enginees, the existing Portland, Marine, site has probably been used since 1946 or 1947 for the ocean disposal of about one million cubic yards of dredged material. Additional dredging, with volumes up to an additional 200,000 cubic yards, is expected depending upon the requirements of the Portland Harbor channel system.

Corner coordinates for the Portland site are as follows:

43° 33′ 36″ N, 70° 02′ 42″ W;
43° 33′ 36″ N, 70° 01′ 18″ W;
43° 34′ 36″ N, 70° 02′ 42″ W;
43° 34′ 36″ N, 70° 01′ 18″ W.

The site approximately 6.8 nautical miles offshore and has an area of one square nautical mile. Water depths average 50 meters.

D. Regulatory Requirements

Five general criteria are used in the selection and approval for continuing use of ocean disposal sites. Selection of sites incorporates minimizing interference with other marine activities, preventing any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effectives monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site will be restricted or terminated. The proposed site conforms to the five general criteria except for the preference for sites located off the Continental Shelf. Based on the information presented in the EIS, EPA has determined that no environmental benefit would be obtained by selecting a site off the Continental Shelf versus that proposed in this action.

The general criteria for the selection of sites are given in § 228.5 of the EPA Ocean Dumping Regulations, and § 228.6 lists 11 specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

EPA established these 11 factors to assess the impact of the site for disposal. The criteria are used to make comparisons between the alternative sites and are the bases for final site selection. The characteristics if the existing site are reviewed below in terms of these 11 factors.

1. *Geographical Position, Depth of Water Bottom Topography and Distance From Coast [40 CFR 228.6(a)(1)]*

The site's corner coordinates, size, and distance from shore are listed under Part C, Proposed Site Designation. Water depths at the site range from 39 to 64 meters, with an average of 50 meters. Bottom topography is characterized by rough, irregular rocky outcrops with topographic relief on the order of 20 meters. A fine-grained sand and silt-covered basin approximately 600 meters square at the center of the existing site has been used as the point disposal location for dredged material. Because of its depth (64 meters), the basin is not significantly affected by waves and currents and is a low-energy environment. Consequently, disposed dredged material is likely to remain in the immediate area.

2. *Location in Relation to Breeding, Spawning, Nursery, Feeding, or Passage Areas of Living Resources in Adult or Juvenile Phases [40 CFR 228.6(a)(2)]*

Areas for breeding, spawning, nursery and/or passage of commerically and recreationally important finfish and shellfish species occur on a seasonal basis across the western shelf of the Gulf of Maine. Past disposal of dredged

material at the site has not caused detectable, significant or irreversible adverse impacts on living resources.

The major amenity areas in the vicinity of the existing site are the shallow inshore waters (less than 20 meters). Lobsters migrate into these shallow areas during the spawning season, from late spring to midsummer. It is unlikely that dredged material disposal at the site (averaging 50 meters in depth) will directly interfere with lobster spawning because bottom depths and current speed and direction should prevent the transport of dredged material from the site towards the shallower, inshore areas. Although some lobster larvae may be affected by disposal activities, this impact should not significantly affect the population because disposal will occur irregularly and affect a small area relative to the total spawning grounds.

Impacts of dredged material disposal on demersal fish at the site will probably be restricted to temporary changes in abundance, numbers of species, mean size, and food preferences. It is unlikely that disposal activities will interfere with commercially valuable fish because of their mobility. Two species of commercial fish that lay demersal eggs are not expected to be adversely affected since the substrate and offshore locale of the site are not preferred spawning areas for these fish.

3. *Location in Relation to Beaches and Other Amenity Areas [40 CFR 228.6(a)(3)]*

The site is 6.0 nautical miles from the nearest beach. Distance from shore, water depth, configuration of the basin, and net southwest transport will decrease the possibility of dredged material reaching beaches or other amenity areas. Studies reported in the EIS indicate that most of the dredged material disposed at the site has been shown to remain within the disposal area.

4. *Types and Quantities of Wastes Proposed to Be Disposed of, and Proposed Methods of Release, Including Methods of Packing the Waste, If Any [40 CFR 228.6(a)(4)]*

Dredged material released at approved sites must conform to the EPA criteria in the ocean dumping regulations (40 CFR Part 227). Sediments presently being dredged from the Portland Harbor area are composed of fine sand, silt and clay, and are similar in grain size to natural sediments in the central basin of the proposed disposal site. The dredged material is transported in bulk by a barge equipped with a bottom dump mechanism. Approximately one million cubic yards of material have been disposed of at the site to date. Future dredging volumes may contribute an additional amount of 200,000 cubic yards depending upon the requirements of the Portland Harbor channel system.

5. *Feasibility of Surveillance and Monitoring [40 CFR 228.6(a)(5)]*

The U.S. Coast Guard currently conducts on-board surveillance to confirm that disposal operations occur at the proper location. Monitoring by EPA, the Corps of Engineers, and permittees will continue for as long as the site is active. In order to detect any transport of dredged material outside the site, the sediment will be monitored at the site and along transects of possible transport. If movement of material appears to impact known resources, analysis of the specific resource will occur. Benthic communities will be monitored to detect changes that extend beyond the site.

Periodic bioaccumulation analyses of benthic invertebrates and fishes collected from the disposal site and bioassays will indicate if the dredged material will adversely affect the marine biota. If evidence of significant adverse environmental effects is found, EPA will take appropriate steps to limit or terminate dumping at the site.

6. *Dispersal, Horizontal Transport and Vertical Mixing Characteristics of the Area, Including Prevailing Current Direction and Velocity, If Any [40 CFR 228.6(a)(6)]*

Current velocities ranges from 0 to 16 centimeters per second at the site. Currents are influenced by tides in a rotational manner, but net water movement is to the southwest. The Corps of Engineers reported that Portland Harbor dredged material (primarily fine sand, silt, and clay) is cohesive; therefore, rapid settling of the released sediments should occur. Minimal horizontal mixing or vertical stratification of disposal materials should occur, resulting in low suspended sediment concentrations.

Previous studies have demonstrated the relative immobility of dredged material at the site. A major portion of the material will remain within the site boundaries and most likely within the basin at the center of the site.

7. *Existence and Effects of Current and Previous Discharges and Dumping in the Area (Including Cumulative Effects) [40 CFR 228.6(a)(7)]*

Several industrial and municipal discharges are located in Portland Harbor. Although these discharges are 11 nautical miles from the proposed site, they represent the closest point source discharges of pollutants. Because of the distance involved and dilution factors associated with mixing, discharges in Portland Harbor are not expected to have a measurable effect on the site.

Previous dredged material disposal at the existing site has not produced any significant adverse effects on the water quality. Changes in water quality as a result of disposal operations have been of short duration (minutes) and have been confined to relatively small areas. No major differences in finfish and/or shellfish species or numbers were found in recent surveys within and adjacent to the site.

In 1943, the War Department established the area of the proposed site for the disposal of dredged material from Portland Harbor. Major dredging projects were authorized for Portland Harbor at that time, and it is presumed in the absence of actual records that the site was used for dredged material disposal between 1943 and 1946. No pre- or post-disposal data were collected in the vicinity of the proposed site during the 1940's to 1960's. Recent disposal of dredged material has produced localized minor and reversible impacts of mounding, smothering of the benthos, and possible temporary impacts on demersal fish.

Sediment collected by EPA from the disposal area during 1979 and 1980 contain higher levels of mercury, cadmium, lead, and saturated and aromatic hydrocarbons than do sediments at control stations near the site and on Georges Bank. These higher trace metal and hydrocarbon concentrations probably reflect contaminants present in dredged material disposed at the site. However, concentrations of trace metals from the site and control stations were generally lower than levels present in Portland Harbor sediments. In addition, bioassays indicate that discharge of dredged material would be ecologically acceptable according to ocean dumping criteria.

Mussels monitored at the site and at a control station on Bulwark Shoals indicated that tissue concentrations of cadmium, chromium, cobalt, copper, iron, mercury, nickel, and zinc were five to 55 percent higher at the site than at the control station. While high cadmium concentrations may be associated with naturally occurring upwelling, high zinc levels are probably associated with anthropogenic inputs. Trace metal concentractions in tissues of crustaceans and other benthic organisms collected at the site were well below FDA action levels. In addition, the bioaccumulation tests performed indicate a low potential for toxic

constituents to accumulate in the human food chain.

8. *Interference With Shipping, Fishing, Recreation, Mineral Extraction, Desalination, Fish and Shellfish Culture, Areas of Special Scientific Importance and Other Legitimate Uses of the Ocean [40 CFR 228.6(a)(8)]*

Extensive shipping, fishing, recreational activities, and scientific investigations take place in the Gulf of Maine throughout the year. However, previous dredged material disposal operations are not known to have interfered with these activities. The Bureau of Land Management has not announced plans to lease any areas on the nearshore Continental Shelf adjacent to the site for oil and gas exploration. Mineral extraction, desalination, and aquaculture activities do not presently occur near the site.

9. *The Existing Water Quality and Ecology of the Site As Determined by Available Data or by Trend Assessment or Baseline Surveys [40 CFR 228.6(a)(9)]*

Investigations of dredged material disposal operations at the site have indicated that disposal has had no significant adverse effects on water quality (e.g., dissolved nutrients, trace metals, dissolved oxygen, or pH).

Diatoms and dinoflagellates are the major types of phytoplankton within the coastal areas of the Gulf of Maine, and their population dynamics are closely correlated with annual cycles of nutrients and light energy. Population cycles of zooplankton often are closely correlated with seasonal cycles of phytoplankton since many zooplankters use phytoplankton as food. At the existing site zooplankton begin to increase in numbers in late March and are dominated by copepods.

The infaunal communities within the site have a high degree of natural variability and an inconsistent pattern of species distribution. The epifaunal community associated with rocky surfaces is dominated by attached suspension feeders. Mobile organisms (crustaceans, asteroids, ophiroids, and demersal fish) are uncommon.

Site surveys have detected no significant differences in water quality or biological characteristics among areas within the site and adjacent areas. Therefore, dredged material disposal at the site does not appear to significant alter water quality or ecology.

10. *Potentiality for the Development or Recruitment of Nuisance Species in the Disposal Site [40 CFR 228.6(a)(10)]*

There are no known components of this dredged material or consequences of its disposal which would attract or result in recruitment or development of nuisance species to the site. Previous surveys at the site did not detect the development or recruitment of nuisance species, and the similarity of the dredged material with the existing sediments suggests that the development or recruitment of nuisance species is unlikely.

11. *Existence At or In Close Proximity to the Site of Any Significant Natural or Cultural Features of Historical Importance [40 CFR 228.6(a)(11)]*

The State of Maine Department of Archeology reported that no cultural or natural features of historical importance exist at or near the site.

E. Proposed Action

In 1977 EPA promulgated an interim site designation for a site different than the one proposed in this rulemaking. There was strong opposition to this interim site by local commerical fishermen because they believed its use would interfere with fishing activities. Subsequently, the fishermen recommended the proposed site because of its limited interference with commercial fishing.

Alternative ocean sites which were rejected from consideration were previously using nearshore sites. Disposing of dredged material in those sites would not significantly ameliorate any adverse effects on the environment and might conflict with commercial fisheries. Alternative deepwater sites on the Continental Slope beyond the Gulf of Maine were rejected from consideration because the greater distance from shore (240 nautical miles) increases the potential for short dumping due to possible emergencies during adverse weather conditions. Furthermore, greater water depth (over 200 meters) would result in the deposition of dredged materials over a larger area than projected for the proposed site, and cost to transport the dredged material would be excessive.

The Wilkinson Basin, an alternative site located 21 nautical miles southeast of Portland Harbor in the Gulf of Maine, was also considered. It is not seaward of the true East Coast Continental Shelf. However, it does fulfill some of the same environmental conditions of deep water (i.e., low energy and low biomass). The Wilkinson Basin has not been used previously for dredged material disposal, and the potential adverse effects of dredged sediment on indigenous organisms and resources are presently unknown.

The proposed site is compatible with the general criteria and specific factors used for site evaluation. Designating a site other than the proposed site offers no clear environmental benefit or economic advantage. The proposed site has been previously used without apparent significant adverse effects.

The designation of the Portland proposed dredged material disposal site as an EPA Approved Ocean Dumping Site is being published as proposed rulemaking. Management authority of this site will be the responsibility of the Regional Administrator of EPA Region I. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the address given previously.

It should be emphasized that if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, the Crops of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. If a Federal project is involved, the Corps must also evaluate the proposed dumping in accordance with those criteria. In either case, EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

This proposed rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: June 30, 1987.

Michael R. Deland,

Regional Administrator for Region I.

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended as set forth below:

PART 228—[AMENDED]

1. The authority citation for Part 228 continues to read as follows:

Authority: 33 U.S.C. Sections 1412 and 1418.

§ 228.12 [Amended]

2. Section 228.12 is amended by revising the section heading, removing paragraph (a)(1)(ii)(K), the Portland, Maine, dredged material disposal site, and adding paragraph (b)(36), an ocean dumping site for Region 1, to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(36) Portland, Maine, Dredged Material Disposal Site—Region I

Location: 43° 33′ 36″N, 70° 02′ 42″W; 43° 33′ 36″N, 70° 01′ 18″W; 43° 34′ 36′N, 70° 02′ 42″W; 43° 34′ 36″N, 70° 01′ 18″W.

Size: One square nautical mile.

Depth: Average 50 meters.

Exclusive Use: Dredged material.

Period of Use: Continuing.

Restriction: Disposal shall be limited to dredged material.

[FR Doc. 87–16530 Filed 7–22–87; 8:45 am]

BILLING CODE 6560–50–M

Notices

Federal Register
Vol. 52, No. 141
Thursday, July 23, 1987

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

July 17, 1987.

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

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

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

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

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

Extension

- Food and Nutrition Service
Energy Assistance
Non-Recurring
State or local governments; 18 responses; 72 hours; not applicable under 3504(h)
Mildred Kriegel (703) 756–3429

Jane A. Benoit,

Departmental Clearance Officer.

[FR Doc. 87–16694 Filed 7–22–87; 8:45 am]

BILLING CODE 3410–01–M

Soil Conservation Service

Critical Area Treatment Measures, Resource Conservation and Development Program, Massachusetts

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for certain Critical Area Treatment Measures in Massachusetts.

FOR FURTHER INFORMATION CONTACT: Rex O. Tracy, State Conservationist, Soil Conservation Service, 451 West Street, Amherst, Massachusetts 01002, telephone (413) 256–0442.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Rex O. Tracy, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for these projects.

The measures concern a plan for critical area treatment. The planned works of improvement include soil and water conservation practices to stabilize eroding areas. Practices include surface water control structures, subsurface drainage, riprap, streambank stabilization, and vegetation establishment including lime, fertilizer and mulch.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rex O. Tracy.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Dated: July 15, 1987.

Rex O. Tracy,

State Conservationist.

[FR Doc. 87–16707 Filed 7–22–87; 8:45 am]

BILLING CODE 3410–16–M

AVIATION SAFETY COMMISSION

Meeting

AGENCY: Aviation Safety Commission.

ACTION: Notification of first meeting; Revised times and address.

SUMMARY: This Notification provides the revised time and address of a forthcoming meeting of the Aviation Safety Commission (52 FR 26545, July 15, 1987). This notice also describes the functions of the Commission. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. Only elected members of Congress and other selected witnesses are invited to provide statements to the Commission at this initial meeting. Those interested in appearing before the Commission may schedule a time by contacting the Commission office on 634–4860. This document is intended to notify the general public of their opportunity to attend.

DATES: July 23 and 24, 1987, 09:00 a.m. to close of business.

ADDRESS: All meetings will be held in the Dirksen Senate Office Building.

Washington, DC 20510–6075. On July 23, Rm. 124 and on July 24, Rm. 534.

FOR FURTHER INFORMATION CONTACT: Richard K. Pemberton, Administrative Officer, Aviation Safety Commission, Premier Building, Room 1008, 1725 I Street, NW., Washington, DC 20006, (202) 634–4677 or (202) 634–4860.

SUPPLEMENTARY INFORMATION: The Aviation Safety Commission is established as an independent Presidential Commission by the Aviation Safety Commission Act of 1986, Pub. L. 99–591 (Oct. 30, 1986). The Commission shall make a complete study of the organization and functions of the Federal Administration (FAA) and the means by which the FAA may most efficiently and effectively perform the responsibilities assigned to it by law and increase aviation safety.

In conducting such study, the Commission shall consider whether:

—The dual responsibilities of the FAA of promoting commercial aviation and ensuring aviation safety are in conflict, and whether such conflict impedes the effective maintenance and enhancement of aviation safety;

—The FAA should be reorganized as an independent Federal agency with the promotion, maintenance, and enhancement of aviation safety as the sole responsibility of such agency;

—The promotion of commercial aviation should be assigned as a responsibility to another agency of the Federal Government;

—Airline deregulation has an adverse effect on the margin of aviation safety, including a review of whether the practice of airline self-compliance with respect to aviation maintenance standards is an outmoded approach to an environment designed to maximize cost-savings;

—It is feasible to make mandatory certain or all of the safety recommendations issued by the National Transportation Safety Board; and

—The FAA has adequately used its resources to ensure aviation safety.

The study conducted under this subsection shall include findings and recommendations, including any recommendations for legislative and executive branch action, regarding:

—The most appropriate and effective organizational approach to ensuring aviation safety; and

—Measures to improve the enforcement of Federal regulations relating to aviation safety.

In conducting such study, the Commission shall consult with the National Transportation Safety Board and a broad spectrum of representatives of the aviation industry, including:

—Air traffic controllers;

—Representatives of commercial aviation industry;

—Representatives of airways facilities technicians;

—Independent experts on aviation safety;

—Former Administrators of the FAA: and

—Representatives of civil aviation.

The Commission shall also make a complete investigation of management and employee relationships within the FAA particularly the air traffic control system, and recommend actions for improvements.

Agenda

I. Welcoming Remarks.
II. Chairman's Report.
III. Adoption of Procedures and Organization.
IV. Adoption of Authorities and Delegations.
V. Selection and Approval of key staff personnel.
VI. Opening Remarks.
VII. Testimony from Selected Witnesses.

The Commission may meet in closed session to discuss personal matters related to staff. These discussions, if any, will touch upon matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of Title 5 U.S.C. of the Government in the Sunshine Act. The remaining sessions will be open to the public. Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the next Commission meeting.

Records will be kept of the proceedings and will be available for public inspection at the office of the of the Aviation Safety Commission, Premier Building, Room 1008, 1725 I Street, NW., Washington, DC 20006.

John M. Albertine,

Chairman, Aviation Safety Commission.

[FR Doc. 87–16803 Filed 7–22–87; 8:45 am]

BILLING CODE 6820–AG–M

DEPARTMENT OF COMMERCE

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

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

Agency: Bureau of the Census
Title: Boundary and Annexation Survey
Form Number: Agency—BAS–1, LA, 2, 2A, 3, 3A, AND 4, BAS–1L thru BAS–34; OMB—0607–0151
Type of Request: Reinstatement of a previously approved collection for which approval has expired
Burden: 39,000 respondents; 11,000 reporting hours
Needs and Uses: This information is collected to maintain information on county minor civil division boundaries and local government inventory so as to provide accurate identification of geographic areas for the decennial and economic censuses, other statistical programs of the Census Bureau, and legislative programs of the Federal Government
Affected public: State or local governments
Frequency: Annually
Respondent's obligation: Voluntary
OMB desk officer: Francine Picoult, 395–7340

Agency: Bureau of the Census
Title: 1990 Census—Request for Location
Form Number: Agency—D–329, D–716(L); OMB—NA
Type of Request: New collection
Burden: 14,700 respondents; 747 reporting hours
Needs and Uses: This collection will be used to obtain more complete address and location information for special places located in prelist address areas. The places will then be geographically coded to comply with Census Bureau geography. This information will improve the coverage of special place residents in the 1990 Decennial Census
Affected public: Non-profit institutions, small businesses or organizations
Frequency: One time
Respondent's obligation: Mandatory
OMB desk officer: Francine Picoult, 395–7340

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

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

Dated: July 15, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87-16745 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 7-87]

Foreign-Trade Zone 84, Harris County, TX (Houston POE); Amendment of Zone Plan for Oiltanking Site

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Houston Authority (PHA), grantee of Foreign-Trade Zone 84, requesting an amendment to its zone plan to add the petroleum and chemical storage and blending facility of Oiltanking of Texas, Inc., in Harris County, Texas, within the Houston Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR 400). It was formally filed on July 14, 1987.

PHA received authority from the Board to establish a multisite foreign-trade zone in Harris County, Texas, on July 15, 1983 (Board Order, 48 FR 34792, August 1, 1983). This amendment would also be subject to the restrictions contained in Board Order 214.

The proposed change would involve adding to the zone the public petroleum product and chemical storage terminal and blending facilities of Oiltanking of Texas, Inc., a subsidiary of Marquard and Bohls Investment Corp., located at 15602 Jacintoport Blvd., and on the Houston Ship Channel. With a 2 million barrel capacity, the facility stores and blends motor fuels, reformate, naphtha, toluene, chemicals and blend stocks. The zone blending activities would be for export only.

In accordance with the regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Donald Gough, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, 5850 San Felige Street, Houston, TX 77057; and Colonel Gordon M. Clarke, District Engineer, U.S. Army Engineer District, Galveston, P.O. Box 1229, Galveston, TX 77553.

Comments concerning the proposed amendment of the zone plan are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before September 4, 1987.

A copy of the application is available for public inspection at each of the locations:

U.S. Dept. of Commerce District Office, 2625 Federal Courthouse, 515 Rusk Street, Houston, TX 77002.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Dept. of Commerce, Room 1529, 14th and Pennsylvania, NW., Washington, DC 20230.

Dated: July 16, 1987.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 87-16747 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

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

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

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

ACTION: Notice.

SUMMARY: This notice informs the public that we have received requests from the respondents in these investigations to postpone the final determinations as permitted by section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act). Based on these requests, we are postponing our final determinations of whether sales of color picture tubes from Canada, Japan, Korea, and Singapore have occurred at less than fair value until not later than November 12, 1987. We are also postponing our public hearings originally scheduled on August 10 and 14, 1987 until September 28 and 29, 1987.

EFFECTIVE DATE: July 23, 1987.

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

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

As detailed in the notices, the petition alleged that imports of color picture tubes from Canada, Japan, Korea, and Singapore are being, or are likely to be, sold in the United States at less than fair value. On January 12, 1987, the International Trade Commission (ITC) determined that there is a reasonable indication that imports of color picture tubes from Canada, Japan, Korea, and Singapore are materially injuring a U.S. industry (52 FR 2459, January 22, 1987). On March 23, 1987, counsel for petitioners, the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Technical, Salaried and Machine Workers (AFL-CIO/CLC), the United Steelworkers of America (AFL-CIO), and the Industrial Union Department (AFL-CIO), requested that the Department extend the period for the preliminary determinations until not later than 180 days after the date of receipt of the petition in accordance with section 733(c)(1)(A) of the Act. On April 1, 1987 (52 FR 10394), we published a notice postponing the preliminary determinations for an additional 20 days. The notice stated that we would issue our preliminary determinations by May 26, 1987.

On April 30, 1987, counsel for petitioners requested that the Department extend the period for the preliminary determinations until not later than 210 days after the date of receipt of the petitions in accordance with section 733(c)(1)(A) of the Act. On May 12, 1987, we published a notice postponing the preliminary determinations for an additional 30 days. The notice stated that we would issue our preliminary determinations not later than June 24, 1987.

On June 24, 1987, we preliminarily determined that color picture tubes from Canada, Korea, Japan, and Singapore are being sold in the United States at less than fair value (52 FR 24316, 24318, 24320 and 24323).

Between June 26 and July 6, 1987, counsel for each of the respondents in these investigations requested that the Department extend the period for the final determinations until not later than 135 days after the date on which the Department published its preliminary determinations in accordance with section 735(a)(2)(A) of the Act. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final

determination concerning sales at less than fair value until not later than 135 days after the date on which it published a notice of its preliminary determination, if exporters who account for a significant portion of the merchandise which is the subject of the investigation request a postponement after an affirmative preliminary determination.

The respondents are qualified to make such a request since they account for a significant proportion of exports of the merchandise under investigation. Absent compelling reasons to the contrary, the Department is required to grant the request. Accordingly, the Department will issue final determinations in the antidumping duty cases not later than November 12, 1987.

Public Comment

In accordance with § 353.47 of our regulations (19 CFR 353.47), if requested, we will hold public hearings to afford interested parties an opportunity to comment on these preliminary determinations at 9:00 a.m. for Singapore and at 1:00 p.m. for Japan on September 28, 1987. On September 29, 1987, we will hold a public hearing for Korea at 9:00 a.m. and for Canada at 1:00 p.m. All hearings will take place at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in any hearing must submit a request to the Deputy Assistant Secretary, Import Administration, Room B-099, at the above address within 10 days of this notice's publication. 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, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by September 21, 1987. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of publication of this notice, at the above address in at least 10 copies.

This notice is published pursuant to section 735(d) of the Act. The ITC is being advised of this postponement, in accordance with section 735(d) of the Act.

Michael J. Coursey,

Acting Deputy Assistant Secretary for Import Administration.

July 17, 1987.

[FR Doc. 87-16746 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Endangered and Threatened Species; Petition To Adopt a Special Rule; Atlantic Right Whales

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

ACTION: Notice of determination.

SUMMARY: On May 13, 1987, NMFS received a petition from Green World to adopt an emergency rule to prohibit commercial whale watching on Atlantic right whales (*Balaena glacialis*) (52 FR 22368, June 11, 1987). Based on review of the right whale situation off the New England coast, NMFS has determined that an emergency rule is not warranted at this time.

FOR FURTHER INFORMATION CONTACT: Robert C. Ziobro, Protected Species Management Division, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service U.S. Department of Commerce, Washington, DC 20235 (202/673-5348).

Dated: July 17, 1987.

William E. Evans,

Assistant Administrator for Fisheries.

[FR Doc. 87-16756 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Application for Permit: Dr. Suzanne Macy-Marcy and Dr. J. Ward Testa (P395)

Notice is hereby given that Applicants have applied in due form for Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicants:

Dr. Suzanne Macy-Marcy, 521 Lakeshore Drive, Leesville, Louisiana 71446

and

Dr. J. Ward Testa, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99775-1080.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: Harbor seals *(Phoca vitulina richardsi)*, 50.

4. Type of Take: the animals will be observed and intentionally harassed as part of behavioral experiments on the effects of harassment.

5. Location of Activity: Prince William Sound, Alaska.

6. Period of Activity: 1 Year.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, DC 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are 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., Rm. 805, Washington, DC:

Director, Alaska Region, National Marine Fisheries Service, 709 9th Street, Federal Building, Juneau, Alaska 99802; and

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

Dated: July 17, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-16758 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit: Northwest and Alaska Fisheries Center, National Marine Fisheries Service (P77#28)

On May 12, 1987, notice was published in the **Federal Register** (52 FR 17796) that an application had been filed by the Northwest and Alaska Fisheries Center, National Marine Fisheries Service (NMFS), 7600 Sand Point Way NE., Seattle, Washington 98115 for a permit to take northern fur seals (*Callorhinus ursinus*) for scientific research on islands in the Bering Sea and the Channel Islands of California.

Notice is hereby given that on July 17, 1987, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Fur Seal Act (16 U.S.C. 1151-1187), the

National Marine Fisheries Service issued a Permit for that portion of the above requested taking involving northern fur seal pup harassment during the research activities and the collection/importation of specimen materials. The authorized activities are subject to certain conditions set forth in the Permit.

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., Rm. 805, Washington, DC;

Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington, 98115; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731–7415.

Dated: July 17, 1987.

William E. Evans,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87–16757 Filed 7–22–87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

July 17, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 24, 1987. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, please call (202) 377–3715.

Background

A CITA directive dated December 23, 1986 (51 FR 47041) established import restraint limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Under the terms of the Bilateral Agreement on Luggage of September 8, 1986, and at the request of the Government of the People's Republic of China, the 1987 limit for Category 670–L is being increased by application of carryover. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the previously established limit for Category 670–L.

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

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

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 17, 1987.

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 23, 1986, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on July 24, 1987, the directive of December 23, 1986 is further amended to include an adjustment to the previsously established import restraint limit of 25,124,000 pounds [1] for man-made fiber textile products in Category 670–L[2], as provided under the terms of the bilateral agreement o September 8, 1986[3].

The Committee for the implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 533.

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–16774 Filed 7–22–87; 8:45 am]

BILLING CODE 3510-DR-M

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

Request for Public Comment on Bilateral Textile Consultations With the Government of the People's Republic of China Concerning Man-Made Fiber Textile Products in Category 600pt.

July 17, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 24, 1987. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, please call (202) 377–3715. For information on categories on which consultations have been requested call (202) 377–3740.

Background

On June 12, 1987, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, the Government of the United States requested consultations concerning imports into the United States of polyester yarn, containing cotton, in Category 600pt., produced or manufactured in China and exported to the United States.

[2] In Category 670, only TSUSA numbers 706.3415, 706.4130 and 706.4135.

[3] The agreement provides (1) carryforward of 1,100,000 pounds for Category 670–L shall be available in the 1986 agreement year, provided that an equivalent quantity is deducted from the 1987 agreement year; (2) carryover of up to 1,100,000 pounds for the above category may be utilized in the 1987 agreement year, provided that there is sufficient shortfall from the 1986 specific limit.

A summary market statement concerning this category follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 600pt. under the agreement with the People's Republic of China, or in any other aspect thereof, or to comment on domestic production or availability of textile products included in the category, is invited to submit such comments or information in ten copies of Mr. Ronald I. Levin, Acting Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Pursuant to the terms of the bilateral agreement, the People's Republic of China is obligated under the consultation provision to limit its exports to the United States of polyester yarn, containing cotton, in Category 600pt. during the ninety-day period which began on June 12, 1987 and extends through September 9, 1987 to a level of 869,085 pounds.

The People's Republic of China is also obligated under the bilateral agreement, if no mutually satisfactory solution is reached during consultations, to limit its exports to the United States during the twelve-months following the ninety-day consultation period (September 10, 1987–September 9, 1988) to a level of 2,867,981 pounds.

The United States had decided, pending a mutually satisfactory solution, to control imports of textile products in Category 600pt. exported during the ninety-day period at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limit established for Category 600pt. for the ninety-day period is exceeded, such excess amounts, if allowed to enter at the end of the restraint period, shall be charged to the level defined in the agreement for the subsequent twelve-month period.

In the letter to the Commissioner of Customs which follows this notice, a ninety-day level is established for this category.

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

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register**.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

China—MARKET STATEMENT

Category 600 Pt.—Polyester Yarn, Containing Cotton

June 1986.

Summary and Conclusions

During the first quarter of 1987, U.S. imports of polyester/cotton sales yarn—Category 600 part—from China reached 1.4 million pounds, 30 percent above the amount imported from China in calendar year 1986. During the first quarter of 1987, China was the largest U.S. supplier accounting for 48 percent of Category 600 part imports. All of China's Category 600 part imports are fine yarn count. Prior to 1986 China did not export polyester/cotton sales yarn—Category 600 part—to the U.S.

The sharp and substantial increase of low-valued fine count yarn imports from China is severely disrupting the U.S. market for fine count polyester/cotton yarn.

U.S. Production and Market Share

U.S. production of fine count blended yarns of polyester and cotton dropped 32 percent in 1985 from its 1983 level. Although U.S. producers regained some of their 1983–85 production loss in 1986, they continued to lose market share. The U.S. producers' share of the market fell from 94 percent in 1983 to 63 percent in 1986. Moreover, the 1986 production level remained 17 percent below the 1983 level.

Imports and Import Penetration

U.S. imports of Category 600 part surged in 1986 reaching 6.3 million pounds, six times its 1985 level. This surge made a major contribution to the overall rise in imports of fine count blended yarns of polyester and cotton—Categories 301 part/600 part. Total imports of combined Categories 301 part and 600 part reached a record level 39.6 million pounds in 1986, 141 percent above the 1985 level. Category 600 part accounted for 25 percent of this increase.

These import increases have resulted in a substantially higher level of import penetration. The ratio of imports to domestic production of fine count blended yarns of polyester and cotton doubled in 1986, reaching 59 percent.

Duty-Paid Import Values and U.S. Producer Prices

Category 600 part imports from China entered under TSUSA No. 310.6034, polyester yarns containing cotton. The duty-paid values of these imports are far below the U.S. producers' prices for comparable yarn.

July 17, 1987.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on July 24, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of polyester yarn, containing cotton, in Category 600pt.[1], produced or manufactured in the People's Republic of China and exported after the ninety-day period which began on June 12, 1987 and extends through September 9, 1987, in excess of 869,085 pounds.[2]

Textile products in Category 600pt. which have been exported to the United States prior to June 12, 1987 shall not be subject to this directive.

Textile products in Category 600pt. which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the

[1] In Category 600, only TSUSA number 310.6034.

[2] The limit has not been adjusted to account for any imports exported after June 11, 1987.

effective date of this directive shall not be denied entry under this directive.

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

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-16777 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-DR-M

Requesting Public Comment on Bilateral Consultations With the Government of the Dominican Republic

July 17, 1987.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on categories on which consultations have been requested call (202) 377-3740.

On June 26, 1987, the United States Government, under the Article 3 of the Arrangement Regarding International Trade in Textiles and in accordance with Section 204 of the Agricultural Act of 1956, requested the Government of the Dominican Republic to enter into consultations concerning exports to the United States of cotton trousers, slacks and shorts in Category 347/348, produced or manufactured in the Dominican Republic.

The purpose of this notice is to advise that, if no solution is agreed upon in consultations with the Dominican Republic, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of cotton textile products in Category 347/348, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on June 26, 1987 and extends through June 25, 1988, at a level of 1,243,571 dozen.

A summary market statement for this category follows this notice.

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

Anyone wishing to comment or provide data or information regarding the treatment of Category 347/348 or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Mr. Ronald I. Levin, Acting Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230. Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC, and may be obtained upon request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the Dominican Republic, further notice will be published in the **Federal Register**.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Dominican Republic—Market Statement

Category 347/348—Cotton Trousers, Slacks and Shorts

June 1987.

Summary and Conclusions

U.S. imports of Category 347/348 from the Dominican Republic were 1,243,571 dozen during the year ending March 1987, 48 percent above the 838,578 dozen imported a year earlier. During the first three months of 1987, imports of Category 347/348 from the Dominican Republic were 405,290 dozen, 45 percent above the level imported during the same period of 1986. In calendar year 1986, imports of Category 347/348 from the Dominican Republic reached 1,116,915 dozen compared to 681,424 dozen imported during calendar year 1985, a 64 percent increase.

The market for Category 347/348 has been disrupted by imports. The sharp and substantial increase in imports from the Dominican Republic has contributed to this disruption.

U.S. Production and Market Share

The U.S. production level of cotton trousers, slacks and shorts has remained relatively flat since 1982, averaging 40,232 thousand dozen annually during this period.

Comparison of government cuttings [1] data for 1986 and 1985 indicate that for 1986, trouser production will be down three percent. The domestic manufacturers' share of this market declined from a 75 percent share during 1982 to a 67 percent share during 1985. A further erosion of U.S. market share is expected in 1986, to around 62 percent.

U.S. Imports and Import Penetration

U.S. imports of Category 347/348 grew from 13,133 thousand dozen in 1982 to 25,511 thousand dozen in 1986, a 94 percent increase. During the first three months of 1987, imports of category 347/348 reached 9,383 thousand dozen, 17 percent above the level imported during the same period in 1986. The ratio of imports to domestic production increased from 33 percent in 1982 to 50 percent in 1985. The ratio is expected to reach 62 percent in 1986.

Duty Paid Value and U.S. Producers' Price

Approximately 80 percent of Category 347/348 imports from the Dominican Republic during the first three months of 1987 entered under TSUSA numbers 381.6210—men's and boys' cotton woven shorts, not ornamented; 381.6240—men's cotton woven trousers and slacks except those of denim or corduroy, not ornamented; and 384.4765—women's cotton woven trousers and slacks, except those of denim, corduroy or velveteen, not ornamented. These garments entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable garments.

[FR Doc. 87-16778 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment and Correction of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Turkey

July 17, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on July 24, 1987. For further information contact Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the

[1] U.S. cuttings data are for cotton, wool and man-made fiber trousers and slacks.

Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377–3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile agreements directs the Commissioner of Customs to adjust the previously established restraint limits for categories 313, 317 and 319. In addition, import charges of 1986 overshipments in Category 313 will be deducted from the 1987 limit and charged back to the limit for 1986. Also, the limit for Category 341, published June 25, 1987, is being corrected.

Background

CITA directives dated December 20, 1985 (50 FR 52985) and December 10, 1986 (51 FR 45031) established import restraint limits for cotton textile products in Category 313, among others, produced or manufactured in Turkey and exported during the twelve-month period which began on January 1, 1986 and January 1, 1987. A CITA directive dated August 12, 1986 (51 FR 29513) established import restraint limits for certain cotton and man-made fiber textile products, including Categories 317 and 319, produced or manufactured in Turkey and exported during the twelve-month period which began on July 1, 1986 and extended through June 30, 1987.

Under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreement on October 18, 1985, and at the request of the Government of Turkey, swing is being applied to the 1986 restraint limit previously established for cotton textile products in Category 313. The limits for Categories 317 and 319 are being reduced to account for the swing applied to Category 313. In addition, carryforward is being applied to the 1987 limit for Category 313.

Based on the above adjustments, the Government of Turkey has requested that the swing applied to the 1987 limit for Category 313 in the directive of April 2, 1987 (52 FR 11100) be cancelled.

Import charges of 1986 overshipments in Category 313, amounting to 1,113,000 square yards, charged to the 1987 limit for Category 313 will be deducted and charged back to the 1986 limit established in the directive of December 10, 1986. As a result, the 1987 limit for Category 313, which is currently filled, will reopen.

The limit established for Category 341 in the letter to Customs dated June 22, 1987 (52 FR 23882) is corrected to be 452,400 dozen, for the twelve-month period which began on July 1, 1987, in the letter published below.

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

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the **Federal Register.**

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

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

July 17, 1987.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directives issued to you on December 20, 1985, August 12, 1986 and December 10, 1986 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton and man-made fiber textile products, produced or manufactured in Turkey and exported during the twelve-month periods which began, in the case of Category 313, on January 1, 1986 and extended through December 31, 1986, and on January 1, 1987 and extends through December 31, 1987; and in the case of Categories 317 and 319, on July 1, 1986 and extended through June 30, 1987. It also amends, but does not cancel, the directive of June 22, 1987 which established, among other things, a limit for Category 341 for the period which began on July 1, 1987 and extends through June 30, 1988.

Effective on July 24, 1987, the directives of December 20, 1985, August 12, 1986, December 10, 1986 and June 22, 1987 are amended to include the following adjusted and corrected limits to the previously established restraint limits for cotton textile products in Categories 313, 317, 319 and 341, as provided under the terms of the bilateral agreement of October 18, 1985[1]:

Category	Adjusted 12-month limit
313	(Jan. 1, 1986–Dec. 31, 1986)[1] 18,762,000 square yards
313	(Jan. 1, 1987–Dec. 31, 1987)[2] 17,865,240 square yards
317	(July 1, 1986–June 30, 1987)[3] 11,864,000 square yards
319	10,523,000 square yards
341	(July 1, 1987–June 30, 1988)[4] 452,400 dozen

[1] The limit has not been adjusted to account for any imports exported after December 31, 1985.

[2] The limit has not been adjusted to account for any imports exported after December 31, 1985.

[3] The limits have not been adjusted to account for any imports exported after June 30, 1986.

[4] The limit has not been adjusted to account for any imports exported after June 30, 1985.

Also effective on July 24, 1987, you are directed to deduct 1,113,000 square yards, for shipments exported in 1986, from the imports charged against restraint limit established in the directive of December 10, 1986 for Category 313, for the period which began on January 1, 1987 and extends through December 31, 1987. This same amount is to be charged to the previously established 1986 restraint limit for Category 313.

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

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–16775 Filed 7–22–87; 8:45 am]

BILLING CODE 3510-DR-M

Changes in Officials Authorized To Issue Certifications for Exempt Textile Products Exported From Peru

July 17, 1987.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 3, 1986, between the Governments of the United States and Peru, the Government of Peru has notified the United States Government that Isaias Flores Palomino, Angel Bravo Mendoza, Luz Alvarado Cuba and Ruben Soldevilla Cardenas have been authorized to issue

[1] The provisions of the bilateral agreement provide, in part, that: (1) Specific limits may be increased by 7 percent swing during an agreement period and (2) specific limits may be increased by carryover and carryforward up to 11 percent of which carryforward shall not constitute more than 6 percent of the applicable category limit.

certifications for exempt textile products from Peru, replacing Sara Briceno Gurreonero and Sonia Romero Barrionuevo. The following is a complete list of officials currently authorized to issue certifications:

Herbert Zarate Navarro
Ruben Rodriguez Rendon
Isaias Flores Palomino
Angel Bravo Mendoza
Luz Alvarado Cuba
Ruben Soldevilla Cardenas

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-16776 Filed 7-22-87; 8:45 am]

BILLING CODE 3510-DR-M

COMMODITY FUTURES TRADING COMMISSION

Proposed Amendments Relating to the Platinum and Palladium Futures Contracts; New York Mercantile Exchange

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The New York Mercantile Exchange ("NYMEX" or "Exchange") has proposed amendments for the platinum and palladium futures contracts. The amendments being proposed would provide that 10-troy-ounce bars be deliverable at par on the platinum and palladium futures contracts. Such bars would be deliverable in addition to the bar sizes currently specified in the contracts. In that regard, existing NYMEX rules restrict deliveries to a single 50-troy-ounce bar for platinum and a single 100-troy-ounce bar for palladium. The NYMEX proposes to make the amendments effective 60 days after receipt of notice of Commission approval for application to existing and newly listed contract months.

In accordance with section 5a(12) of the Commodity Exchange Act)("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 August 24, 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 proposed rule changes to NYMEX platinum and palladium futures contracts.

FOR FURTHER INFORMATION CONTACT: Richard Shilts, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581 (202) 254-7303.

SUPPLEMENTARY INFORMATION: In support of the proposed amendments to the platinum and palladium futures contracts, the Exchange stated that:

> In 1986, platinum investment demand for small bars, particularly for ten ounce bars, increased significantly. According to industry sources, 1986 U.S. demand for ten ounce bars is expected to range from 100-150,000 ounces, increasing approximately 100% over 1985 * * *.
>
> The Exchange believes that providing greater flexibility ragarding the form of deliverable metals may increase metals stocks in NYMEX approved depositories. Further, these rule amendments are expected to provide investors and refiners of smaller bars greater opportunities to hedge their physical positions.
>
> The Exchange believes current market participants will not be adversely affected by expanded multiple bars delivery metals contract provisions. Small investment bar are held and exchanged regularly by industry participants. According to industry sources, the quality specifications of small investment bars are fully compatible with current Exchange contract requirements.

With respect to the proposal to allow for par delivery of the 10-troy-ounce platinum and palladium bars, the Exchange stated:

> The only premium associated with the purchase and sale of a 10-ounce bar is a premium obtained by the refiner (and by a wholesaler/dealer) from the initial purchaser in the secondary market. The refiner's premium is a one-time only charge to retail purchasers to cover the costs of production of a newly fabricated bar. The premium charged by the refiner for new 10-ounce bars is consistent with the refiner's premium for 50-ounce and other sizes of newly fabricated bars, and is a standard practice of refiners.
>
> Once newly fabricated bars, whether in 10-ounce or the larger 50-ounce size, enter the stream of trade to the public upon resale by the initial purchaser, the refiner's premium typically will not be recovered. In fact, if after purchasing a newly produced bar, the retail buyer wishes to resell the same bar to the refiner (or to another trade house) he will be offered the price for spot platinum or palladium or a discount to spot if the refiner has no immediate need for the metal * * *.

The Exchange further stated that market users would treat an equivalent number of 10-ounce bars as interchangeable with a single larger size plate for trading purposes. For example, the Exchange noted that, on their books, traders buying or selling either five 10-troy-ounce bars or a single 50-troy-ounce bar would record a long or short obligation as equal to 50 ounces, whether on the futures or cash market, and whether one or multiple bars comprise the obligation.

The Commission is seeking comment on the NYMEX's proposed rule amendments. The Commission is also seeking comment on the appropriateness of the Exchange proposal to allow for delivery of the 10-troy-ounce platinum and palladium bars at par with the larger sized bars currently deliverable on the respective contracts. The Commission requests that commenters address whether, in the cash market, 10-troy-ounce platinum and palladium bars ordinarily trade at the same per-troy-ounce price as the larger-size bars currently deliverable on the contracts. Finally, the Commission is seeking comment on the NYMEX's proposal to apply the amendments to certain existing contract months in the platinum and palladium futures markets.

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 August 24, 1987.

Issued in Washington, DC, on July 20, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87-16724 Filed 7-22-87; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Open Meeting of the Army Science Board Ad Hoc Subgroup on Water Supply and Management

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: 17 and 18 August 1987.

Time: 0800–1630, 17 August 1987.
1200–1500, 18 August 1987.

Place: Waterways Experiments Station, Vicksburg, Mississippi.

Agenda: The Army Science Board's Ad Hoc Subgroup on Water Supply and Management at Army installations will meet to discuss with lab representatives those research and development issues relative to water supply and management at Army installations. This meeting is open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039 or 695–7046.

Sally A. **Warner,**

Administrative Officer, Army Science Board.

[FR Doc. 87–16691 Filed 7–22–87; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Supplement III to the Final Environmental Impact Statement; Sacramento River Bank Protection Project, California

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. *Proposed action*: The Sacramento River Bank Protection Project is a continuing construction project authorized by the 1960 Flood Control Act. The Act authorized construction of 430,000 linear feet (LF) of bank protection works along the Sacramento River and its tributaries from Collinsville at river mile (RM) 0 to just beyond the Glenn and Butte County line at RM 176 on the east bank and just upstream of the Ord Ferry Bridge at RM 184.5 on the west bank. Construction of this First Phase work was completed in 1975. In 1974, Congress authorized a Second Phase bank protection program of 405,000 LF. In 1982, Congress extended the project authorization to include bank protection in the Butte Basin upstream to Chico Landing at RM 194 to further protect and project levees. In 1973 a FEIS was filed to cover environmental impacts of this project. This document was supplemented in 1979 with SEIS I and in 1985 with SEIS II to the FEIS. The April 1985 Record of Decision allowed construction of 15,000 LF of bank protection in 1985 and directed that an SEIS III be prepared prior to completing further work in the Butte Basin reach.

SEIS III will present the results of 15 completed environmental studies. The document also proposes constructing a smaller project than originally planned in SEIS II. This smaller plan calls for the construction of an additional 13,700 LF of bank protection in the Butte Basin Reach.

The Reclamation Board of the State of California is the non-Federal sponsor of the Federal project. The Reclamation Board is preparing a draft environmental impact report (EIR) pursuant to the California Environmental Quality Act. The two documents will be jointly published as a draft SEIS III/EIR.

2. *Alternatives:* The alternatives discussed in this joint SEIS III/EIR will include a Without Project Alternative, a Rock Revetment Alternative, A Palisades Alternative, as well as an updated discussion of appropriate alternatives considered in the previous FEIS and supplements.

3. *Scoping of the Draft SEIS III/EIR:* Close coordination was maintained with Federal, State, and local agencies, conservation organizations, and concerned individuals. Information was provided to interested parties concerning studies which evaluate potential impacts to fishery resources, endangered species, past mitigation measures, wildlife resources and riparian vegetation. The impacts on wildlife and riparian resources will be analyzed using habitat evaluation procedures jointly with California Department of Fish and Game, U.S. Fish and Wildlife Service, and the Corps. A preliminary cultural resources reconnaissance has been conducted for the project area, and detailed evaluations are proceeding on one potential site.

4. *Scoping comments and meetings:* A scoping meeting was held on 8 January 1987 to discuss these environmental concerns. Comments received at the meeting, in letters and in meetings with agencies and concerned citizens, have been used to identify and evaluate significant resources in the project area.

5. *Estimated date of the SEIS III/EIR:* The draft SEIS III/EIR is scheduled to be circulated for public review and comment in July 1987.

ADDRESS: Correspondence concerning this project and the SEIS III/EIR should be addressed to Colonel Wayne J. Scholl, District Engineer, Sacramento District Corps of Engineers, 650 Capitol Mall, Sacramento, California 95814. Questions concerning the proposed action and the draft document can be answered by Michael Welsh at (916) 551–1861 or (FTS) 460–1861.

Walter L. Cloyd III,

Lieutenant Colonel, Corps of Engineers, Acting District Engineer.

[FR Doc. 87–16766 Filed 7–22–87; 8:45 am]

BILLING CODE 3710–GH–M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Long-Term Maintenance of Wilmington Harbor, New Hanover and Brunswick Counties, NC

AGENCY: Army Corps of Engineers, DOD.

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

SUMMARY:

1. The DEIS describes the 50-year maintenance plan for the Wilmington Harbor Federal navigation project. The 30.8-mile-long project consists of a channel, 40 feet deep, 500 feet wide, through the ocean bar, thence up the Cape Fear River, 38 feet deep, 400 feet wide, with increased width at bends, to the upper end of the anchorage basin at (Wilmington is 38 feet deep, 2,000 feet long, 900 feet wide at the upper end, and 1,200 feet wide at the lower end. The approaches to the anchorage basin are 1,500 feet long at the upper end and 4,500 feet long at the lower end. In the reach from Castle Street upstream to the Hilton Bridge (over the Northeast Cape Fear River), the channel is 32 deep, 400 feet wide, with increased widths at bends. In this reach there is a turning basin opposite the principal terminals at Wilmington, 32 feet deep, 1,000 feet long and 800 feet wide with suitable approaches at each end. From the Hilton Bridge to the upper end of the project (1.67 miles above the Hilton Bridge), the channel is 25 feet deep, and 200 feet wide. A turning basin, 25 feet deep, 700 feet long, and 500 feet wide is located 1.25 miles above the Hilton Bridge. Two feet of overdepth is generally authorized throughout the project, except that three

feet of overdepth is authorized in areas of rock and at the ocean bar.

2. The principal alternatives discussed in the DEIS are various dredging methods and disposal areas. Also being considered is the no action alternative.

3a. All private interests and Federal, State, and local agencies having an interest in the project are hereby notified of the project and are invited to comment at this time. The scoping process for the project has been initiated and has involved all known interested parties.

3b. The significant issues to be analyzed in the DEIS are as follows: (1) The impacts of continued harbor maintenance on the economic status of the region; (2) impacts to fish and shellfish; (3) impacts to endangered species; and (4) impacts to wetlands.

3c. The lead agency for this project is the U.S. Army Engineer District, Wilmington. Cooperating agency status has not been assignd to, or requested by, any other agency.

3d. The DEIS is being prepared in accordance with the requirements of the National Environmental Policy Act of 1969, as amended, and will address the project's relationship to all other applicable Federal and State laws and Executive Orders.

4. A scoping letter requesting input to the study was sent to all known interested parties on June 28, 1985, and an agency scoping meeting was held August 7, 1985. All comments received as a result of the scoping letter and meeting will be considered in preparation of the DEIS.

5. The DEIS for the project is currently scheduled for distribution to the public in the fall of 1987.

ADDRESS: Questions about the proposed action should be directed to Mr. Frank Yelverton, Environmental Resources Branch, U.S. Army Engineer District, Wilmington, Post Office Box 1890, Wilmington, North Carolina 28402–1890, telephone: (919) 343–4640 or FTS 671–4640.

Dated: July 9, 1987.

Paul W. Woodbury,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 87–16708 Filed 7–22–87; 8:45 am]

BILLING CODE 3710-GN-M

DEPARTMENT OF EDUCATION

National Advisory and Coordinating Council on Bilingual Education; Meeting

AGENCY: Department of Education, National Advisory and Coordinating Council on Bilingual Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory and Coordinating Council on Bilingual Education. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: August 10 and 11, 1987, 9:15 a.m. until 5:00 p.m. The meeting will be conducted at the Old Town Holiday Inn, 480 King Street, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Anna Maria Farias, Designated Federal Official, Office of Bilingual Education and Minority Languages Affairs, Reporter's Building, Room 421, 400 Maryland Avenue SW., Washington, DC 20202 (202) 732–5063.

SUPPLEMENTARY INFORMATION: The National Advisory and Coordinating Council on Bilingual Education is established under section 752(a) of the Bilingual Education Act (20 U.S.C. 3262). NACCBE is established to advise the Secretary of the Department of Education concerning matters arising in the administration of the Bilingual Education Act and other laws affecting the education of limited English proficient populations. The meeting of the Council is open to the public.

The proposed agenda includes the following:

I. Roll Call
II. Adoption of Minutes of Previous Meeting
III. Introduction of Visitors
IV. Presentation of Information by OBEMLA Director or Designee
V. Presentation of Information by Members of General Public or Organizations on Agenda items (Limited to 5 minutes per person from any one group)
VI. Committee Reports
VII. Old Business
VIII. New Business
IX. Presentation of Information by Members of General Public or Organizations on Items for Possible Future Action by Council (Limited to 5 minutes per person from any one group)
X. Meetings of Individual Committees
XI. Reconvening of Council
XII. Adjournment.

Records are kept of all Council proceedings and are available for public inspection at the Office of Bilingual Education and Minority Languages Affairs, Reporter's Building, Room 421, 400 Maryland Avenue SW., Washington, DC 20202, Monday through Friday from 9:00 a.m.–5:30 p.m.

Dated: July 20, 1987

Anna Maria Farias,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

[FR Doc. 87–16759 Filed 7–22–87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangements; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above-mentioned agreement involve approval of the following sales:

Contract Number S–EU–923, for the sale of 0.03 grams of plutonium-240, 10.004 grams of natural uranium, 10.006 grams of uranium enriched to 2.0 percent in the isotope uranium-235, and 10.006 grams of uranium enriched to 3.0 percent in the isotope uranium-235 to the Central Bureau for Nuclear Measurement, Geel, Belgium for use as standard reference materials.

Contract Number S–EU–924, for the sale of 0.025 grams of plutonium-240 to the Transuranium Institute, Karlsruhe, the Federal Republic of Germany, for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that these subsequent arrangements will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: July 20, 1987.

For the Department of Energy.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87–16769 Filed 7–22–87; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; Japan and Norway

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Japan concerning Civil Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Norway concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval for the following retransfer: RTD/NO(JA)-25, for the retransfer of mixed oxide fuel rods containing 1,360 grams of uranium enriched to 0.74 percent in the isotope uranium-235, and 119 grams of plutonium from Japan to Norway for irradiation in the Halden reactor for study of high burn-up performance.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Dated: July 20, 1987.

For the Department of Energy.

David B. Waller,

Assistant Secretary for International Affairs and Energy Emergencies.

[FR Doc. 87-16770 Filed 7-22-87; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 87-31-NG]

Natural Gas Imports; Great Lakes Gas Transmission Co., and Northern Minnesota Utilities

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of joint application to reassign an import authorization and authorize an additional interruptible volume of natural gas imported from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on June 25, 1987, of a joint application from Great Lakes Gas Transmission Company (Great Lakes) and Northern Minnesota Utilities (Northern Minnesota) requesting that the volumes of natural gas that Great Lakes is authorized to import from Canada be reduced by the amount it currently resells to Northern Minnesota, and that Northern Minnesota be authorized to import the gas directly. TransCanada PipeLines Limited (TransCanada) would remain the supplier of the gas and Great Lakes would transport it for Northern Minnesota. The authorized import for resale to Northern Minnesota is for a total of up to 5,000 Mcf per day and Northern Minnesota requests authorization to import identical volumes. In addition to the proposed transfer of the import authority from Great Lakes to Northern Minnesota for 5,000 Mcf per day in firm deliveries, Northern Minnesota further requests authorization to import up to 10,000 Mcf per day of TransCanada overrun volumes on an interruptible basis for a total in import deliveries of up to 15,000 Mcf per day.

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

DATES: Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed no later than August 24, 1987.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9590.

or

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

SUPPLEMENTARY INFORMATION: During the last two years, Great Lakes has encouraged Northern Minnesota and its other resale customers to negotiate pricing arrangements directly with TransCanada. This has resulted in significantly lower prices and arrangements that include indices which adjust prices in accordance with market conditions. As a result of this experience, the applicants believe it is in their mutual interest for Northern Minnesota to purchase directly from TransCanada the volumes of gas now being purchased by Great Lakes and resold to Northern Minnesota, and for Great Lakes only to transport these volumes for Northern Minnesota. This "unbundling" would allow Northern Minnesota more flexibility in future price negotiations and will provide better communication of market signals between Northern Minnesota and TransCanada. The authorization issued to Great Lakes would be modified to eliminate the volumes that Great Lakes is authorized to import from TransCanada for resale to Northern Minnesota, and Northern Minnesota would be authorized to import the identical volumes as well as certain overrun volumes directly from TransCanada.

The application included a April 15, 1987, precedent agreement between Great Lakes, Northern Minnesota and TransCanada, a proposed gas purchase contract between Northern Minnesota and TransCanada, and a proposed transportation service agreement between Great Lakes and Northern Minnesota. According to the precedent agreement, the gas purchase contract and the transportation service agreement will be executed by the respective parties within five days after receipt of all regulatory approvals acceptable to the parties, excluding the approval of Great Lakes' Federal Energy Regulatory Commission (FERC) gas tariff under which Great Lakes will transport the gas for Northern Minnesota. Effective as of the first day of the month following the receipt of all regulatory and governmental approvals acceptable to the parties, Northern Minnesota will import the volumes of gas directly from TransCanada; Great Lakes and Northern Minnesota will terminate their purchase gas agreement; and Great Lakes will transport the Northern Minnesota volumes from the Emerson, Manitoba, interconnection to the Northern Minnesota delivery points in accordance with the FERC gas tariff. The proposed gas purchase contract has identical pricing provisions to those currently in effect and the contract term remains the same, ending November 1, 1990. The pricing provisions include a monthly demand charge based upon a combination of the tolls of TransCanada and NOVA, the transporting pipeline in Alberta, and a commodity price that is initially $1.60 per MMBtu for firm deliveries and $1.56 per MMBtu for overrun volumes.

The decision on this application will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue

of competitiveness as set forth in the policy guidelines. The applicants assert that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene, or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076, RG–23, Forrestal Building , 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. They must be filed no later than 4:30 p.m., e.s.t., August 24, 1987.

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

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based upon the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316. A copy of this joint application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076–A, at the above address. The docket room is open between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, July 16, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–16703 Filed 7–22–87; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 87–21–NG]

Order Granting Blanket Authorization to Import Natural Gas from Canada; Unocal Canada Limited

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 Unocal Canada Limited (Unocal) blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 87–21–NG authorizes Unocal to import up to 73 Bcf of Canadian natural gas 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, July 15, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–16771 Filed 7–22–87; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for clearance to the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information: (1) The sponsor of the collection (the Department of Energy component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (12) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. Last notice issued Wednesday, July 8, 1987.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Carole Patton, Office of Statistical Standards (EI–70), Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Ave., SW, Washington, DC 20585, (202) 586–2222.

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting

comments, but find it difficult to do so within the period of time allowed by this Notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible.

The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–1
3. 1902–0021
4. Annual Report of Major Electric Utilities, Licensees and Others
5. Extension
6. Annually
7. Mandatory
8. Businesses or other for profit
9. 197 respondents
10. 197 responses
11. 239,355 hours
12. Comprehensive financial and operating report needed by the Commission to carry out its regulatory responsibilities under the FPA and PURPA. To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous review of the financial conditions of the regulted utilities.

1. Federal Energy Regulatory Commission
2. FERC–1–F
3. 1902–0029
4. Annual Report of Nonmajor Public Utilities and Licensees
5. Extension
6. Annually
7. Mandatory
8. Businesses or other for profit
9. 26 respondents
10. 26 responses
11. 780 hours
12. Comprehensive financial and operating report needed by the Commission to carry out its regulatory responsibilities under the FPA and PURPA. To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous review of the financial conditions of the regulated utilities.

1. Federal Energy Regulatory Commission
2. FERC–2
3. 1902–0028
4. Annual Report of Major Natural Gas Companies
5. Extension
6. Annually
7. Mandatory
8. Businesses or otner for profit
9. 46 respondents
10. 46 responses
11. 113,850 hours
12. Comprehensive financial and operating report needed by the Commission to carry out its regulatory responsibilities under the NGA. To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous review of the financial conditions of the regulated natural gas companies.

1. Federal Energy Regulatory Commission
2. FERC–2–A
3. 1902–0030
4. Annual Report of Nonmajor Natural Gas Companies
5. Extension
6. Annually
7. Mandatory
8. Businesses or other for profit
9. 86 respondents
10. 86 responses
11. 2,580 hours
12. Comprehensive financial and operating report needed by the Commission to carry out its regulatory responsibilities under the NGA. To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous review of the financial conditions of the regulated natural gas companies.

1. Federal Energy Regulatory Commission
2. FERC–6
3. 1902–0022
4. Annual Report of Oil Pipeline Companies
5. Extension
6. Annually
7. Mandatory
8. Businesses or other for profit
9. 138 respondents
10. 138 responses
11. 20,700 hours
12. Comprehensive financial and operating report needed by the Commission to carry out its regulatory responsibilities under the ICC Act Section 20 as it relates to oil pipeline companies. To be used to establish rates, in rate proceedings, in formal investigations, financial audits and continuous review of the financial conditions of the regulated oil pipelines.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790a).

Issued in Washington, DC, July 20, 1987.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 87–16772 Filed 7–22–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER87–530–000 et al.]

Electric Rate and Corporate Regulation Filings; Southern California Edison Co. et al.

Take notice that the following filings have been made with the Commission:

1. Southern California Edison Company

[Docket No. ER87–530–000]

July 15, 1987.

Take notice that on July 8, 1987, Southern California Edison Company (Edison) tendered for filing, as an initial rate schedule, the following Agreement, which has been executed by Edison and the City of Vernon, California (Vernon):

Edison-Vernon
Mead Firm Transmission Service Agreement

Under the terms and conditions of the Agreement, Edison will make available to Vernon firm transmission service for its purchases of nonintegrated capacity and associated energy from Western Area Power Administration (Western) to the Point of Delivery at Vernon, California.

The Agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission (except those provisions disputed in Docket Nos. ER84–75 [Phase II] and ER86–316) without changes unacceptable to either party; and as such, Edison requests, to the extent necessary, waiver of notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Vernon, California.

Comment date: July 27, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Boston Edison Company

[Docket No. ER87–532–000]

July 16, 1987.

Take notice that on July 10, 1987, Boston Edison Company (Edison) tendered for filing a supplemental Exhibit A to a Service Agreement for Cambridge Electric Light Company (Cambridge), under its FERC Electric Tariff, Original Volume No. IV, Non-Firm Transmission Service (the Tariff). The Exhibit A specifies the amount and duration of transmission service required by Cambridge under the Tariff.

Edison requests waiver of the Commission's notice requirements to permit the Exhibit A become effective as of the commencement date of the

transaction to which it relates, May 1, 1987.

Edison states that it has served the filing on Braintree Electric Light Department and the Massachusetts Department of Public Utilities.

Comment date: July 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Public Service Company of Oklahoma

[Docket No. ER87-227-000]

July 16, 1987.

Take notice that on July 10, 1987, Public Service Company of Oklahoma (PSO) tendered for filing, at the request of the Commission Staff, additional information with respect to purchases of economic power in the test year underlying PSO's currently effective requirements rates and with respect to PSO's proposal to pass through the fuel adjustment clause (FAC) fuel costs avoided as the result of purchase from Qualifying Facilities (QF's). The subject of this proceeding is PSO's proposal to modify its currently effective FAC to pass through the total cost of purchases of economic power and avoided fuel costs related to purchases from QF's.

Copies of the filing were served upon the Oklahoma Municipal Power Authority and the Oklahoma Corporation Commission.

Comment date: July 30, 1987, in accordance with Standard Paragraph E at the end of this notice.

Montaup Electric Company

[Docket No. ER87-531-000]

July 16, 1987.

Take notice that on July 8, 1987, Montaup Electric Company (Montaup) tendered for filing a signed transmission agreement between Montaup and the Massachusetts Municipal Wholesale Electric Company (MMWEC). This agreement provides for firm transmission service to MMWEC, acting as agent for the Massachusetts Department of Public Utilities (MDPU), for entitlements of New York Power Authority (NYPA) power to be delivered to Taunton Municipal Lighting Plant (Taunton) and the Town of Middleborough, Massachusetts (Middleborough). The service is for the period June 1, 1985 through May 31, 1995.

Montaup requests waiver of the 60 day notice requirement in order to permit the agreement to become effective July 1, 1985. The negotiations, which commenced prior to that time, were interrupted by changes in key personnel involved in the negotiations. In addition, the parties were only recently able to reach agreement on several key issues. The waiver requested here is needed to permit the transmission required by Middleborough and Taunton to take place for the ten-year period of the NYPA allotment. Granting the waiver will benefit the recipients of economical NYPA power and will have no adverse effect on Montaup's customers.

The rates in the agreement are the same as the formula rates for firm transmission service contained in Montaup's FERC Electric Tariff, Original Volume No. 2. The terms and conditions of service are essentially the same as those contained in Original Volume No. 2 revised to take account of the agency relationship betweeen MMWEC and the MDPU and variable amounts of NYPA power which Taunton and Middleborough receive from NYPA.

The filing has been served on MMWEC, Middleborough, Taunton and the MDPU.

Comment date: July 30, 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 Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16729 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-413-000 et al.]

Natural Gas Certificate Filings; Trunkline Gas Co. et al.

Take notice that the following filings have been made with the Commission:

1. Trunkline Gas Company

[Docket No. CP87-413-000]

July 16, 1987.

Take notice that on June 29, 1987, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas, 77251-1642 filed in Docket No. CP87-413-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install, own and operate certain pipeline facilities at a second delivery point for the use of Alpha Corporation (Alpha) to be located in Fayette County, Tennessee under the blanket certificate issued in Docket No. CP83-84 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.

Trunkline states that it is authorized to provide service for a total maximum daily delivery of up to 200 Mcf per day on a firm basis and 600 Mcf per day on an interruptible basis to Alpha. Trunkline indicates that the exact legal description of the second delivery point is approximately 1,600 feet south of Tennessee State Highway No. 57 and one and one-half miles east of Collierville, Fayette County, Tennessee. Trunkline asserts that its authorized maximum daily delivery obligation would remain unchanged under this filing. It is further stated that the proposed facilities are estimated to cost $155,500.

Comment date: September 1, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. K N Energy, Inc.

[Docket No. CP87-427-000]

July 16, 1987.

Take notice that on July 2, 1987, K N Energy, Inc. (K N), P. O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP87-427-000 a request pursuant to § 157.205(b) of the Regulations under the Natural Gas Act for authorization to construct and operate sales taps for the delivery of gas to end users under the certificate issued in Docket No. CP83-140-000, as amended, pursuant to section 7 of the Natural Gas Act as more fully set forth in the request on file with the Commission and open to public inspection.

K N proposes the construction and operation of a sales tap in Buffalo County, Nebraska, Yuma County, Colorado, and Phillips County, Kansas to serve three direct retail customers located along K N's jurisdictional pipelines. K N estimates that the quantity of gas that would be sold through the proposed facilities would total 220.7 million cubic feet annually, and that the facilities would cost $32,300. K N also estimates that all but $1,650 of the total cost of the facilities would be reimbursed to it by the

customers that the proposed taps would serve.

K N states that the proposed sales taps are not prohibited by any of its existing tariffs and that the additional taps will have no significant impact on K N's peak day and annual deliveries.

Comment date: September 4, 1987, in accordance with Standard Paragraph F at the end of this notice.

3. Trunkline LNG Company

[Docket No. CP87–418–000]

July 17, 1987.

Take notice that on June 30, 1987, Trunkline LNG Company (Applicant), P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP87–418–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing liquefied natural gas (LNG) terminal service for quantities of LNG to be purchased by Pan National Gas Sales, Inc. (Pan National), an affiliate of Applicant from Sonatrading Amsterdam B.V. (Sonatrading), an affiliate of Sonatrach, the state oil and gas company of Algeria pursuant to an LNG purchase agreement dated April 26, 1987, and the installation and operation of a 1,000 horsepower compressor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to provide LNG terminal service to Pan National using Applicant's existing LNG terminal facilities at Lake Charles, Louisiana. Such terminal service, Applicant stated, would consist of the unloading, storage, and regasification of LNG and the redelivery of the regasified LNG at the terminal tailgate.

Applicant states that it would charge a two-part rate structure as follows. Applicant continues that an Incremental Cost Charge would recover their monthly operating costs in excess of $690,375 per month, the defined level of such costs being incurred to maintain the terminal. Additionally, Applicant further declares that it would collect a further Cost of Service Charge, reflecting the remainder of Applicant's monthly costs of service, to the extent that corresponding monthly sales revenues to Pan National exceed its costs for LNG purchases, incremental operating and fuel costs for shipping, marketing fees and expenses, and operating expenses. Applicant further states that it would credit to Trunkline Gas Company (Trunkline) all revenues received from the Cost of Service Charge (other than the portion received for amortization of terminal recommissioning costs over 20 years) up to a maximum credit of the full amount of Minimum Bill charges by Applicant to Trunkline under Applicant's FERC Gas Rate Schedule PLNG–1.

Applicant states that the service agreement would be effective on the date Pan National's purchase agreement with Sonatrading becomes effective and would continue until the earlier of 20 years or 180 days following the end of the contract year in which an aggregate quantity of LNG of not less than 3,300,000,000 MMBtu shall have been sold and purchased under the purchase agreement.

Comment date: August 7, 1987, in accordance with Standard Paragraph F at the end of this notice.

4. National Fuel Gas Supply Corporation

[Docket No. CP87–389–000]

July 17, 1987.

Take notice that on June 10, 1987, as supplemented on July 7, 1987, National Fuel Gas Supply Corporation (National Fuel), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP87–389–000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the interruptible transportation of up to 19,294 Mcf of natural gas per day on behalf of National Fuel Gas Distribution Corporation (Distribution) for the account of 68 customers for a term of one-year. National Fuel states that of this volume, 18,294 Mcf per day would be transported for the account of 67 existing end-user customers of Distribution and 1,000 Mcf per day would be transported for the account of Rochester Gas & Electric Corporation (Rochester). In addition, National Fuel requests authorization to transport up to 7,215 Mcf per day of additional volumes on behalf of Distribution and/or modify receipt points with respect to certain end-users presently covered by National Fuel's certificates in Docket Nos. CP85–608–000, as amended, and CP87–144–000. Further, National Fuel states that it seeks amendment or clarification of its authorization in Docket No. CP85–608–000, as amended, regarding the ability of end-users receiving gas from more than one source to change suppliers and the allocation of supplies among approved receipt points, all as more fully set forth in the appendices hereto and the application which is on file with the Commission and open to public inspection.

Appendix A hereto indicates the maximum daily volume for each of the 68 customers proposed to be served herein and Appendix B indicates the modifications in service for those end-users presently receiving transportation service under authorization granted in Docket Nos. CP85–608–000, as amended, and CP87–144–000. Details such as receipt points and sellers are available in National Fuel's application.

National Fuel states that it would receive the subject transportation volumes at existing receipt points on its system and would deliver the volumes to Distribution at existing points of delivery. National Fuel adds that the proposed transportation service would aid industries in western New York and western Pennsylvania in reducing energy costs and maintaining employment levels and aid Distribution in retaining its industrial market.

National Fuel states that it would charge Distribution pursuant to its T–1 Rate Schedule which currently provides for a rate of 31.08 cents per Mcf and 2 percent shrinkage.

Comment date: August 7, 1987, in accordance with Standard Paragraph F at the end of this notice.

Appendix A—End-Users for Which National Fuel Seeks Transportation in Docket No. CP87–389–000

End user	Maximum volume (MCF)
1. Amerian Olean Tile, Olean, NY	450
2. American Stone-Mix, Fredonia, PA	100
3. Bison Brand Foods, Scott St., Buffalo, NY	112
4. Brockway Pressed Metals, Brockway, PA	350
5. Buffalo Academy, of the Sacred Heart, Buffalo, NY	35
6. Buffalo Crushed Stone, Lackawanna, NY	2,000
7. Canisius College, Buffalo, NY	215
8. Canisius High School, Buffalo, NY	69
9. Catholic Diocese of Buffalo, Buffalo, NY	20
10. Clarion Sintered Metals, Clarion, PA	157
11. County Line Stone Co. Inc., Akron, NY	500
12. Dad's Dog Food, Meadville, PA	175
13. Daemen College, Amherst, NY	150
14. Dunbar Slag Co., Inc., Sharon, PA	300
15. Dunkirk Ice Cream, Dunkirk, NY	140
16. D'Youville College, Buffalo, NY	61
17. Exolon-ESK Co., Tonawanda, NY	500
18. Frontier Foundries:	
Titusville, PA	140
Niagara Falls, NY	110
19. GAF Corp., Erie, PA	800
20. Gibraltar Steel, Cheektowaga, NY	210
21. Hilbert College, Hamburg, NY	83
Hospital shared services of Western Pennsylvania:	
22. Andrew Kaul, Memorial Hospital, St. Mary's, PA	153
23. Bradford Hospital, Bradford, PA	200
24. Brookville Hospital, Brookville, PA	50
25. Clarion Osteopathic, Community Hospital, Clarion, PA	46
26. Corry Memorial Hospital, Corry, PA	51
27. DuBois Regional Medical Ctrs., DuBois, PA:	
Maple Street	83
Hospital Ave	160
28. Elk County, General Hospital, Ridgeway, PA	53
Hospital shared services of Western Pennsylvania:	
29. Erie County, Geriatric Center, Girard, PA	150
30. Franklin Regional, Medical Center, Franklin, PA	100
31. Greenville Regional Hospital, Greenville, PA	130
32. Hamot Medical Ctr., Erie, PA	50
33. Meadville Medical Center, Meadville, PA:	
Liberty Street	135

End user	Maximum volume (MCF)
Grove Street	130
34. Metro Health Center, Erie, PA	116
35. Millcreek Community Hosp., Erie, PA	53
36. Oil City, Area Health Ctr., Oil City, PA	146
37. Sharon General Hospital, Sharon, PA	129
38. Shenango Valley, Osteopathic Hospital, Farrel, PA	70
39. St. Vincent Health Center, Erie, PA	500
40. Titusville Hospital, Titusville, PA	50
41. Warren General Hospital, Warren, PA	160
42. J. N. Adam, Development Ctr., Perrysburg, NY	200
43. Kenmore Mercy Hospital, Kenmore, NY	195
44. Lenders Bagel Bakery, West Seneca, NY	300
45. Marathon Petroleum Co., Tonawanda, NY	275
46. Mercy Hospital, Buffalo, NY	543
47. Mt. St. Mary's Hospital, Lewiston, NY	45
48. NYS Office of General Svcs., General Donovan Building, Buffalo, NY	55
49. Nardin Academy, Buffalo, NY	45
50. Niagara Frontier Trans. Auth. Buffalo, NY:	
(1) Furhrman Blvd.	68
(2) 180 Ellicott, Buffalo, NY	70
(3) 455 Cayuga, Buffalo, NY	115
(4) East Terminal, Cheektowaga	80
(5) West Terminal, Cheektowaga	70
(6) Niag. Falls Airport, NF	33
(7) South Park, Buffalo, NY	35
(8) Broadway Ave., Buffalo, NY	58
(9) Frontier, Buffalo, NY	37
(10) Cold Spring, Buffalo, NY	44
51. Niagara University, Niagara Falls, NY	410
52. Our Lady of Victory Home, Lackawanna, NY	390
53. Rochester Gas & Elec. Corp., Rochester, NY	1,000
54. Rockwell International, DuBois, PA	375
55. Sisters of Charity Hospital, Buffalo, NY	358
56. St. Mary's School for the Deaf, Buffalo, NY	100
57. St. Joseph's Collegiate Inst., Buffalo, NY	39
58. St. Joseph's Inter-Community Hospital, Cheektowaga, NY	127
59. St. Francis High School, Lakeview, NY	43
60. SUNY at Alfred, Alfred, NY:	
Ag. Tech #1	652
Ag. Tech #2	111
Wellsville Div.	80
61. SUNY at Buffalo (Main St. Campus), Buffalo, NY	486
62. SUNY at Fredonia, Fredonia, NY	1,739
63. Seneca Steel, Buffalo, NY	120
64. Upstate Milk Producers:	
Buffalo, NY	100
Jamestown, NY	50
65. Villa Maria Academy, Cheektowaga, NY	213
66. Villa Maria College, Cheektowaga, NY	75
67. West Seneca Developmental Center, West Seneca, NY	120
68. Wheatland Tube Co., Wheatland, PA	1,100

Appendix B—Schedule of End-Users Seeking Modification to Authorization Granted in Docket Nos. CP85–608–008 and CP87–144–000

1. End-Users for Which National Fuel Seeks New Receipt Points

1. Airco Carbon Division of BOC, Inc., Niagara Falls, NY
2. Airco Carbon Division of BOC, Inc., St. Marys, PA
3. Arcata Graphics
4. Arco Metals, American Brass, Buffalo, NY
5. Bethlehem Steel Corporation, Buffalo, NY
6. Blackstone Corp., Jamestown, NY
7. Brockway Clay Co., Brockway, PA
8. BTL Specialty Resins, Niagara Falls, NY
9. Buffalo China, Buffalo, NY
10. Cyclops (Sawhill Tubular Division), Sharon, PA
11. Cytemp Steel, Titusville, PA
12. Darling & Co., Buffalo, NY
13. Goodyear Tire & Rubber Company, Niagara Falls, NY
14. Hope's Architectural Products, Inc., Jamestown, NY
15. Jamestown Metal
16. Kaufman's Bakery, Buffalo, NY
17. Keystone Carbon Co., St. Mary's, PA
18. Morgan Services, Buffalo, NY
19. MRC Bearings, Inc., Jamestown, NY
20. National Forge, Irvine, PA
21. Niagara Cold Drawn Corp., Buffalo, NY
22. O-AT-KA-Milk Products Coop. Inc., Batavia, NY
23. O-AT-KA Milk Products Coop., Inc., Collins Center, NY
24. Occidental Chemical Corp., Niagara Falls, NY
25. Pendrick Laundry, Inc., Buffalo, NY
26. Pennsylvania Pressed Metals, Emporium, PA
27. Ridgway, Color, Ridgway, PA
28. Roblin Steel, Tonawanda, NY
29. Shanango, Inc., Sharpville, PA
30. Spaulding Fibre Co., Inc., Tonawanda, NY
31. The Stackpole Corp., St. Marys, PA
32. TAM Ceramics, Inc., Niagara Falls, NY

2. End-Users for Which National Fuel Seeks To Increase Transportation Service

End-user	Existing authorized trans. vol. (Mcf/day)	Proposed max. daily trans. vol. (Mcf/day)
Airco Carbon a Division of BOC, Inc., Niagara Falls, NY	2,500	3,500
Airco Carbon a Division of BOC, Inc., St. Marys, PA	3,300	4,500
Amoco-Pittsburgh Corp.:		
Buffalo Plant, Buffalo, NY	450	900
Cheektowaga Plant, Cheektowaga, NY	200	325
Buffalo Pumps, North Tonawanda, NY	115	125
Shenango, Inc., Sharpsville, PA	500	1,000
Cyclops (Sawhill Tubular Division), Sharon, PA	500	800
Keystone Carbon Co., St. Marys, PA	400	440
Hope's Architectural Products, Inc., Jamestown, NY	300	275
National Forge Co., Irvine, PA	4,000	6,500
O-AT-KA-Milk Products Coop., Inc., Batavia, NY	700	850
O-AT-KA-Milk Products Coop., Inc., Collins Center, NY	350	450
Bethlehem Steel, Lackawanna, NY	9,000	9,500
Pendrick Laundry, Inc., Buffalo, NY	90	250
TAM Ceramics, Inc., Niagara Falls, NY	593	600
Jamestown Metal, Jamestown, NY	110	300
Morgan Services, Buffalo, NY	167	175

5. Consolidated Gas Transmission Corporation

[Docket No. CP87–428–000]

July 17, 1987.

Take notice that on July 2, 1987, Consolidated Gas Transmission Corporation (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP87–428–000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Consolidated explains that on May 20, 1987, Tennessee filed an application in Docket No. CP87–358–000 (NOREX application) requesting authorization to increase its firm natural gas sales service to ten existing New England customers, designated the NOREX Project, by an aggregate daily maximum quantity of 91,358 Dt of natural gas and to construct and operate the facilities necessary to transport and deliver such gas. In order to provide this increased service, Consolidated states that Tennessee has requested that Consolidated transport on behalf of Tennessee up to a maximum daily quantity of 92,000 Dt of natural gas.

It is stated that Consolidated and Tennessee have executed a gas transportation agreement (transportation agreement). It is further stated that pursuant to the transportation agreement, Consolidated would transport up to 92,000 Dt of natural gas per day on a long-term basis for Tennessee at a negotiated monthly fee of $218,300. Additionally, Consolidated would retain a fuel allowance equal to 0.3 % for gas used by it in providing transportation service, it is stated. Consolidated asserts that the transportation service would commence on the "in-service" date of the facilities to be constructed by Tennessee in its NOREX Project and would continue for a primary term of twenty years, and year to year thereafter. Consolidated states that it would receive gas from Tennessee at a proposed interconnection between Tennessee's Line No. 200 and Consolidated's existing Line TL-546, to be known as the North Sheldon Connection, near Sheldon, New York, and other mutually agreed upon interconnections. Consolidated states that it would deliver gas at its interconnection with Tennessee, known

as the Morrisville Measuring Station, near Morrisville, New York.

Consolidated proposes to construct and operate the following facilities: (1) An additional 350 horsepower at the site of its State Line Compressor Station to be known as State Line Compressor Station; (2) measuring and regulating facilities at its Morrisville Measuring Station; and (3) approximately 12.5 miles of 30-inch pipeline to replace existing 20-inch Line No. 31 between Newfield Gate and Borger Compressor Station in Tompkins County, New York. It is stated that Tennessee would construct, own, and operate measuring and regulating facilities at the proposed North Sheldon Connection. Consolidated, however, would reimburse Tennessee for the North Sheldon facilities for direct construction costs, inclusive of AFUDC, up to one million dollars, it is stated.

Comment date: August 7, 1987, 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, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16730 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 8691-001]

Surrender of Preliminary Permit; Iowa City, IA

July 17, 1987.

Take notice that Iowa City, Iowa, permittee for the proposed Coralville Mill Dam Project No. 8691, has requested that its preliminary permit be terminated. The permit was issued on November 7, 1985, and would have expired on October 31, 1988. The project would have been located on the Iowa River, in Johnson County, Iowa.

The permittee filed the request on May 1, 1987, and the preliminary permit for Project No. 8691 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16740 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9559-001]

Surrender of Preliminary Permit; River Street Associates

July 17, 1987.

Take notice that the River Associates, permittee for the Gurnsey Dam Project No. 9559, has requested that the preliminary permit be terminated. The preliminary permit for Project No. 9559 was issued on April 28, 1986, and would have expired on March 31, 1989. The project would have been located on the Nubanusit River, in Hillsboro County, New Hampshire.

The permittee filed the request on May 4, 1987, and the preliminary permit for Project No. 9559 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16742 Filed 7-22-87; 8:45am]

BILLING CODE 6717-01-M

Establishment of Performance Review Board and Names of Board Members

July 16, 1987.

Section 4314(c) of title 5, United States Code (as amended by the Civil Service Reform Act of 1978), requires that the Federal Energy Regulatory Commisson establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more Performance Review Boards to review, evaluate, and make final recommendations on performance appraisals assigned to members of the Senior Executive Service in the Commission. The Performance Review Board also makes written recommendations to the Chairman, Federal Energy Regulatory Commission, regarding Senior Executive Service performance bonuses, awards, and performance-related actions.

Section 4314(c) of title 5, United States Code requires that notice of appointment of Performance Review Board members be published in the **Federal Register**. The following persons have been appointed to serve on the performance review board standing register for the Federal Energy Regulatory Commission:

Anderson, Lawrence R.
Battese, Andrew W.
Beirne, Raymond A.
Bohi, Douglas R.
Christin, Robert F.
Connelly, William
Cook, Catherine C.
Cook, David N.
Corso, Ronald A.
Court, Susan J.
Edson, Quentin A.
Faudree, Jr., Russell E.
Feit, Jerome M.
Fitzgerald, Morris R.
Fitzgibbons, Jr., Robert G.
Fowlkes, Edward J.
Frangipane, Joseph A.
Kilchrist, Howard
Madden, Kevin P.
Mason, II, Vincent E.
Mathura, Randolph E.
Merna, James E.
Milbourn, Jerry R.
Moeller, Jr., John E.
Murdock, Gordon E.
Neubeiser, Joseph R.
Nygaard, Karen Kristina
O'Neill, Richard P.
Pillai, K.G. Jan
Plumb, Kenneth F.
Pusateri, Kenneth M.
Scarbrough, Robert E.
Scherman, William S.
Schneider, Howard B.
Schopf, Michael
Slavin, Leon Jacob
Stiltner, Roy
Szekely, Robert J.
Toronto, Anthony F.
Warner, Christopher J.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16737 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI62-89-000]

Application; Anadarko Petroleum Corp.

July 16, 1987.

Take notice that on July 1, 1987, Anadarko Petroleum Corporation (Anadarko), P.O. Box 1330, Houston, Texas 77251, filed in Docket No. CI62-89-000 an application pursuant to section 7(b) of the Natural Gas Act and § 157.30 of the Federal Energy Regulatory Commission (Commission) for permission and approval for partial abandonment of sales to their Rate Schedule No. 46 as certified under Docket No. CI62-89, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Anadarko proposes to abandon a portion of the sales to Panhandle Eastern Pipe Line Company from the Morris 1-33 and Watkins 1-34 wells located in section 33-34S-38W, and section 34-34S-38W, respectively, Stevens Country, Kansas described in the agreement dated January 1, 1961, as amended, to release 6,000 Mcf of gas per year from each well to Steven Morris, for irrigation pumping fuel. Applicant and Panhandle Eastern Pipe Line Company desire to honor such request, upon and subject to Commission approval.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 1987, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) 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.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Anadarko to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16738 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI87-714-000 and CI87-715-000]

Applications for Permanent Abandonment and Limited-Term Pregranted Abandonment; Vernon E. Faulconer

July 17, 1987.

Take notice that on June 19, 1987, Vernon E. Faulconer (Faulconer), filed applications in Docket Nos. CI87-714-000 and CI87-715-000 to permanently abandon sales to Natural Gas Pipeline Company of America (Natural) from the DeWeese No. 1 Well, section 21-T25N-R21W, Fort Supply Field, Harper County, Oklahoma, and from the Gilliland No. 1 Well, section 28-T2N-R19ECM, Camrick Field, Texas County, Oklahoma, respectively. Faulconer also requests three year limited-term pregranted abandonment for any sales for resale in interstate commerce under his small producer certificate in Docket No. CS74-147.

In support of his applications Faulconer states he is subject to substantially reduced takes without payment.[1] The primary terms of the respective contracts for which Faulconer requests abandonment in Docket Nos. CI87-714-000 and CI87-715-000 expired in February 1987 and January 1987 and Natural terminated both contracts effective March 1, 1987. An application for NGPA pricing is pending for the DeWeese Well. The last effective rate is shown as $0.52 per Mcf. The Gilliland Well produces NGPA section 108 gas. Deliverability from both wells totals 120 Mcf/d. Faulconer intends to seek other meaningful markets for this gas.

Since Faulconer alleges that he is subject to substantially reduced takes without payment and has requested that his applications be considered on an expedited basis, all as more fully described in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of publication of this notice in the Federal **Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 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 Faulconer to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16739 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

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[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in Section 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment.

[Docket No. RM87-29-000]

Application for Alternative Filing Requirement; State of Kansas Corporation Commission

July 16, 1987.

Please take notice that on June 23, 1987, the State of Kansas Corporation Commission (Kansas) filed with the Commission, pursuant to § 274.207 of the Commission's regulations,[1] an application for an alternative filing requirement which differs from the requirement in section 274.204(e) of the Commission's regulations.[2] The proposed alternative filing procedure is requested to be applicable to additional wells drilled, pursuant to the Kansas Corporation Commission orders in Docket No. C-164 on April 24, 1986 and July 18, 1986, in the Hugoton Gas Field, Chase Group in the State of Kansas.

Kansas proposes that, instead of demonstrating through the geological evidence and engineering data that each well in the infill area is necessary, it will submit one copy of the geological evidence and engineering data for the entire infill area. The applicant shall be required to indicate on the State NGPA form that the subject well was drilled into an existing proration unit pursuant to Kansas Corporation Commission Orders of April 24, 1986 and July 18, 1986 in Docket No. C-164.

Kansas states that this alternative filing procedure is requested to ease the administrative burden placed on it and each applicant by § 274.104, which requires the submittal of all records upon which the jurisdictional agency determination was made. It will eliminate the need of copying and forwarding these numerous documents with each application for an additional well in an existing proration unit in the Hugoton Field.

Any person desiring to be heard or to make any protest 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 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed within 30 days after publication of this notice in the **Federal Register**. All protests filed will be considered, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16743 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

[1] 18 CFR 274.207 (1987).

[2] 18 CFR 274.204(e) (1987).

[Docket No. TA87-2-14-001]

Proposed Change in FERC Gas Tariff; Lawrenceburg Gas Transmission Corp.

July 15, 1987.

Take notice that on July 10, 1987, Lawrenceburg Gas Transmission Corporation ("Lawrenceburg") tendered for filing two (2) revised gas tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1, both of which are dated as issued on July 10, 1987, proposed to become effective August 1, 1987, and identified as follows:

Substitute Forty-second Revised Sheet No. 4

Sixteenth Revised Sheet No. 4-B

Lawrenceburg states that copies of its revised tariff sheets were filed under its Purchased Gas Adjustment (PGA) Provision in order to track changes in the rates of its pipeline supplier.

Copies of this filing were served upon Lawrenceburg's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing, should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., WAshington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before July 22, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-16741 Filed 7-22-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of May 25 Through May 29, 1987

During the week of May 25 through May 29, 1987, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

Hideca Petroleum Corporation, 5/27/87, HRO-0150

Hideca Petroleum Corporation (Hideca) objected to an Amended Proposed Remedial Order (PRO) which the Economic Regulatory Administration (ERA) issued to the firm on February 17, 1983. In the PRO, the ERA found that as a result of "layering" violations of 10 CFR 212.86 during the period October 1, 1978 through November 30, 1979, Hideca had received illegal overcharges of $7,849,940.48. The PRO also found that as a result of charging prices which exceeded permissible average markup (PAM) in violation of 10 CFR 212.182 and 212.183 during four months of the period December 1, 1979 through December 31, 1980, Hideca had received illegal overcharges totaling $6,510,712. The DOE rejected Hideca's arguments that the pricing regulations were invalid and the claim that the firm had performed traditional and historical functions of a crude oil reseller in the subject transactions. The DOE also rejected the claim that Hideca did not have to refund the overcharges stemming from the PAM violations during December 1980 on the grounds that the pricing regulations ended on January 27, 1981, since Executive Order 12287 did not remove the DOE pricing regulations retroactively. The DOE concluded that the PRO should be issued as a final Remedial Order and directed Hideca to remit $14,358,652.48.

Petition for Special Redress

South Dakota, 5/27/87, KEG-0008, KER-0023

The DOE issued a Decision and Order concerning a Petition for Special Redress submitted by the State of South Dakota. The State sought approval to use Stripper Well funds for a project which the DOE's Assistant Secretary for Conservation and Renewable Energy found to be inconsistent with the terms of the Stripper Well Settlement Agreement. The DOE disapproved the State's proposal to use $525,000 for the Railbed Maintenance and Repair Program. The DOE determined that the State's description of the program was too vague both as to the sources of the additional funding needed and as to the scope of the project, and that any possible restitutionary benefits to farmers were too far in the future. Accordingly, South Dakota's Petition for Special Redress was denied.

Requests for Exception

Gay's Fuel Service, Inc., 5/27/87, KEE-0133

Gay's Fuel Service Inc. filed an Application for Exception from the requirement that it file Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In evaluating the request, the DOE found that the firm had not shown that as a result of the filing requirement it was experiencing a hardship, inequity or unfair distribution of burdens which outweighed the

public interest in obtaining the EIA–782B survey data. Accordingly, the exception request was denied.

R. E. Hinkley Co., Inc., 5/27/87, KEE–0119

R. E. Hinkley Co., Inc. (Hinkley) filed an Application for Exception from the requirement that it file Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering the request the DOE found that Hinkley's reporting burden was not significantly different from that of other firms participating in the EIA–782B survey. Accordingly, exception relief was denied.

Request for Modification and/or Rescission

Belcher Oil Co., Inc., 5/26/87, KER–0020

On February 13, 1987, Belcher Oil Co., Inc. (Belcher) filed an Application for Modification or Rescission of a Decision and Order issued to the firm on December 24, 1986. The December 24 Decision had granted Belcher an exception which relieved the firm of the requirement that it complete and file Form EIA–782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report," for a limited period. *See Belcher Oil Co., Inc.*, 15 DOE ¶ 81,018 (1986). In the February 13, 1987 submission, Belcher requested that the December 24, 1986 Decision be modified to provide full exception relief. In response, the DOE found that Belcher's Modification request was not based on significantly changed circumstances, as required by 10 CFR 205.135(b)(1)(i) and that it was axiomatic that the temporary difficulties which had led to the interim exception relief could not form the basis for full exception relief. Accordingly, the application was denied.

Refund Applications

A–1 Action Taxi Service, 5/27/87, RF270–2286

The DOE issued a Decision and Order concerning an Application for Refund from the $10.75 million Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption Litigation. However, a portion of the purchase volumes which formed the basis for the claim had been purchased for non-vehicle use. When these volumes were eliminated, the remainder was less than the 250,000 gallon minimum prescribed in the order establishing the Surface Transporters Escrow. Accordingly, the application was denied.

Blue Motor Coach Co., et al., 5/28/87, RF270–1661 et al.

The Department of Energy (DOE) issued a Decision and Order approving the volumes of fifteen Applications for Refund from the Surface Transporters Escrow, established as a result of the Stripper Well Settlement Agreement. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Community Bus Lines, et al., 5/29/87, RF270–1517, et al.

The Department of Energy (DOE) issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by three bus companies and will use those gallonages as a basis for the refund that will ultimately be issued to the three firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date. The total number of gallons approved in this Decision is 4,389,519.

Corinth & Counce Railrood Company, RF271–28; Longview, Northern & Portland Railway Company, RF271–29; Algers, Winslow & Western Railway Company, 5/29/87, RF271–53

The DOE issued a Decision and Order concerning three Applications for Refund from the Rail and Water Transporters (RWT) Escrow. In reviewing these Applications, the DOE found that each claimant had demonstrated that it was "a carrier of passengers or freight by rail" during the Settlement Period, and that during that time each of the claimants had purchased more than 250,000 gallons of U.S. petroleum products. Based on these facts, the DOE held that each claimant had met the requirements for participating in the RWT Escrow set forth in paragraph 16 of the *Order Establishing Transporters Escrow*. Accordingly, all three Applications were granted, and the respective volumes claimed in each application will be used in calculating each claimant's final refund. In this regard, the DOE stated that because the final amount of each RWT claimant's refund will be calculated with reference to the total number of gallons ultimately approved for all successful RWT claimants, the precise amount of the refund resulting from each of the applications considered in this Decision and Order will be determined at a later date.

Donald Santisi Trucking, et al., 5/27/87, RF270–1546 et al.

The Department of Energy (DOE) issued a Decision and Order approving the volumes of 24 Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Dorchester Gas Corporation/Sauvage Gas Company, Inc., 5/28/87, RF253–6

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of the Sauvage Gas Company, Inc., in connection with the Dorchester Gas Corporation special refund proceeding. Sauvage, a propane reseller located in Kansas, claimed a refund greater than the $5,000 small claims amount. In considering the claim, the DOE rejected Sauvage's assertion that the existence of cost banks in excess of the firm's maximum volumetric share of the consent order fund demonstrated injury. The DOE also rejected as a demonstration of injury the assertion that Dorchester had eliminated a customary discount in its sales to Sauvage and the claim that Sauvage had been disproportionately overcharged during each month of the consent order period in which Dorchester's price to Sauvage was not less than the prices of Sauvage's other suppliers by the alleged discontinued price differential. The DOE also conducted a competitive disadvantage analysis of the Sauvage submission, finding that the firm had paid Dorchester greater than average market prices during only one month of the consent order period and had enjoyed below average prices during the balance of that period. Accordingly, the DOE concluded that Sauvage had not been injured by the alleged Dorchester overcharges and the firm's refund request was denied.

Gary Energy Corporation/Searle Gas Company, Inc., 5/27/87, RF47–15

Searle Gas Company, Inc. filed an Application for Refund with the DOE in connection with the Gary Energy Corporation special refund proceeding. In support of its claim, Searle was not able to document the precise volume of its purchases from Gary Energy, but did provide an acceptable estimate. While the estimated purchases would have supported a refund of more than $5,000, the firm elected to limit its refund claim to that amount and was not required to submit a detailed showing of injury. Accordingly, the DOE granted Searle a refund of $5,000 in principal and $1,390 in interest accrued on that principal from the Gary deposit escrow account.

Gulf Oil Corporation/Burke Co. Board of Education, Arkansas Electric Coop, Inc., Joe Murphy, Mass. Bay Transportation Authority, 5/29/87, RF40–1680, RF40–3269, RF40–3686, RF40–3699

The DOE issued a Decision and Order granting refund applications filed by four end-users in the Gulf Oil Corporation special refund proceeding. The DOE found that the applicants had documented the volumes of petroleum products purchased from Gulf and had met all other requirements for end-user applicants specified in *Gulf Oil Corp.*, 12 DOE ¶ 85,048 (1984). The refunds approved in this Decision and Order totaled $11,304, representing $9,074 in principal plus $2,230 in interest.

Insured Transporters, Inc., et al. 5/26/87, RF270–1751 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by twelve trucking companies and will use those gallonages as a basis for the refund that will ultimately be issued to the twelve firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of

the twelve firms' refunds will be determined at a later date.

Joe Costa Trucking et al., 5/29/87, RF270–1512 et al.

The Department of Energy (DOE) issued a Decision and Order granting three claims filed in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved one claim after adjusting a mathematical error. A second claim was approved after deducting gallons not purchased during the Settlement Period. A third claim was approved following the deduction of gasoline used in forklifts. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date. The total number of gallons approved in this Decison is 3,715,348.

John T. Cyr & Sons. Inc., et al., 5/28/87, RF270–744 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper well exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by six private bus companies and will use those gallonages as a basis for the refund that will ultimately be issued to the six firms. the DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the six firms' refunds will be determined at a later date.

Las Vegas Transfer & Storage, Inc., Lanigan Storage and Van Company, Inc., 5/29/87, RF270–1519, RF270–1520

The Department of Energy (DOE) issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by two moving companies. One firm was approved for the gallonage claimed; the other claim was adjusted to eliminate a mathematical error. The approved gallonages will be used as the basis for the DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date. The total number of gallons approved in this Decision is 1,250,495.

Mapco, Inc./Sellergren Propane, et al., 5/29/87, RF108–31, et al.

The DOE issued a Decision and Order granting three refund claims involving the MAPCO, Inc. special refund proceeding. Since each claimant elected to limit its refund claim to the small claims threshold level of $5,000, no detailed evidence of injury was required. The refunds to these firms total $23,040, representing $15,000 in principal and $8,040 in interest.

Marathon Petroleum Company/Crystal U.S.A. Oil, Inc., 5/27/87, RF250–2389

The DOE issued on a Decision and Order concerning an Application for Refund filed by Crystal U.S.A. Oil, Inc., (Crystal) in connection with the Marathon Petroleum Company special refund proceeding. Crystal sought 100% of its volumetric share of the Marathon consent order funds. In considering the firm's application, the DOE determined that the evidence submitted by Crystal did not convincingly demonstrate that the firm was injured as a result of Marathon's alleged overcharges. Therefore, the DOE found it appropriate to limit Crystal's refund to the 35% injury presumption level established for middle-range applicants in the Marathon proceeding. Accordingly, Crystal was granted a refund of $6,195, representing $6,195 in principal and $605 in interest.

Marathon Petroleum Company/Jerry's Marathon, 5/27/87, RF250–1625

Jerry's Marathon (JM) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). JM demonstrated that it purchased 1,046,658 gallons of Marathon motor gasoline during the consent order period through Stonestreet & Stonestreet Oil Co. of Auburn, Inc. The latter firm had been granted a refund as a direct purchaser under the 35 percent presumption of injury method. Because of the size of the claim, no further showing of injury was necessary. The DOE therefore granted a refund of $473.41, representing $439.60 in principal and $33.81 in accrued interest.

Marathon Petroleum Company/Park Oil Company, 5/26/87, RF250–2727

The DOE issued a supplemental determination which concluded that a duplicate refund payment of $5,440 had been made to Spriggs, Bode & Hollingsworth, a law firm representing Park Oil Company. The determination therefore required Spriggs, Bode & Hollingsworth to remit $5,440, plus $15 accrued interest, to the DOE.

Mobil Oil Corporation/Arizona Public Service Co., et al., 5/29/87, RF225–9185 et al.

The DOE granted 30 Applications for Refund filed by claimants in the Mobil Oil Corporation special refund proceeding. Each applicant was an end-user that had purchased directly or indirectly from Mobil and therefore was eligible for a refund of its full allocable shares based on the volumetric methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The total amount of the refunds granted was $21,947, representing $17,931 in principal plus $4,016 in interest.

Mobil Oil Corporation/C.O. Glenn, et al., 5/28/87, RF225–9884 et al.

The DOE issued a Decision granting 24 Applications for Refund filed by claimants in the Mobil Oil special refund proceeding. Each applicant was a retailer or reseller of Mobil refined products and each elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $38,988, representing $31,864 in principal plus $7,134 interest.

Mobil Oil Corporation/Conoco, Inc., 5/28/87, RF225–6821

The DOE issued a Decision denying an Application for Refund from the Mobil Oil Corporation escrow account filed by Conoco, Inc. In its application, Conoco stated that it had purchased 50,478,288 gallons of Mobil motor gasoline during the consent order period. However, the purchases appeared to have been made on the spot market. The underlying Mobil proceeding had established a rebuttable presumption that spot purchasers were not injured in their purchases from Mobil. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). Conoco was specifically notified that this presumption would be applied to its claim, but declined the opportunity to submit rebutting evidence. The DOE accordingly denied the Application.

Navajo Refining Company/Cardon Oil Company, 5/26/87, RF203–10

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of the Cardon Oil Co. in the Navajo Refining Company special refund proceeding. Cardon documented purchases of 6,753,598 gallons of motor gasoline directly from Navajo during the consent order period. Because the applicant did not request a refund greater than $5,000, no further demonstration of injury was necessary. Accordingly, a small-claims refund of $1,317 in principal and $729 in interest was approved for Cardon.

Standard Oil Company (Indiana)/Indiana, 5/28/87, RQ251–367

The DOE issued a Decision and Order granting partial approval to a second-stage refund application submitted by the State of Indiana. Indiana will use $269,640 from the Standard Oil Company (Indiana) escrow account to fund three programs. The approved projects assist the industrial, agricultural and residential sectors. The DOE denied funding for Mechanics Training and the Children's Exhibit Museum because the primary beneficiaries were not customers that would have been injured by the 1973–1981 period of oil overcharges.

U.S.A. Petroleum, Inc./Gulf States Oil and Refining Co., RF252–3; Watkins Oil Company, RF252–4; J.B. Dewar, Inc., 5/27/87, RF252–5

The DOE issued a Decision and Order granting refunds to Gulf States Oil and Refining Co., Watkins Oil Co., and J.D. Dewar, Inc., from the U.S.A. Petroleum, Inc. (USAP) escrow account. The three applicants were resellers of USAP product. Gulf States refund was limited to the threshold level for small claims. Watkins chose to limit its claim to the threshold level in lieu of providing additional information. J.B. Dewar's purchases fell below the threshold amount and it was not required to submit any additional evidence of injury. Accordingly, the applicants were granted refunds totalling $12,791 from the USAP deposit fund escrow account.

Union Texas Petroleum Corp./Automatic Butane Gas Company, RF140–54; Daigle Butane & Appliance, RF140–55; Vogel's LP Gas, 5/26/87, RF140–56

The DOE issued a Decision and Order concerning Applications for Refund filed by three resellers of propane purchased from Union Texas Petroleum Corporation (UTP). In considering the applications, the DOE applied the volumetric and small claims presumptions applicable to resellers of UTP products. Under those presumptions, the DOE determined that each of the applicants was entitled to receive a refund below the threshold amount of $5,000, plus a proportionate share of the interest accrued on the UTP consent order funds. The refunds approved in the Decision totalled $7,043.

UPG, Inc./Kerr-McGee Corp., 5/29/87, RF288–1

Kerr-McGee Corporation filed an Application for Refund in the UPG, Inc., special refund proceeding. Kerr-McGee submitted documentation showing that it purchased 10,734,105 gallons of gasoline from UPG during the consent order period, and would be eligible for a refund of $29,089. Kerr-McGee, however, elected to limit its claim to the small refund level of $5,000. The DOE therefore granted Kerr-McGee a refund of $5,000 under the small claims presumption of injury. In addition, Kerr-McGee will also receive $466 in accrued interest.

Dismissals

Company Name and Case No.

Acme Tire Hardware; RF232–428
Beelen's Marathon Oil Co.; RF250–563
Bob Adkins Marathon; RF250–2517
Cedar Lake Marathon; RF250–2033
Certainteed Corp.; RF270–919
Empire Service Stations; RF250–500, RF250–501, RF250–502
Fleet Supplies, Inc.; RF250–2434
Hampton & Branchville Railroad Co.; RF271–33
Jerry's Marathon; RF250–1527
Petroleum Marketers, Inc;. RF250–2361
Public Warehouse Corp.; RF232–358
Riverside Oil, Inc.; RF250–2538 through RF250–2555
Rohrs Marathon Distributors; RF250–1423
Sering Marathon Service; RF250–1499

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 15, 1987.

[FR Doc. 87–16699 Filed 7–22–87; 8:45 am]

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Issuance of Decisions and Orders; Week of June 1 Through June 5, 1987

During the week of June 2 through June 5, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Painting and Drywall Work Preservation Fund, Inc., 6/7/87, KFA–0097

On May 5, 1987, the Painting and Drywall Work Preservation Fund, Inc. (Fund) filed a Request for Reconsideration of a Decision and Order issued to the organization by the Office of Hearings and appeals (OHA) on January 27, 1987. In that Decision, the OHA denied an Appeal under the Freedom of Information Act (FOIA) of a determination issued to the Fund on December 18, 1986 by the DOE's Albuquerque Operations Office. The Albuquerque Office had withheld employees' names and personal identifiers before releasing certified payroll records of a DOE contractor. In affirming that action, the OHA found that release of the withheld information would constitute an unwarranted invasion of the employees' privacy, and that the information was exempt from disclosure pursuant to Exemption 6 of the FOIA. In the Request for Reconsideration, the Fund merely reiterated arguments made in its Appeal, including the assertion that release of the withheld material was sanctioned by the court's holding in *International Brotherhood of Electrical Workers, Local 41 v. United States Dep't of Housing and Urban Dev.*, 763 F.2d 435 (D.C. Cir. 1985), *aff'g* 593 F. Supp. 542 (D.D.C. 1984) (IBEW). In denying the Fund's Request, the OHA again distinguished the IBEW case from the present one and found, contrary to the Fund's assertion, that release of the employees' names and identifiers was not necessary for the Fund to carry out its stated purpose of monitoring compliance with federal prevailing wage legislation.

Refund Applications

Atlas Transport, Inc., 6/2/87, RF270–1514

The Department of Energy (DOE) issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE's Decision approved Atlas' claim after deducting purchases of methanol, a product which is not derived from crude oil. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date. The total number of gallons approved in this Decision is 364,679.

Conoco Inc./Franklin Oil Company, et al., 6/4/87, RF220–9 et al.

The DOE issued a Decision and Order concerning 54 Applications for Refund filed by Franklin Oil Company, *et al.* Each of the applicants had purchased refined petroleum products from Conoco Inc., and each sought a portion of the settlement fund obtained by the DOE through a consent order with Conoco. Each of the nine firms was a reseller or retailer of Conoco products and each claimant was eligible to apply for a refund based upon the procedures outlined in *Conoc Inc.*, 13 DOE ¶ 85,316 (1985). After examining the applications, the DOE concluded that all of the 54 firms should receive refunds based upon the volume of their purchases from Conoco times the volumetric per gallon refund amount. The total amount of refunds granted was $47,944.

Conoco Inc./Sunflower Electric Cooperative, Inc., et al., 6/4/87; RF220–10 et al.

The DOE issued a Decision and Order concerning nine Applications for Refund filed by Sunflower Electric Cooperative, Inc., *et al.* Each of the applicants had purchased refined petroleum products from Conoco Inc., and each sought a portion of the settlement fund obtained by the DOE through a consent order with Conoco. Each of the nine firms was an ultimate consumer or public utility and each claimant was eligible to apply for a refund based upon the procedures outlined in *Conoc Inc.*, 13 DOE ¶ 85,316 (1985). After examining the applications, the DOE concluded that all of the nine firms should receive refunds based upon the volume of their purchases from Conoco times the volumetric per gallon refund amount. The total amount of refunds granted was $59,009.

E.W. Belcher Trucking Company, Inc., et al., 6/1/87; RF270–1863 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by eight trucking companies and will use those gallonages as a basis for the refunds that will ultimately be issued to the eight firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date.

Flowers Baking Company, et al., 6/4/87; RF270–331 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by four companies that operated private fleets of trucks and will use those volumes as a basis for the refund that will ultimately be issued to the four firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the four firms' refunds will be determined at a later date.

Gateway Foods, Inc., et al., 6/4/87; RF270–338 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by six companies that operated private fleets of trucks and will use those volumes as a basis for the refund that will ultimately be issued to the six firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date.

General Cab Service Co., Inc., 6/1/87; RF270–2288

The DOE issued a Decision and Order concerning an Application for Refund from the $10.75 million Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption Litigation. In analyzing the claim, the DOE found that the applicant's volumes were purchased for non-vehicle use and that the applicant could not be considered a surface transporter for the purposes of the order establishing the Surface Transporters Escrow. Accordingly, the application was denied.

Getty Oil Company/State of Iowa, et al., 6/4/87, RF265–1171 et al.

The DOE issued a Decision and Order concerning four Applications for Refund filed by end-users of products covered by a consent order that the agency entered into with Getty Oil Company. The Applications were evaluated in accordance with the procedures set forth in *Getty Oil Co.*, 15 DOE ¶ 85,064 (1986). The sum of the refunds approved in this Decision is $12,045, representing $6,110 in principal and $5,935 in interest.

Grove City Bus Lines, et al., 6/4/87, RF270–333 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by eight private bus companies and will use those volumes as a basis for the refund that will ultimately be issued to the eight firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date.

Gull Industries, Inc./Leathers Oil Company, 6/4/87, RF259–13

The DOE issued a Decision and Order granting an Application for Refund from the Gull Industries, Inc. escrow account under the provisions outlined in *Gull Industries, Inc.*, 14 DOE ¶ 85,381 (1986). The applicant was a reseller of Gull petroleum products and was listed in the Appendix to that Decision as being eligible for a refund in the Gull consent order proceedings. The applicant limited its claim to the $5,000 threshold amount rather than attempt to prove that it was eligible for the full potential refund amount stated in Appendix A to the *Gull* Decision. Since the applicant limited its claim to $5,000, no further proof of injury was required. The refund approved in the Decision totaled $7,724, representing $5,000 in principal and $2,724 in interest.

Gull Industries, Inc./Lonn T. Allen, 6/4/87, RF258–1, RF259–1

The DOE issued a Decision and Order granting two Applications for Refund from the *Gull Industries, Inc.* escrow account under the provisions outlined in *Gull Industries, Inc.*, 14 DOE ¶ 85,381 (1986). The applicant, Lon T. Allen, was a reseller of Gull petroleum products and was listed in the Appendix to the Gull Decision as being eligible for refunds in two of the Gull consent order proceedings. In Case No. RF259–1, Allen's level of purchases resulted in a potential refund of $11,977. Since this was over the threshold amount, Allen was required to demonstrate that it was injured as a result of Gull's pricing practices. The DOE found that Allen had a sufficient bank of unrecouped product costs to cover the refund amount. In addition, the DOE found that the prices Allen paid for Gull motor gasoline were higher than the average prices in its market area. Accordingly, the DOE approved a refund of $11,977 in principal and $6,524 in interest.

In Case No. RF258–1, Allen requested the full potential refund amount shown for it in the *Gull* Decision. The DOE found that after deducting the refund approved in Case No. RF259–1, the firm's level of banks still supported a refund in the amount claimed. In light of the consistently higher prices which Allen paid to Gull, as compared to market average prices in the area, the DOE determined that it was appropriate to grant Allen the refund amount shown in the Gull Decision, $5,658.08 in principal plus $3,818.76 in interest for a total of $9,476.84. The total amount of refunds approved in this Decision and Order is $27,997.84, representing $17,634.08 in principal and $10,342.76 in interest.

Howell Oil Corporation and Quintana Refinery Company/Kent Oil & Trading Company, 6/4/87, RF245–15

The DOE issued a Decision and Order concerning an Application for Refund filed by Kent Oil Trading Co. (Kent), a reseller of Howell Oil Corp. and Quintana Refinery Co. (Howell/Quintana) motor gasoline, No. 2 diesel fuel, and naphtha. According to its submission, Kent had purchased petroleum products from Howell/Quintana on a sporadic basis and thus appeared to have been a spot purchaser. In *Howell Oil Corp. and Quintana Refinery Co.*, 14 DOE ¶ 85,129 (1986), the DOE established a rebuttable presumption against refunds to spot purchasers on the basis that such purchases would not be made unless advantageous and thus spot purchases would not have been injured by the alleged Howell/Quintana overcharges. Kent attempted to rebut this presumption but was unsuccessful because the firm profited in all but four of its Howell/Quintana transactions. Two of those transactions involved motor gasoline, but Kent did not provide the records of its banks of unrecouped gasoline product costs necessary for a successful refund claim. The remaining transactions involved resales by Kent to purchasers other than base period or historical customers. Accordingly, Kent's Application for Refund was denied.

Husky Oil Company/Metro Oil Products, Inc., 6/3/87, RF161–14

The DOE issued a Decision and Order concerning an Application for Refund filed by Metro Oil Products, Inc., in the Husky Oil Company special refund proceeding. Metro, a retailer, applied for a refund based on its purchases of 59,864,051 gallons of Husky products and followed the procedures for reseller and retailer claims greater than the $5,000 threshold amount outlined in *Husky Oil Co.*, 13 DOE ¶ 85,045 (1985). An analysis of Metro's cost bank data and a comparison of the prices Metro paid Husky with the average market prices in Metro's region demonstrated that Metro was injured in its purchases of 45,298,247 gallons of motor gasoline and diesel fuel from Husky. The total refund granted to Metro was $29,716, representing $20,656 in principal and $9,060 in accrued interest.

Marathon Petroleum Company/Countrymark, Incorporated, 6/5/87, RF250–2201; RF250–2202

The DOE issued a Decision and Order concerning two Applications for Refund filed by Countrymark, Incorporated (Countrymark), an agricultural cooperative reseller of Marathon covered products. The firm claimed a refund on the purchases of 146,401,735 gallons of motor gasoline and distillates from Marathon during the consent order period. However, we determined that Countrymark purchases eligible for a refund were 144,835,236 gallons which excluded the volume of Marathon products that were sold to non-coop members or used internally by the firm. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Countrymark should receive a refund of $60,830.80 in principal and $4,645.28 in accrued interest for a total refund of $65,476.08.

Mobil Oil Corporation/Albert Ditoro, et al., 6/4/87, RF225–4418 et al.

The DOE issued a Decision granting 30 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $28,431, representing $23,229 in principal plus $5,202 in interest.

Mobil Oil Corporation/Land O'Lakes, Inc., 6/5/87, RF225–3722; RF225–3723

The DOE issued a Decision and Order which granted a refund to Land O'Lakes, Inc. from the Mobil Oil Corporation escrow account. Because Land O'Lakes is a member-owned agricultural cooperative it is

considered to be an end-user of Mobil petroleum products and not required to provide proof of injury. On the basis of its documented purchases from Mobil, Land O'Lakes was granted a refund totaling $19,547.

Mobil Oil Corporation/The Penn Central Corporation, RF225-4186; Farrell Lines, RF225-10022; Consolidated Rail Corporation, 6/1/87, RF225-10471

The DOE issued a Decision and Order granting applications filed by the Penn Central Corporation (PCC), Farrell Lines, and Consoldiated Rail Corporation (Conrail), end-users requesting refunds from the Mobil Oil Corp. consent order fund. Each applicant presented evidence that it purchased refined petroleum products directly from Mobil during the consent order period. According to the methodology set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985), each applicant was found to be eligible for a refund from the Mobil consent order fund based on the volume of its purchases times 100 percent of the volumetric refund amount. The total amount of refunds approved in the Decision was $178,980, representing $146,239 in principal plus $32,741 interest.

Petrolane-Lomita Gasoline Company/ Vanguard Petroleum Corporation, 6/2/87, RF208-5

Vanguard Petroleum Corporation filed an Application for Refund from a portion of funds remitted by Petrolane-Lomita Gasoline Company pursuant to a consent order with the DOE. Vanguard purchased 59,375,480 gallons of propane, butane and natural gasoline from Petrolane during the consent order period. The DOE applied the competitive disadvantage test by comparing the prices that Petrolane charged Vanguard with average market prices. Based on the price comparison results, the DOE determined that Vanguard suffered a competitive injury in its purchases from Petrolane. The DOE granted Vanguard a refund of $27,313.00 which equals the number of gallons that Vanguard purchased multiplied by the per gallon refund rate. Vanguard will also receive $9,958.00 in interest.

Puget Sound Freight Lines, RF271-126; Puget Sound Truck Lines, Inc., 6/5/87, RF270-1118

The DOE issued a Decision and Order analyzing a Rail & Water Transporter (RWT) Claim and Surface Transporter Claim filed by affiliated companies. The affiliates argued that they should receive refunds from both funds because each operated separate and different transportation services. The DOE determined that waiver language contained in both the RWT Release and the Surface Transporters Release prohibits the same firm, including affiliates, from receiving refunds from both escrow funds. The OHA approved the larger of the two claims and denied the smaller.

Sigmor Corporation/Mission Petroleum Carriers, Inc., RF242-8; Gulf States Oil and Refining, 6/3/87, RF242-22

The DOE issued a Decision granting Applications for Refund to Mission Petroleum Carriers, Inc. and Gulf States Oil and Refining Co. from the Sigmor Corporation escrow account. Both applicants claimed refunds which fell below the presumption of injury threshold for small claims. The DOE granted refunds totaling $5,248.

Super Value Stores, Inc., RF270-1524; Emeryville Trucking, Inc., 6/2/87, RF270-1530

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase of volumes of refined petroleum products used by a wholesale grocery supplier in its fleet, and by a trucking company. The DOE will use those gallonages as a basis for the refund that will ultimately be issued to the three firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the firms' refunds will be determined at a later date. The total number of gallons approved in this Decision is 55,873,132.

Dismissals

The following submissions were dismissed:

Company Name and Case No.

A.V. Thomas, RF225-5471
Abbey Transportation Systems, RF270-02474
ADM Trucking, Inc., RF270-02454
AMCAM Transport, Inc., RF270-02459
Bruce V. Hastings, RF270-02473
Costello Brothers Lithographers, RF225-6458
D & R Supply Co., RF225-8278
Desert Coastal Transport, RF270-02437
Doyle's Yellow Checker Cab Inc., RF270-02463
Einck Trucking, RF270-02455
Eschbach Bus Service, RF270-02466
Federated Transport, Inc., RF270-02472
General Electric Co., RF225-1447; RF225-5078
Gerlach Oil Co., RF225-8672; RF225-8673
Hackney Farmers Union Corp., RF270-02480
Holmes Transportation, Inc., RF270-02468
Huffy Gas, Inc., RF250-2684
Hunter Transfer & Storage, RF270-02445
Indianapolis Public Transportation Corp., RF270-414
Ivey Oil Co., RF225-7897; RF225-7898; RF225-10486
J. Marlin Ernst & Sons., RF270-2205
Mid-Atlantic Coca-Cola Bottling, RF270-02449
National Rivet & Mfg. Co., RF225-4882
New England Telephone & Telegraph, RF270-02467
Onka's Charter Bus Service, RF270-02458
Reilly's Coin-Op Car Wash, RF238-54
Rhode Island Public Transit Authority, RF270-759
Robinson's Conoco, RF220-451
Schafer Bakeries, Inc., RF270-02440
Scott's Gas & Mini Market, RF270-02444
Simonik Moving & Storage, RF270-02465
Sprouse's Beacon, RF238-2
Standard Ice Co., RF225-4360
Stone Transport Inc., RF270-02475
The Saratogian, RF225-5407
Tower Lines, Inc., RF270-2424
Vincent Ganduglia Trucking, RF115-7
Waccaman Transport Inc., RF270-02471
Wales Transportation, Inc., RF270-2285
Wallack Freight Lines, Inc., RF270-02457
Witco Corp., RF225-6867

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 15, 1987.

[FR Doc. 87-16700 Filed 7-22-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of June 15 Through June 19, 1987

During the week of June 15 through June 19, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Hanford Education Action League, 6/15/87, KFA-0096

Hanford Education Action League (HEAL) filed an Appeal from denial by the Assistant Manager for Administration, Richland Operations Office (Manager) of the Department of Energy (DOE) of a Request for Information which it submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the OHA found that an adequate search had been conducted in response to HEAL's FOIA request. In addition, the decision concluded that Richland's ability to locate the three documents subject to the appeal did not indicate that its initial search was inadequate. Therefore, the Appeal was denied.

Request for Exception

J.D. McBride Oil Company, 6/17/87, KEE-0137

J.D. McBride Oil Company filed an Application for Exception from the requirement to submit Form EIA-782B, entitled "Resellers'/Retailers' Monthly Petroleum Product Sales Report." In considering the applicant's request, the DOE found that the firm failed to demonstrate that it was affected in a particularly adverse manner by the filing requirement.

Accordingly, the Application for Exception was denied.

Motion for Discovery

Telum, Inc., 6/15/87, KRD–0022

On December 22, 1986, Telum, Inc. (Telum) filed a Supplemental Motion for Discovery related to an Amended Proposed Remedial Order (PRO) issued to the firm by the Economic Regulatory Administration (ERA) of the Department of Energy on September 15, 1986. In its Motion, Telum requested all documents: (i) Relied upon by the ERA in the preparation of the PRO; (ii) relating to the basis for the ERA's selection of a sale by A&R, Inc. to Iowa Power as the nearest comparable outlet transaction pursuant to 10 CFR 212.111(a)(3); and (iii) reflecting the prices in sales of middle distillate fuel by resellers in Arizona and Utah during the period of time covered by the PRO. The Office of Hearings and Appeal (OHA) denied Telum's requests, but found that the production of additional information in the possession of the ERA would be helpful in this proceeding. Accordingly, the OHA ordered the ERA to provide any information in its Telum enforcement files relating to (i) the factual basis for the ERA's selection of A&R, Inc. as the nearest comparable outlet, and (ii) the characteristics, other than prices, of resellers of middle distillate located in southern California, Utah, and Arizona. The OHA concluded that such information would be helpful in determining whether the ERA acted arbitrarily or erroneously in designating A&R, Inc., an Iowa firm, as Telum's nearest comparable outlet.

Motion for Evidentiary Hearing

Economic Regulatory Administration, 6/15/87, KRH–0008

On May 20, 1987, the Economic Regulatory Administration (ERA) of the Department of Energy filed a motion in connection with the Cities Service Oil and Gas Corporation enforcement proceeding. In its May 20 Motion, the ERA sought permission to file an affidavit of Mr. Kyle S. McAlister to supplement the record of this case. In considering the motion, the OHA determined that the ERA had presented material that related to a disputed issue of fact. The OHA found that this issue would be most appropriately resolved through the context of an evidentiary hearing. Accordingly, an evidentiary hearing was convened in this case.

Implementation of Special Refund Procedures

Jay Oil Company, Keller Oil Company, 6/18/87, HEF–0101, HEF–0103

This Decision and Order establishes procedures for the distribution of funds obtained as a result of consent orders entered with Jay Oil Company and Keller Oil Company, Inc. The Decision discusses presumptions that will be applied in evaluating refund claims, and sets forth refund application procedures for customers who purchased petroleum products from either of the firms during the applicable consent order period.

McCleary Oil Co., Inc., Pacific Northern Oil Co. 6/15/87; HEF–0127, HEF–0144

The DOE issued a Decision and Order establishing procedures for the distribution of funds obtained as a result of consent orders entered into with McCleary Oil Co., Inc. and Pacific Northern Oil Company. The Decision discusses presumptions that will be applied in evaluating refund claims and sets forth refund application procedures for customers who purchased covered petroleum products from either of the firms during the applicable consent order period.

Supplemental Order

Doram Energy, Inc., 6/16/87, KRX–0034

The DOE issued a decision vacating an ordering paragraph in a Remedial Order issued to Doram Energy, Inc. and Damson Oil Corporation on March 2, 1987, *Doram Energy, Inc.*, 15 DOE ¶ 83,024 (1987), which had inadvertently overstated the amount of restitutionary overcharges owed by the firms. This Supplemental Order rescinded the incorrect paragraph and substituted a new paragraph containing the correct amount.

Refund Applications

A Bee Line Moving & Storage et al., 6/15/87, RF270–1253 et al.

The Department of Energy (DOE) issued a Decision and Order approving the volumes of 13 Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Anderson Trucking Service, Inc. et al., 6/16/87, RF270–283 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow account established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by 26 trucking companies which operated as common carriers and will use those volumes as the bases for the refunds that will ultimately be issued to the 26 firms. The Decision states that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 26 firms' refunds will be determined at a later date.

Arrow Coach Lines, Inc., 6/19/87, RF270–1133

The DOE issued a Decision and Order approving a bus company for a Surface Transporters Refund. The company's claim was based on gasoline, diesel fuel, motor oil, and gear oil used in its buses during the Settlement Period. The company reported its gear oil purchases in pounds rather than in gallons. The DOE converted the company's claim in pounds to a claim in gallons using a conversion factor of 1 pound of lubricating oil equals .135 gallons of lubricating oil.

Blincoe Trucking Co., et al., 6/16/87, RF270–245 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow account established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by 11 trucking companies which operated as common carriers and will use those volumes as the bases for the refunds that will ultimately be issued to the 11 firms. The Decision states that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 11 firms' refunds will be determined at a later date.

Busy Bee-Yellow & Radio Cab Co. et al., 6/17/87, RF270–18 et al.

The Department of Energy (DOE) issued a Decision and Order approving 13 Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. The applicants, all "for hire" cab companies, or private fleets of trucks or buses, applied for refunds based on purchases of diesel fuel, motor gasoline, motor oil, and greases between August 19, 1973 and January 27, 1981. The DOE's Decision approved 11 of the companies' purchase volumes without adjustment and approved refunds for two companies based on an adjusted number of gallons. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Getty Oil Company/A & B Oil Company, et al., 6/15/87, RF265–991, et al.

The DOE issued a Decision and Order concerning 39 Applications for Refund filed by purchasers of products covered by a consent order that the agency entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. None of them requested or was entitled to a refund greater than the $5,000 small claims refund amount with the exception of one applicant that qualified for a refund in excess of $5,000 using the 60 percent presumption level of injury as a reseller of propane. The sum of the refunds approved in this Decision is $216,128, representing $109,357 in principal and $106,771 in interest.

Getty Oil Company/John Walston et al., 6/19/87, RF265–1317 et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed by end-users of products covered by a consent order that the agency entered into with Getty Oil Company. The Applications were evaluated in accordance with the procedures set forth in *Getty Oil Co.*, 15 DOE ¶ 85,064 (1986). The sum of the refunds approved in this Decision is $306,488, representing $155,073 in principal and $151,415 in interest.

Grantee Furniture Rental Corp. et al., 6/18/87, RF270–440 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established, for surface transporters pursuant to the settlement agreement in the DOE stripper

well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by 22 companies and will use those gallonages as the bases for the refunds that will ultimately be issued to the 22 firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 22 firms' refunds will be determined at a later date.

Gulf Oil Corporation/Ray Kelley & Son, 6/16/87, RF225–3701

The DOE issued a Decision and Order concerning an Application for Refund filed by Stoel, Rives, Boley, Fraser & Wyse (Stoel, Rives) on behalf of Ray Kelley & Son, a retailer of Gulf refined petroleum products. In the Decision, the DOE determined that the applicant had inadvertently received two refunds based on its purchases from Gulf and that the check for the amount of the overpayment that Stoel, Rives had remitted to the DOE should be deposited into the Gulf escrow account.

Gulf Oil Corporation/Venta, Inc., 6/17/86, RR40–3

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed on behalf of Venta, Inc. The applicant requested that the DOE reconsider a Decision and Order that granted only a portion of its total refund claim in the Gulf refund proceeding. *Venta, Inc.*, 15 DOE ¶ 85,224 (1986). On the basis of new information submitted with Venta's Motion, the DOE determined that the firm should receive an additional $42,542 from the Gulf deposit escrow account, representing $33,922 in principal and $8,620 in interest.

Gull Industries, Inc./New Way Fuel, RF260–20; Richard Snyder, RF259–28; Arnold A. Saari, 6/16/87, RF259–29

The DOE issued a Decision and Order granting three Applications for Refund from the Gull Industries, Inc. escrow account under the provisions outlined in *Gull Industries, Inc.*, 14 DOE ¶ 85,381 (1986). Each applicant was listed in that Decision as being eligible for a refund from the Gull consent order funds. The level of purchases made by Richard Snyder and Arnold A. Saari made each applicant potentially eligible for a refund over the threshold amount of $5,000. Rather than demonstrating injury, however, these applicants chose to limit their individual claims to the threshold amount. Similarly, New Way Fuel's potential refund, as set forth in Appendix A of the *Gull* Decision, was over the threshold amount, but the firm elected to limit its claim to $5,000. The refunds approved in the Decision totaled $23,127, representing $15,000 in principal and $8,127 in interest.

Marathon Petroleum Company/Cal Gas Corporation, 6/17/87, RF250–2662

The DOE issued a Decision and Order concerning an Application for Refund filed by Cal Gas Corporation (CGC), a reseller of Marathon propane. CGC elected to limit its claim to $5,000, the small claims for injury presumption set forth in the decision implementing procedures for disbursing the Marathon consent order fund. After examining the evidence and supporting data submitted by the firm, the DOE concluded that CGC should receive a refund of $5,000 in principal and $476.19 in accrued interest for a total refund of $5,476.19.

Marathon Petroleum Company/Dorsetts Marathon, 6/19/87, RF250–2705

Dorsetts Marathon (DM) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). DM demonstrated that it purchased 1,113,491 gallons of motor gasoline during the consent order period from Marathon through Tom Todds Petroleum, a direct purchaser that has not filed an Application for Refund in the Marathon proceeding. Using a volumetric methodology, the DOE determined that DM's claim was below the presumption of injury threshold refund level of $5,000. The DOE therefore granted DM a refund of $467.67 in principal and $49.54 in accrued interest for a total refund of $512.21.

Marathon Petroleum Company/Jerry's Marathon, 6/17/87, RF250–1910

Jerry's Marathon (JM) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). JM demonstrated that it purchased 1,195,291 gallons of motor gasoline during the consent order period from Marathon through Dunham Oil Company, a direct purchaser that had not filed an Application for Refund in the Marathon proceeding. Using a volumetric methodology, the DOE determined that JM's claim was below the presumption of injury threshold refund level of $5,000. The DOE therefore granted JM a refund of $502.02 in principal and $47.81 in accrued interest for a total refund of $549.83.

Marathon Petroleum Company/Kendall Petroleum, Inc., 6/17/87, RF250–1958

Kendall Petroleum, Inc. (KPI) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). KPI demonstrated that it purchased 2,116,986 gallons of motor gasoline during the consent order period from Marathon through Glover Oil and Rex Oil, direct purchasers that had not filed an Application for Refund in the Marathon proceeding. Using a volumetric methodology, the DOE determined that KPI's claim was below the presumption of injury threshold refund level of $5,000. The DOE therefore granted KPI a refund of $889.13 in principal and $84.68 in accrued interest for a total refund of $973.81.

Marathon Petroleum Company/Lorenz Oil Company, 6/19/87, RF250–270

Lorenz Oil Company (Lorenz) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). Lorenz demonstrated that it purchased 2,061,020 gallons of motor gasoline during the consent order period from Marathon through Beacon Distributors, a direct purchaser that has not filed an Application for Refund in the Marathon proceeding. Using a volumetric methodology, the DOE determined that Lorenz's claim was below the presumption of injury threshold refund level of $5,000. The DOE therefore granted Lorenz a refund of $865.70 in principal and $82.45 in accrued interest for a total refund of $948.15.

Marathon Petroleum Company/Sommers Oil Company, 6/17/87, RF250–2716

Sommers Oil Company (SOC) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). SOC demonstrated that it purchased 10,541,440 gallons of motor gasoline during the consent order period from Marathon through Champion Oil Company that had been granted a refund as a direct purchaser under the 35 percent presumption of injury method. Using a volumetric methodology, the DOE determined that SOC's claim was below the threshold refund level of $5,000. The DOE therefore granted SOC a refund of $4,427.40 in principal and $421.66 in accrued interest for a total refund of $4,849.06.

Marathon Petroleum Company/Tiger Petroleum Products, 6/17/87, RF250–2292

The DOE issued a Decision and Order concerning an Application for Refund filed by Tiger Petroleum Products (Tiger), a reseller of Marathon covered products. Although the firm's purchase of motor gasoline from Marathon during the consent order period exceeded the threshold refund level established in *Marathon Petroleum Co.*, Tiger elected to file its refund application in accordance with procedures for filing claims based upon the 35 percent presumption of injury outlined in the Marathon decision. After examining the evidence and supporting data submitted by the firm, the DOE concluded that Tiger should receive a refund of $8,258.88 in principal and $673.63 in accrued interest for a total refund of $8,932.51.

Marathon Petroleum Company/Tilstra Marathon Service, 6/19/87, RF250–1952

Tilstra Marathon Service (TMS) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). TMS demonstrated that it purchased 1,730,366 gallons of motor gasoline during the consent order period from Marathon through Robert T. Frank and Loy E. Buff that had been granted their refunds as direct purchasers under the small claims presumption of injury. Using a volumetric methodology, the DOE determined that TMS's claim was below the presumption of injury threshold refund level of $5,000. The DOE therefore granted TMS a refund of $726.75 in principal and $69.21 in accrued interest for a total refund of $795.96.

Marathon Petroleum Company/Wheel to Wheel, 6/17/87, RF250–267

Wheel to Wheel (Wheel) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). Wheel demonstrated that it purchased 337,736 gallons of motor gasoline during the consent order period from Marathon through Monroe Marathon that had been granted a refund as a direct purchaser under the small claims presumption of injury. Using a volumetric methodology, the DOE determined that Wheel's claim was below the presumption of injury threshold refund level of $5,000. The DOE therefore granted Wheel a refund of $141.85 in principal and $13.51 in accrued interest for a total refund of $155.36.

Marathon Petroleum Company/Yatsko & Maberto, 6/19/87, RF250–1525

Yatsko & Maberto (YM) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). YM demonstrated that it purchased 2,462,601 gallons of motor gasoline during the consent order period from Marathon through C.E. Field, Jr. that had been granted a refund as a direct purchaser under the small claims presumption of injury. Using a volumetric methodology, the DOE determined that YM's claim was below the presumption of injury threshold refund level of $5,000. The DOE therefore granted YM a refund of $1,034.29 in principal and $98.50 in accrued interest for a total refund of $1,132.79.

Missouri Pacific Railroad Company, 6/19/87, RF271–58

The Department of Energy issued an Order denying Missouri Pacific's Application for a refund from the Rail and Water Transporters (RWT) escrow fund established pursuant to the settlement agreement authorized by the U.S. District Court for the District of Kansas in a case entitled *In Re: The Department of Energy Stripper Well Litigation* (M.D.L. 378). Missouri Pacific is an affiliate of Champlin Petroleum Company, a crude oil refiner which had applied for and received a refund from the Refiners escrow account. The DOE found that as such, Missouri Pacific could not comply with the waiver requirement of the RWT escrow which prohibits an RWT applicant from seeking a refund from any of the other M.D.L. 378 escrows.

Mobil Oil Corporation/A&F Friendly Service Station et al., 6/19/87, RF225–8193 et al.

The DOE issued a Decision granting 36 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers, resellers, and end-users of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in the *Mobil* decision. *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $23,788 ($19,439 principal plus $4,349 interest).

Mobil Oil Corporation/Barbe's Friendly Service et al., 6/19/87, RF225–10767 et al.

The DOE issued a Decision and Order granting 28 Applications for Refund from the Mobil Oil Corporation escrow account filed by retailers and resellers of Mobil refined petroleum products. Each applicant elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). The DOE granted refunds totalling $8,310.

Mobil Oil Corp./Barge Transport Company, Inc., RF225–10817; Gulf Oil Corp./Barge Transport Company, Inc., 6/16/87, RF40–3700

The DOE issued a Decision and Order concerning two revised Applications for Refund filed on behalf of Barge Transport Company, Inc. (Barge), an end-user of Mobil Oil Corp. (Mobil) and Gulf Oil Corp. (Gulf) refined petroleum products. Barge was previously granted refunds in the Mobil and Gulf special refund proceedings. The DOE was informed by Barge that the purchase volumes indicated for diesel fuel in both applications had been overstated because the firm had submitted dollar figures instead of volume figures. Revised applications were then submitted, based upon 84,683 gallons of diesel fuel in the Mobil proceeding, and 686,465 gallons of diesel fuel in the Gulf proceeding. On the basis of these submissions, the DOE decided to rescind Barge's initial refunds and to grant the firm new refunds based upon the revised purchase volumes figures. The refunds granted in this Decision were $42 ($34 principal plus $8 interest) in the Mobil proceeding, and $1,050 ($837 principal plus $213 interest) in the Gulf proceeding. The combined revised amount of Barge's refunds is $1,092 ($871 principal plus $221 interest).

Mobil Oil Corporation/Farmers Union Cooperative Association, 6/19/87, RF225–9767, RF225–9768, and RF225–9769

The DOE issued a Decision and Order which granted a refund to Farmers Union Cooperative Association from the Mobil Oil Corporation escrow account. Farmers Union is a member-owned agricultural cooperative which operated on a not-for-profit basis. It is therefore, for the purpose of this refund proceeding, considered an end-user of Mobil petroleum products and it is not required to submit any proof of injury. Accordingly, Farmers Union Cooperative Association was granted a refund totalling $19,547.

Mobil Oil Corporation/Nathan Parker, Jr., 6/19/87, RF225–10818, RF225–10828

On May 19, 1987, the DOE issued a Decision granting a refund to Mr. Parker from the Mobil Oil Corporation. The refund was based on Parker's purchases of petroleum products as reported in a computer printout supplied by Mobil. After receiving the refund, Mr. Parker telephoned the OHA and claimed that he had made purchases totalling at least seven million gallons. Mr. Parker conceded, however, that he did not have sufficient records to substantiate his claim. Because the volume histories provided by Mobil tend to be inaccurate, the OHA reexamined the purchase volume information in the record. After calculating average monthly purchases based on the available data, the OHA granted Mr. Parker an additional refund of $1,147.

Royal Crown Bottling Corp., et al., 6/17/87, RF270–1086, et al.

The DOE issued a Decision and Order approving four companies for Surface Transporter Refunds. Three of the companies submitted applications containing mathematical errors. As a result; two companies will receive smaller refunds than originally claimed and one will receive a larger refund than originally claimed.

Smithway Motor Express Inc. et al., 6/16/87, RF270–142 et al.

The Department of Energy (DOE) issued a Decision and Order approving applications for refund from the Surface Transporter Escrow filed by 30 trucking companies. Each of the companies based its claim on either motor gasoline, motor oil or diesel fuel that its vehicles consumed during the settlement period. The DOE approved each company's purchase volumes with adjustments in some cases to correct for computational errors. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

Southgate Trucking Co., et al., 6/16/87, RF270–349 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow account established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by 16 trucking companies which operated as common carriers and will use those volumes as the bases for the refunds that will ultimately be issued to the 16 firms. The Decision states that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 16 firms' refunds will be determined at a later date.

Standard Oil Company (Indiana)/Idaho, 6/19/87, RQ21–370

The DOE issued a Supplemental Order regarding a second-stage refund application filed by Idaho and approved in 1984. *Standard Oil Company (Indiana)/Idaho*, 12 DOE ¶ 85,152 (1984). That Decision required Idaho to submit a post-plan report within two years of the date of the Decision, specifying the manner in which the funds approved by OHA had been spent. On June 5, 1987, Idaho submitted this post-plan report. However, the report indicated that funds had not been spent in accordance with the programs approved by OHA. Funds appropriated for the Diesel Truck Fuel Efficiency Clinics had been redesignated to fund a program providing fuel efficiency clinics for government fleets. The DOE stated that Idaho is not permitted to use Amoco second-stage refund monies for the benefit of state or local governments and that the State must submit a motion for modification prior to the disbursement of further funds.

TSC Express, et al., 6/15/87, RF270–1886 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the purchase volumes of refined petroleum products claimed by eight trucking companies and will use those gallonages as the bases for the refunds that will ultimately be issued to the eight firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the eight firms' refunds will be determined at a later date.

Weicker Transfer and Storage Company, et al., 6/15/87, RF270–2352, et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for Surface Transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by six Surface Transporters and will use those gallonages as the bases for the refunds that will ultimately be issued to the six firms. The DOE stated that because the size of a Surface Transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the six firms' refunds will be determined at a later date.

Yellow-Checker Cab et al., 6/15/87, RF270–449 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by 11 companies and will use those gallonages as the bases for the refunds that will ultimately be issued to the 11 firms. The DOE stated that because the size of a surface transporter applicant's refund will depend upon the total number of gallons that are ultimately approved, the actual amounts of the 11 firms' refunds will be determined at a later date.

Dismissals

The following submissions were dismissed:

Name and Case No.

Bradford Auto Co.; RF225–9196
Charles Mitchell's Marathon Station; RF250–1941
Hughes Oil Co.; RF225–8782
Rochester Community Schools; RF270–2299
State of Louisiana; RQ3–357, RQ21–358
State of Nebraska; RQ251–353
Tiger Petroleum Products; RF250–2293
Wyoming Public Schools; RF270–2349

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 15, 1987.

[FR Doc. 87–16701 Filed 7–22–87; 8:45 am]

BILLING CODE 6450–01–M

Cases Filed; Week of May 29 Through June 5, 1987

During the Week of May 29 through June 5, 1987, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 15, 1987.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of May 29 through June 5, 1987]

Date	Name and location of applicant	Case No.	Type of submission
May 29, 1987	Pel-Star Energy, Inc., et al., Dallas, Texas	KRR–0028	Request for Modification/Rescission. If granted: The May 20, 1987 Decision and Order issued to the Economic Regulatory Administration (Case No. KRR–0024) would be modified to relieve James C. Stevens and John H. Harvison of liability for overcharges.
June 1, 1987	Alan Penan, Sacramento, California	KFA–0099	Appeal of information request denial. If granted: The May 21, 1987 Freedom of Information Request Denial issued by the Dallas Operations Office would be rescinded and Alan Penan would receive access to documents relating to an audit of Jersey Oil Company.
Do.	Butler Fuel Corporation, Washington, DC	KEF–0094	Implementation of special refund procedures. If granted: The Office of Hearings and Appeals would implement Special Refund procedures pursuant to 10 CFR, Part 205, Subpart V, in connection with the November 13, 1984 Court Order issued to Butler Fuel Corporation.
Do.	D&P Trucking Co., Inc., Lowell, Massachusetts	RR270–1	Request for modification/rescission in the surface transporter refund proceeding. If granted: The May 4, 1987 Decision and Order (Case No. FR270–2450) issued to D&P Trucking Company, Inc. would be modified regarding the firm's application for refund submitted in the Surface Transporter refund proceeding.
Do.	Ocean Drilling & Exploration Co., et al., Washington, DC	KRD–0460	Motion for discovery. If granted: Discovery would be granted to Ocean Drilling and Exploration Co., et al., KRD–0460in connection with the December 15, 1986 Proposed Remedial Order (Case No. HRO–0460) issued to the firm.
Do.	Triangle Gasoline Company of Butler, Butler, Pennsylvania	KEE–0140	Exception to the reporting requirements. If granted: Triangle Gasoline Company of Butler, Pennsylvania would not be required to file Form EIA–821 ("Annual Fuel Oil & Kerosene Sales Report") with the DOE Energy Information Administration.
June 2, 1987	Doran Energy, Inc. & Damson Oil Corp., Washington, DC	KRX–0034	Supplemental order. If granted: The March 2, 1987 Remedial Order issued to Doran Energy, Inc. and Damson Oil Corporation (Case No. HRO–0149) would be modified with respect to the amount of the firms' liability.
Do.	Gary Chaffins, San Francisco, California	KFA–0100	Appeal of an information request denial. If granted: The April 27, 1987 Freedom of Information Request Denial issued by the San Francisco Operations Office would be rescinded, and Gary Chaffins would receive access to documents relating to his employment with the Laurence Livermore National Laboratory
June 5, 1987	Chuck Hansen, Sunnyvale, California	KFA–0101	Appeal of an information request denial. If granted: The May 26, 1987 Freedom of Information Request Denial issued by the Office of Classification would be rescinded, and Chuck Hansen would receive information pertaining to the yields of 82 U.S. atmospheric nuclear tests.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of May 29 through June 5, 1987]

Date	Name and location of applicant	Case No.	Type of submission
Do	Smith Fuels, Inc. Sullivan, Indiana	KEE-0141	Exception to the reporting requirements. If granted: Smith Fuels, Inc. would not be required to file Form EIA-728B, "Resellers'/Retailers' Monthly Petroleum Products Sales Report".

REFUND APPLICATIONS RECEIVED

[Week of May 29 to June 1, 1987]

Date received	Name of refund proceeding/ name of refund applicant	Case No.
6/01/87	Glenshaw Glass Company, Inc	RF277-39
5/29/87	Philadelphia Gas Works	RF277-40
5/29/87	Central Foundry Company	RF277-41
6/01/87	A.O. Thompson Lumber Company.	RF294-4
6/01/87	Joe Keisel	RF225-10822
6/01/87	Hellman's Oil Company	RF225-10823
6/01/87	Van Orden's Mobil	RF225-10824
6/02/87	Philadelphia Electric Company	RF277-42
6/12/86	West Side Mobil	RF225-10825
6/03/87	Ray Kelley and Son	RF40-3701
7/22/86	Ferns, Inc	RF225-10841
5/02/86	Heaslip Fuel, Inc	RF225-10842
7/10/86	Princeton Fuel Oil Company	RF225-10843
4/28/86	Versailles Oil and Gas Company.	RF225-10844
5/09/86	O.K. Oil	RF225-10845
4/28/86	Gengnagel Corp.	RF225-10846
6/03/87	Oil & Industry Suppliers	RF272-510
6/04/87	Cook's Skelly Service	RF265-1595
6/04/87	Plainview Getty	RF265-1596
6/04/87	T G L Service Station, Inc	RF265-1597
6/04/87	W.F. Arnold	RF265-1598
6/04/87	Massa Gabriel/Bway Getty	RF265-1599
6/04/87	Strubbe's Gas Service	RF265-1600
6/04/87	Wentzville Oil Company	RF265-1601
6/05/87	City of Tallahassee	RF277-43
4/29/86	Dunlap Oil Company	RF225-10826
4/17/87	Thraen Bulk Services	RF225-10827
5/29/87 through 6/01/87	Getty Oil Refund Applications Received.	RF265-1529 through RF 265-1601
5/29/87 through 6/0187	Crude Oil Refund Applications Received.	RF272-474 through RF272-498
5/29/87 through 6/01/87	Cranston Oil Refund Applications Received.	RF276-256 through RF276-284

[FR Doc. 87-16700 Filed 7-22-87; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Japan 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.: 224-010900-001

Title: Port of San Francisco Terminal Agreement

Parties: Port of San Francisco, Japan Line

Synopsis: The proposed agreement amends the basic revenue sharing agreement to provide that Japan Line will pay wharfage on liquid cargo in bulk at a rate of $.27 per revenue ton and may deduct from wharfage due the Port, railroad equalization payments made on frozen export cargo.

By order of the Federal Maritime Commission.

Dated: July 20, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87-16754 Filed 7-22-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Bancshares 2000, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 14, 1987.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Bancshares 2000, Inc.*, McLean, Virginia; to acquire 100 percent of the voting shares of Bank 2000 of Reston, National Association, Reston, Virginia, a *de novo* bank.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Little Mountain Bancshares, Inc.*, Monticello, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Monticello, Monticello, Minnesota. *Comments on this application must be received by August 10, 1987.*

Board of Governors of the Federal Reserve System, July 17, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-16688 Filed 7-22-87; 8:45 am]

BILLING CODE 6210-01-M

Application To Engage de Novo in Permissible Nonbanking Activities; Sovran Financial Corp.

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) 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) Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, 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 this 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 grains in efficiency, that outweight 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.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 7, 1987.

A. **Federal Reserve Bank of Richmond** (Lloyd W Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Sovran Financial Corporation*, Norfolk, Virginia; to engage *de novo* through its subsidiary, Sovran Investment Corporation, Richmond, Virginia, in providing brokerage services and investment advice for corporate and institutional customers pursuant to § 225.25(b)(4) and (15) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 17, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–16689 Filed 7–22–87; 8:45 am]

BILLING CODE 6210–01–M

Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company; Sovran Financial Corp.

The company listed in this notice has applied under section 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) 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, or to engage in such activity. Unless otherwise noted, these 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 interest, 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 August 14, 1987.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Sovran Financial Corporation*, Norfolk, Virginia; to acquire 100 percent of the voting shares of Commerce Union Corporation, Nashville, Tennessee, and thereby indirectly acquire Commerce Union Bank, Nashville, Tennessee; Commerce Union Bank/Chattanooga, Chattanooga, Tennessee; Commerce Union Bank/Clarksville, Clarksville, Tennessee; Commerce Union Bank/Eastern, Oak Ridge, Tennessee; Commerce Union Bank/Greenville, Greenville, Tennessee; Commerce Union Bank of Memphis, Memphis, Tennessee; Commerce Union Bank/Tri-Cities, Johnson City, Tennessee; Commerce Union Bank/Union City, Union City, Tennessee; Williamson County Bank, Franklin, Tennessee; First National Bank of Lewisburg, Lewisburg, Tennessee; Planters Bank and Trust Company, Hopkinsville, Kentucky; Security Bank and Trust Company, Centerville, Tennessee.

In connection with this application, Applicant also proposes to acquire Commerce Union Realty Service, Inc., Nashville, Tennessee, and thereby engage in brokering commercial mortgage loans pursuant to § 225.25(b)(1) of the Board's Regulation Y; and Tennessee Valley Life Insurance Company, Nashville, Tennessee, and thereby engage in reinsuring credit life, accident and health insurance directly related to extensions of credit by the subsidiary banks of Commerce Union Corporation, Nashville, Tennessee, pursuant to § 225.25(b)(8) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 17, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–16690 Filed 7–22–87; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Health Policy; Request for Grant Applications

Pursuant to section 1110A of the Social Security Act, the Assistant Secretary for Planning and Evaluation (hereafter, the Assistant Secretary) is seeking applications for research in the area of health policy from States, public and other organizations.

1. Type of Application Requested

This announcement, following guidance contained in the 1987 Senate Appropriations Report on section 1110A of the Social Security Act, regarding policy research, seeks applications for one or more projects to develop and conduct research and analysis pertaining to liability-related compensation and support for illness and injury in the United States. Such research should be directed toward assessment of the interaction among, duplication and overlap of, and remaining gaps within the many compensation structures used by the ill and injured in this country. The goal is to obtain reasonable national estimates of the incidence rate of illness, accident, and injury, to develop an understanding of the types and amounts of resulting compensation and the factors which affect those paths, with special focus on liability-related activities. In sum, the research should advance knowledge in the broad area of—

Illness and Injury Events: Their Compensation and Support

1.1. Background

In 1976 and 1977, a household interview-based Compensation Survey was conducted in England and Wales. Results of that survey are contained in the 1984 volume, *Comepnsation and Support for Illness and Injury.*[1] By "compensation and support" are meant those accidents, injuries, conditions, illnesses, diseases and related events which resulted in "interrupted or permanently restricted activity." As the study notes,

> We hoped to find a validated definition * * * defining health status and disability * * *. However, definitions of disability, impairment and handicap, illness and injury proved almost infinite in their variety; each had been developed for a particular purpose. It became clear that, with our concern to screen in [to the study population], rather than to exclude marginal cases . . . we could not make use of any existing indicators of disability or impairment, nor of any straightforward combination of indicators. The most profitable line to follow seemed to be work on functional limitation, not in the physiological, but in the behavioural [sic] sense, i.e. we were more concerned with ability to perform the activities of daily living than with the motor capacity of particular parts of the body.[2]

The practical expression of these factors in the British [3] study was to set a two-week threshold of affect, and to ask its respondents:

> Over the last 12 months...has [a member of the reporting unit] had any illness, injury or handicap which made it impossible to [accomplish desired activities with respect to self-care, communication, mobility, school and work].[4]

To enrich the data base pertinent to event for which the compensation process was likely to be extended, e.g., involving tort claim and settlement, all respondents were also asked:

> * * * [O]ver the last five years . . . has anyone [in the reporting unit] had an accident on the roads, at work or at home, or been injured by anyone else? [5]

These screening questions were asked of a stratified, structured random sample [6] of approximately 15 thousand private households; [7] 12,217 interviews were successfully completed, representing 35,085 individuals.

Of the 35,085 individuals about whom information was collected in the screening survey, 3,630 [or approximately 10 percent] reported some incapacity lasting two weeks or more in the previous twelve months, and arising from illness or injury [without consideration of liability]. The supplementary question screening for further accident cases in the four years preceding that twelve-month period yielded an additional 1,406 accident cases.[8]

The British study sought to classify such events by type and to determine their frequency of occurrence. In brief, the study's findings for the survey population were that accidents resulting in an incapacity of two weeks or more during the twelve month period prior to interview had an incidence rate of 40 per 1000; illnesses had a substantially higher incidence rate, at 63 per 1000..

> On average, illnesses cause more serious medical consequences than do accidents; those who are ill are more likely than accident victims to be in hospital for more than a week. . . . Those who are ill also make nearly three times as much use of local authority . . . services as do accident victims.[9]

The study then went a major step further, to examine kinds, sources, and amounts of compensation and support secured by affected individuals.

Importantly, *Compensation and Support for Illness and Injury,* and the Compensation Survey on which it was based, exclude from consideration the major element of personal illness, injury, and accident costs: health care. This results from the essentially "free" nature of health care services in Great Britain from the perspective of those suffering such illness, injury, or accident. Most health care is free from the individual's point of view because of the universal availability of national health insurance in Great Britain, through the National Health System. The National Health System provides health care access to all: young and old, rich and poor, working and unemployed.[10] Instead, the focus of the survey and subsequent report is two-fold:

- Those resources (largely financial, but also relevant services whether publicly provided, provided by family and friends, by voluntary organizations, or in return for payment) provided to the family unit containing an ill, injured, or accident-suffering member as a result of or related to the illness, injury or accident; and
- The soruces of, and systems having to be negotiated to obtain, such support.

Hence, included are:

- Damage-based compensation (i.e., torts claims);[11]
- Social security benefits including:[12]
  - —Contributory benefits (e.g., unemployment benefits and disability and invalid benefits [akin to disability benefits in the United States under the Social Security Administration's Old Age, Survivors, and Disability Insurance]);
  - —Industrial injury benefits (akin to workers' compensation programs in the United States);
  - —Non-contributory benefits (with no direct equivalent in the United States); and
  - —Means-tested benefits (akin, e.g., to this country's AFDC, Medicaid, and Supplemental Security Income [SSI]);
- Criminal injuries compensation (similar to "victims" compensation funds" found in some United States jurisdictions);
- Employment-related sick leave and pay;
- Private insurance (e.g., life, personal accident, automobile, and income replacing-disability insurance); and
- Social care, including both public welfare services such as home-visiting nurses, social workers and "meals on wheels" programs, and informal support systems of family and friends.

The Compensation Survey in England and Wales was undertaken by the Social Science Research Council's Centre for Socio-Legal Studies, Wolfson College, Oxford, to examine the sub-components individually and in their inter-relationship as part of the compensation and support system for the injured and ill, and their families.

Victims of accidents and illness in England and Wales receive compensation and support from a multitude of poorly co-ordinated sources, with widely varying criteria of entitlement. The supposed goals and effectiveness of these various systems have been extensively debated amongst lawyers, economists, and those concerned with social policy. In particular the tort (damages) system, whereby accident victims may sue for damages on grounds of fault, has come under widespread criticism as costly, inefficient, and inequitable in practice. The total abolition of the tort action in personal injury cases has been seriously proposed.

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[1] Donald Harris, Marvis Maclean, Hazel Genn, Sally Lloyd-Bostock, Paul Fenn, Peter Cornfield, Yvonne Brittan; Clarendon Press, Oxford, 1984.

[2] *Ibid.*, p. 29.

[3] Used here and subsequently for convenience; only England and Wales are represented, however, in the study.

[4] Harris, *et al., op. cit.*, p. 29.

[5] *Ibid.*, pps. 29–30.

[6] The sample was stratified by region in proportion to population density, and by level of car ownership. Because interviews were conducted in person, a geographic block structure was used to make personal interviewing as efficient as possible.

[7] Institutions were purposefully excluded.

[8] Harris, *et al., op. cit.*, p. 32.

[9] *Ibid.*, p. 326.

[10] In fact, health insurance akin to that in the United States is also sold in the United Kingdom. In general, it is designed to supplement and build upon the National Health system, to pay, for example, for private (i.e., non-Nation Health Service) hospitals and medical consultants. It is also relatively rare; of respondents to the British Compensation Survey, less than 2.5 percent held private health insurance. See *ibid*, pps. 223–4.

[11] See *ibid.*, Part I, "Compensation Under the Damages System," pps. 45–158.

[12] For social security through social care, see *ibid.*, pps. 167–256.

[This study] is an ambitious attempt to place these debates on a much firmer empirical basis. Our broad aim was to set the role of the tort damages system in the context of the many other forms of assistance in cash and kind provided by government agencies, local authorities, employers, and informally organized sources.[13]

With regard to the tort damage system, summary conclusions derived were:

[r]elatively few accident victims recover any damages at all; most amounts recovered are low and therefore can do little to "compensate"; and the cost of administering the system is very high. Delay and uncertainty and uncertainty are inherent in the system; the adversarial game permits defendants to adopt negotiating strategies which exploit—quite legitimately under the present rules—each uncertainty to defeat a claim, or to reduce the amount paid * * * [T]he roles of sick pay and social security in providing income support following illness and injury are now, in the aggregate, of much greater importance than the damage system.[14]

1.2. Limits of the Survey Of Illness and Injury Compensation and Support in England and Wales

The Compensation Survey represents an important increment in knowledge about the support and compensation system components used by the ill and injured of England and Wales. The study, using innovative survey techniques, provides information not previously available there, and not available to date in the United States, to inform the broad debate over tort claims as a health compensation system versus other mechanisms of support. Nonetheless, a great deal of the information one would wish to have remains unavailable even in the survey's own context.

First, and most important, no attempt is made to address the fundamental issue: to what extent have the British support and/or compensation approaches, uncoordinated though they may be, make financially or otherwise "whole" the ill and injured?[15] Data on income, life-style, family security, etc., as these conditions existed before the illness, injury, or accidental intervened were not collected. The gap between "before" and "after," if any, remains unknown. The extent to which the ill or injured and their family may have had to draw down resources *as a result* of the injury or accident is not assessed.

Nor, it must be noted, were lump-sum payments, whether secured in torts or in compensation, for example, for loss of limbs under life insurance policies, factors in to post-illness or injury assets. Only income streams derived from such lump-sum payments were ascertained. And, relatedly, although as much as five years had passed since the qualifying accident, "by the time of the interview only a few victims had received tort damages and the sums involved were usually quite small."[16]

Finally, given the comparative rarity of certain events of interest, and the Compensation Survey sample size, it is not surprising that with regard to some findings, their statistical reliability and robustness is severely limited.

1.3. England and Wales vs. the United States

Significant though the methodological and data problems in the Compensation Survey in England and Wales were, in this country they are even more complex. This results in part from the lack of uniformity in this nation's health insurance. Not only does the United States lack a national health insurance scheme to which all belong. In addition, the set of health services covered by employment-based health insurance, for example, may differ radically among employers depending upon their industrial sector and company size. Moreover, there are often differences among insurers regarding covered services, and for each insurer between holders of individual versus group policies. While Medicare's benefit package for the over-65 is uniform, supplemental policies which "wrap around" Medicare have great difference from one to another.

To disparity in health care coverage, expectedly the dominant component of illness and injury costs, must be added this country's larger population base and even greater complexity in compensation and support structures. Much of the diversity reflects the nature of the federal structure in the United States in comparison with the more unitary system in England and Wales. Similarly, in the United States programs such as Medicaid and Workers Compensation which play a role in provision of compensation vary from state to state ineligibility and in the amount, duration and scope of covered benefits.

A final major difference in structure between the two countries' compensation systems is worth noting. Tort claims generally, and with regard to medical malpractice specifically, were found to be quite rate events in Great Britain. In the United States, on the other hand, the propensity to bring tort claims is thought generally to be much greater—perhaps especially with regard to medical malpractice (a virtually non-existent class in Great Britain), automobile accidents, and product liability claims.[17]

1.4. Potential Uses and Users of Research for Which Applications Are Requested

The Department of Health and Human Services (DHHS) is interested in securing information, in the United States context, about illness, injury and accident events, sources through which support and compensation may be secured by those affected, and the factors which may impinge upon the seeking of compensation and support.

DHHS has several purposes for seeking such information: first, various programs for which it has responsibility, including components of Old Age, Survivors and Disability Insurance (OASDI) and Medicaid have grown in piecemeal fashion to help provide support for illness and injury. Yet those programs themselves operate in the larger context of other federal, state, and local government as well as private activities designed to address related accident, illness and injury support and compensation of the population. As in England and Wales, so, too, in the United States victims of accidents and illness receive compensation and support from a multitude of (often) poorly coordinated sources, with widely varying criteria of entitlement. Better understanding the nature of these sundry programs may permit improved coordination which, in turn, could not only reduce total societal costs but improve as well the quality of support and compensation received by the ill and injured.

Second, and more narrowly, DHHS has long been involved[18] with illnesses and injury related to professional medical liability.[19] The Health Care

[13] *Ibid.*, p. xvii.

[14] *Ibid.*, pps. 327–8.

[15] See, e.g., Harris, *et al.*, pps. 283–4.

[16] Harris, *et al.*, p. 284.

[17] For example, see J. Kakalik and N. M. Pace, *Costs and Compensation Paid in Tort Litigation*, RAND Corporation, 1986.

[18] See, for example, *Report of the Secretary's Commission on Medical Malpractice*, issued January 16, 1973 by the Department of Health, Education and Welfare; and the forthcoming Task Force on Medical Malpractice report to the Secretary of Health and Human Services (anticipated August 1987).

[19] While DHHS has a special interest in medical malpractice, it is recognized that such events are statistically very rare, and therefore may not be fully captured in the broader research for which applications are being sought. The General Accounting Office, for example, in its study, *Medical Malpractice: Characteristics of Claims Closed in 1984* (GAO/HRD–87–55, April 22, 1987) found approximately 73 thousand such claims closed that year.

Financing Administration (HCFA), through Medicare, Medicaid, and the Public Health Service through various grant programs bear a significant part of the cost for medical liability insurance and medical malpractice tort expenses.

Third, DHHS is an interested participant in general concerns of the Administration [20] and Congress about the costs of and problems associated with tort-based injury compensation—with regard both to product and professional liability.

In medical malpractice, broader professional, and product liability, there is considerable evidence that this nation's current tort-based compensation system is inefficient, has high transaction costs, provides compensation at best in erratic fashion and with limited regard to true economic losses. Morever, the deterrence value of the tort system has been seriously questioned.

Further, a number of critics have charged that whatever other flaws may be contained in the current tort compensation system, general jurisprudential strictures which preclude consideration of collateral sources of support available to and used by the injured plaintiff in tort claims cases can lead to windfall awards and otherwise unjustified payments to claimants.

There are—and have been—a number of Congressional bills introduced either to preempt states' tort law or to induce through various financial incentives specific tort reforms at the state level. While none of these has been enacted, the bulk of tort-related legislation to date has been nonetheless undertaken by the sundry states. These Congressional proposals have been made and state actions undertaken, however, generally absent information regard the extent of alternative sources of support. Finally, research findings in this area are expected to have potential application to the better definition of catastrophic health care needs, especially of the under-65 population.

In sum, it is anticipated that products of research on compensation and support for illness and injury, especially with regard to these conditions as they relate to liability, will have multiple ready audiences.

1.5. The Ideal and Three Alternative Approaches

Were it possible, a very large-scale prospective household sample would be interviewed in person and followed longitudinally to assess illness and injury incidence; changing social, demographic, and economic characteristics; the set of costs—financial, psychic, familial and with regard to life-style—to which the ill and injured are subject; the decision structure by which those suffering untoward events determine whether and how to secure legal redress and compensation and/or to use alternative support systems; the degree to which available compensation and support meet the range of illness and injury costs and the equity with which they do so; and the degree and nature of residual gain or loss. Ideally, we would wish as well to know the system costs associated with compensation and support, including transactional and "frictional" losses, and whether those who secure compensation and support "gain" as much as those who pay for them "lose." Moreover, it would be useful if these characterizations and findings could be derived at least at the state level, in order to encompass inter-state differences in tort law, eligibility, and access to such support and compensation.

Given the comparative rarity of many of the types of illness, accident, and injury of interest, and the degree of variability in support and compensation among and between states, the necessary sample would of course be huge, and the associated survey and study costs overwhelming, especially if data were to be derived by type of liability, illness, or injury source.

Instead, three more practicable research avenues seem potentially fruitiful in addressing current information needs. The first, very different from the approach used in the Compensation Survey of England and Wales, would rely primarily upon currently available secondary data sources rather than undertaking new primary data collection efforts. The success of this approach, using statistical analysis to derive synthetic estimates of support and compensation for illness and injury, would depend upon creative and innovative modeling techniques.

The second alternative would build upon the survey approach used in the Compensation Survey of England and Wales, likely modified to secure information by telephone in order to reduce potential costs.

The third alternative represents a hybrid. Either or both of original surveys and secondary sources might be used to establish incidence rates and to explore the degree of overlap between, among and across compensation and support sources. Individuals who has used alternative paths to attempt to secure compensation or support would then be contacted to secure details of their experience.

Some elements in the consideration of these alternatives are laid out below.

1.5 Sample Secondary Data Sources

1.6.1. Data on Incidence

Despite the differences between the British and American experiences, the United States has a very substantial body of information available on many of the structural components related to compensation and support for accident, illness, and injury. There is, for example, a rich information base available in the United States regarding the frequency and nature of illness and injury. Indeed, in various ways, we already know far more regarding illness and injury which has resulted in various levels and types of activity limitation and costs then was revealed by conduct of the Compensation Survey in England and Wales. For a number of years, the National Center for Health Statistics (NCHS) has undertaken an on-going nationwide survey of the health and associated characteristics of households in the United States. The Health Interview Survey (HIS) is based on household interviews performed by the Bureau of the Census [21] on behalf of NCHS in approximately 40,000 households a year. These households, from which data are collected on non-institutionalized members, contain more than 100,000 individuals. Although the HIS questionnaire is introduced with questions regarding the two-week period immediately preceding the contact to achieve maximum strength of recall, subsequent questions trace selected components of the health experience of respondent households members back over a period of a year.[22]

Among data collected are information on disability and activity restrictions. Activity restrictions encompassed in the HIS, and the basis for their counting as activity-restricted days, are of four types:

- Bed days, in which a household member stays in bed more than half a day because of illness or injury—all hospital days are considered as bed days;

[20] See, for example, *Report of the Tort Policy Working Group to the Domestic Policy Council on the Causes, Extent and Policy Implications of the Current Crisis in Insurance Availability and Affordability* (The "Willard Report"), February 1986.

[21] Prior to 1985, identification of respondents was known only to the Bureau of the Census, which put together the sample panel. In 1985 and subsequently, however, NCHS has held the panel's identity and codebook.

[22] In some past Health Interviews Surveys, the period has been as long as the preceding five years.

• Work-loss days, in which an employed household member aged 18 or over misses more than half a day of usual employment as a result of illness or injury;

• School-loss days, in which a household member aged 5–17 misses, due to illness or injury, more than half a day of school in which she is enrolled; and, most encompassing,

• Cut-down days, in which a household member because of illness or injury reduces or "cuts down" for more than half a day on the things usually done.

These kinds of activity-restricted days are analogous to the screens used in the British study. The HIS, however, has not set an arbitrary cut point of two weeks in the past twelve months of such restricted activity. Rather, it reports restricted days as a continuum beginning with one day (that is, *more than* half a day).

Episodes which may lead to such restricted activities include not only illness but also accident-related injury (including intentionally caused injury). Accidents as collected in the HIS are counted and classified separately as:

• Motor vehicle accidents, encompassing
—Moving motor vehicle accident
—Traffic moving motor vehicle accident
—Non-traffic moving motor vehicle accident
—Street or highway (which includes private driveways, lanes, sidewalks, etc.),
• Accidents while at work,
• Home accidents,
• Industrial place, and
• "Other" accidents.

Substantial information is secured from respondents on the source or cause and location of disabling or activity-restricting events, the nature and duration of restrictions, and whether professional medical intervention or mediation was sought. Moreover, the HIS provides selected information on the presence or absence of health insurance. No information, however, is directly secured regarding source, type, or amount of either direct or indirect compensation for incurred costs.

1.6.2. Data on Compensation Structures

There is also a rich though often point-in-time information base which illuminates the costs and use of health care. Data on insurance, both public (e.g., Medicare and Medicaid) and private (including employment-based and individual) used to meet the bulk of these health care costs are also collected. Examples include the National Medical Care Expenditure Survey (NMCES), and the forthcoming National Medical Expenditure Survey (NMES), both under the direction of the National Center for Health Services Research, and the Current Population Survey (CPS). In addition, the Health Care Financing Administration (HCFA), through the Medicare program, has a very substantial information base on the health care utilization and costs of Medicare enrollees (primarily the population aged 65 and over).

The Social Security Administration, with responsibility for the Old Age, Survivors, and Disability Insurance (OASDI) program, represents a key source of information regarding that element of the population which, because of qualifying disability, is in receipt of Social Security benefits.

In like vein, considerable information on a variety of other compensation and support components is available in piecemeal fashion. The Insurance Service Office and the Health Insurance Association of America, for example, respectively can provide a wealth of information on property/casualty and professional liability insurance, and on health insurance. The HCFA tape-to-tape system has much information pertinent to Medicaid enrollees and their health care utilization, as have special CPS samples. Some States' worker compensation programs are also well documented.

These and other data sets, however, have not been examined to consider their utility in establishing a synthetic analytic data set on compensation and support for illness and injury. Given data and resource limitations, *a priori* it seems likely that some less frequently used compensation mechanisms, perhaps, for example, medical malpractice claims and/or other rare events, could not be encompassed in a secondary analysis approach.

1.6.3. Information on Factors Which Affect Paths to and Choices About Seeking Compensation and Support

With regard to liability-related compensation, there may be a body of empirical data on as well as socio-legal analyses about decisions by the ill and injured to seek assistance. Potential sources may include, for example, assessment of the jury award process, and work done by Westat in the early 1970s for the 1973 Department of Health, Education and Welfare *Report of the Secretary's Commission on Medical Malpractice.*

1.7. Original Survey Research

This approach would parallel in the American context the British survey of the nature, source and frequency of illness and injury events in a two-phased interview design. A screening interview would be used to identify and define a study group which has suffered "interrupted or permanently restricted activity," of specific duration. These individuals would be subjected to a follow-up interview to secure more detailed information concerning the nature and source of the illness or accident incident, the nature and amount of compensation and the paths, if any, taken to receive support and compensation.

Replicating the general approach used in the Compensation Survey in England and Wales, too, would require determination of and decisions about a variety of factors, a few of which are touched upon below.

1.7.1. Appropriate Threshold of Illness and Injury Effect and Severity, With Which To Define Sample Populations of Interest

Incidents which result in only minor inconvenience, e.g., headaches, a common cold, etc., are too inconsequential as to result in securing levels of support or compensation of interest. Moreover, whether survey respondents are able to recall such minor events with accuracy is questionable. On the other hand, a threshold which can be met only by those who have suffered truly catastrophic illness, accident or injury will result in so small an eligible population that study and analysis will be impossible.[23]

1.7.2. Determination of the Desired Respondent Recall Period

In any sample frame, the period which the respondent is asked to recollect has implications regarding the number of, and clarity with which events of interest will be recalled. If the respondent is asked to recollect events over a brief but recent period of time, the probability of an event of interest having occurred will be reduced but the completeness and accuracy of recall will be enhanced in comparison with a longer reporting period extending further back in time. To the extent that the "tail" of an event's outcome—in terms of costs and compensation—is long, e.g., an event which leads to tort-based compensation, the recall period necessary to encompass the event and its sequelae must be lengthened. But extended recall

[23] Issues of this type, e.g., thresholds, recall, and sample size, will apply primarily and specifically to original research rather than analysis of secondary sources. Secondary sources which might be relied upon have already made and reflect prior determinations regarding such issues.

results in degradation in the quality—detail and specificity—of memory regarding the recalled event.

Events having major life effects are associated with less degradation in the quality of recall than minor events. Nonetheless, using hospitalization as a proxy for an event at the "serious" end of the spectrum, net under-reporting on hospitalization over a recall period of the most recent twelve months has been found to be approximately 10%.[24]

Decisions about threshold and recall period have interactive effects. The longer the time period considered, the greater the frequency with which any given sample will have experienced and be able to report comparatively rare events, and the greater the probability that recall will encompass the full cycle of costs and compensation when these are of extended duration. Contrariwise, the longer the period the poorer, on average, the quality of recall, especially of comparatively less serious events. Consequently, to assure inclusion of rare events of recent vintage, the sample size must be increased. But even large samples will fail to provide information on events' outcomes if such outcomes take longer to occur than the reporting period allows.[25]

1.7.3 "Denominator Effects" and Sample Size

The "real" or underlying rate of specific (classes of) rare events frequently may be unknown prior to survey conduct. Events, for these purposes, are of two types. First, the type of illness or injury; second, the support or compensation path chosen, if any. Indeed, a purpose of the research being sought is to provide a basis for estimating the frequency of such events. The confidence one can have that events observed in a sample are typical of the true distribution is a function of the interplay between the true frequency of an event's occurrence and sample size. At the extreme, confidence in the identification of a very rare event may require observation of (or a denominator equivalent to) a very large portion of the universe.

Considerations such as these are relevant to the issue of national versus state level data. Sample size to assure encompassing rare events at the national level would itself have to be quite large. Adequately addressing rare events at the sub-national level would require substantial further increases in the sampe and, correspondingly, dramatically increase costs of the survey research. On the other hand, variations in the nature of support and compensation, in some cases, may be potentially so variable across states as to call into question survey findings which represent national rather than sub-national populations.

In sum, the study seeks to illuminate the frequency of various classes of events, some of which are relatively more frequent, some less so. To the extent that, from other sources, the expected frequencies of certain events are known, the more accurately sample size appropriate to the statistical reliability desired can be determined. Power analysis of this type, however, may suggest that certain classes of support and compensation, and/or the paths by which such support and compensation are secured, require use of a sample exceeding available resources. Under these conditions, determinations would have to be made regarding those areas of compensation and support with cannot be adequately examined.

1.8. Hybrids

As noted above, substantial information currently exists which may inform, directly or indirectly, the issues of illness and injury incidence rates; compensation and support by alternative sources; and the degree of overlap in compensation or support across sources. While selective and limited additional activities might be required to further perfect such information, large-scale primary data collection efforts, however, may not be required.

Administrative and other records, including, for example, tort award court records, could then be used to identify individuals who had used various routes to pursue compensation. Targeted interviews with individuals who had used such alternative paths to pursue and secure compensation represent the possibility of efficient development of data on details of their experiences. A hybrid approach such as this could bring together "case study," secondary data analysis, and original survey data development to address the broad questions of interest: with regard illness and injury-related losses, who seeks what under which circumstances; how often is some benefit secured, and from whom; and how adequate is the compensation gained versus the loss experienced?

With regard to a primary focus upon decisions about and paths to compensation and support, such a hybrid approach could prove the most efficient. Its gains on this dimension, however, may be at the expense of other kinds of information which alternative approaches might maximize.

1.9. Content and Organization of the Applications

The application must begin with a cover sheet followed by the required application forms and an abstract (of not more than three pages) of the application. Failure to include the abstract may result in delays in processing the application. Each application should include a description of the approach(s) recommended and justification for the selection, the data sources to be used, the methodologies proposed, problems anticipated together with probable solutions, and products and/or other planned deliverables (including, as relevant, provision of public use data tapes, interim and final reports, etc.). Resumes of staff should be included, as should a full budget and a schedule of tasks for the proposed project(s).

2. Applicable Regulations

2.1. "Grants Programs Administered by the Office of the Assistant Secretary for Planning and Evaluation" (45 CFR Part 63), Code of Federal Regulations, October 1, 1980.

2.2. "Administration of Grants" (45 CFR Part 74), Code of Federal Regulations on June 9, 1981.

3. Effective Date and Duration

3.1. The award(s) made pursuant to this announcement, if any, will be made on or before September 30, 1987.

3.2. In order to avoid unnecessary delays in the preparation and receipt of applications, this notice is effective immediately. The closing dates for applications are specified in Sections 6. 7., below.

3.3. Applicants may present a work plan and budget covering a twelve to eighteen month period.

4. Statement of Funds Available

4.1. Approximately $750,000 has been estimated for this research grant.

4.2. Funds may be obligated fully at the time of award of this grant or in increments over the following twelve to eighteen months.

4.3. One award or several smaller, separate awards may be made, depending upon the quality of and information likely to be secured through proposals submitted. However, nothing in this application should be construed as committing the Assistant Secretary to make any award.

[24] *Current Estimates From the National Health Interview Survey: United States, 1984,* Data from the National Health Survey: Series 10, No. 158. NCHSR/PHS, DHHS No. (PHS) 86-1584, July 1986, p. 131.

[25] Hence the British study's split intake screen: twelve month events and five year events.

5. Application Processing

5.1. Applications will be initially screened for relevance to the needs defined in Section 1. (as well as additional areas of interest persuasively shown to be relevant by the grantee). If judged relevant, the application will then be reviewed by a government review panel, possibly augmented by outside experts. *Three (3) copies* of each application are required. Applicants are encouraged to send an additional *seven (7) copies* of their application to ease processing, but applicants will not be penalized if these extra copies are not included.

5.2. Applications will be judged as to eligibility, quality, and relevance, according to the criteria set forth in Section 5.5., below.

5.3. An unacceptable rating on any individual criterion may render the application unacceptable. Consequently, applicants should take care to ensure that all criteria are fully addressed in the application.

5.4. Applications should be as brief and concise as is consistent with the information requirements of the reviewers. Applications should be limited to 75 doubled-spaced typed pages, exclusive of forms, abstract, resumes, and proposed budget; they should neither be unduly elaborate nor contain voluminous supporting documentation.

Applications should contain:

—An appreciation of the broad set of issues involved in compensation and support of illness, injury and accidents;

—A clear statement of the subset of those issues which conduct of the resesach proposed will address and how those fit into and are related to the larger set;

—Consideration of the approaches potentially available to examine the subset of issues to be addressed by the proposed research, together with justification for the approach(s) selected and rejection of those not proposed; and

—The nature and anticipated timing of interim and final products expected to result from the specific research being proposed.

5.5. *Criteria for Evaluation.* Evaluation of applications will employ the following criteria. The relative weights are shown in parentheses.

5.5.1. Knowledge. Applicants should provide evidence of understanding and knowledge of prior work in the areas of compensation and support for the ill and injured; approaches used by the ill and injured to pursue such compensation and support; and how their proposal would contibute to the advancement of knowledge. For example, proposals to include or exclude from assessment specific paths to compensation, or to rely on primary data collection vs. assessment of secondary sources must demonstrate that these decisions are sound, justified, and reflective of an understanding of the issues involved. (20 points)

5.5.2. Experience and Qualifications of Personnel. Principal Investigator's and other key staff's experience in this or related areas and indications of innovative approaches and creative potential. Is evidence presented in the application which indicates the ability of key staff to produce publishable quality reports or articles? (20 points)

5.5.3. Research Design. The clarity of statement of objectives, methods, and anticipated results. The adequacy and creativity of the research design and hypotheses and appropriateness of the methods. Is the proposed project's methodology precise and consistent with what is generally agreed to be the state-of-the-art in project design and analytical methods. Does it cogently reflect the issues and tradeoffs to be made? (25 points)

5.5.4. Adequacy of Data. Validity and Appropriateness of the data to support the proposed research. Adequacy of justification for kinds, types, and sources of data to be used and those knowingly rejected. Reasonableness of the proposed approach to acquiring and processing the data (whether data for secondary analysis and/or primary data collection), and degree to which data may be generalizable to the nation. Necessary letters of agreement concerning data acquisition. (20 points)

5.5.5. Production Capability. Reasonableness of the proposal: can it be done? Are the person-hour effort and types of personnel reasonable? Are professional, support staff and subcontractor arrangements sufficient or planned for? Is assurance given for timely and acceptable performance via Gantt chart(s) or work plan schedule(s)? Are there provisions for providing interim findings at appropriate intervals? Is there documentation of a commitment of the parties other than the applicants staff that is necessary to carry out the project? Availability of necessary facilities and equipment. (15 points)

6. Application Sent by Mail

Applications may be sent by either the U.S. Postal Service or a commercial carrier. Applications sent by U.S. Postal Service will be considered to be received on time by the Grants Officer if the application was sent by first class, registered or certified mail not later than September 7, 1987, as evidenced by the U.S. Postal Servcie postmark on the wrapper or envelope, or on the orginal receipt from the U.S. Postal Service. Applications sent by a commercial carrier will be considered to be received on time by the Grants Officer if sent not later than September 7, 1987 as evidenced by a receipt from the commercial carrier.

7. Hand-Delivered Applications

An application to be hand-delivered must be taken to the Grants Officer at the address listed at the end of this announcement. Hand-delivered applications will be accepted daily between 9:00 am and 4:30 pm, Washington, DC, time, except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after close-of-business on September 7, 1987.

8. Disposition of Applications

8.1 *Approval, disapproval, or deferral.* On the basis of the review of the application, the Assistant Secretary will either (a) approve the application as a whole or in part; (b) disapprove the application; or (c) defer action on the application for such reasons as lack of funds or a need for further review.

8.2 *Notification of disposition.* The Assistant Secretary will notify the applicants of the disposition of thier application. A signed notification of grant award will be issued to the contact person listed in block 4 of the application to notify the applicant of the approved application.

9. Application Instructions and Forms

Copies of applications should be requested from and submitted to: Grants Officer, Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, 200 Independence Avenue SW., Room 426F, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, Phone (202) 245–1794. Questions concerning the preceding information should be submitted to the Grants Officer at the same address. Neither questions nor requests for applications should be submitted after August 21, 1987.

10. Federal Domestic Assistance Catalog

This announcement is not listed in the Federal Domestic Assistance Catalog.

11. Intergovernmental Review of Federal Programs

This program is not subject to Executive Order 12372.

"Intergovernmental Review of Federal Programs," or its implementing regulations 45 CFR Part 100.

Date: July 17, 1987.

Robert B. Helms,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 87-16705 FIled 7-22-87; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 87D-0223]

Factors in Considering Regulatory Action Involving Health Fraud; Availability of Compliance Policy Guide

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it has revised Compliance Policy Guide 7150.10 to identify factors in considering regulatory action in cases involving health fraud. This guide constitutes guidance to FDA staff for such use. This guidance does not limit the agency's enforcement discretion on whether to initiate regulatory action after an evaluation of all relevant facts.

ADDRESS: Requests for single copies of FDA Compliance Policy Guide 7150.10 may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the Branch in processing your requests.)

FOR FURTHER INFORMATION CONTACT: Tom M. Chin, Office of Regulatory Affairs (HFC-230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3470.

SUPPLEMENTARY INFORMATION: FDA has prepared Compliance Policy Guide 7150.10 to describe the factors the agency will consider prior to initiating regulatory action against health fraud products.

Compliance Policy Guide 7150.10 is available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7150.10 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

This notice is issued under 21 CFR 10.85.

Dated: July 16, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-16684 Filed 7-22-87; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of September 1987:

Name: Subcommittee of Graduate Medical Education Programs and Financing of the Council on Graduate Medical Education.

Time: September 2, 1987 8:30 a.m.-5:00 p.m.

Place: Parklawn Building, Conference Room L, 5600 Fishers Lane, Rockville, Maryland 20857.

Purpose: The subcommittee reviews and analyzes existing data and information on the financing of graduate medical education (GME), and analyzes issues of what should be financed, how it should be financed, and the pathways for financing GME. The Subcommittee will draft a Chapter for the first report of the Council. Recommendations will include appropriate Federal policies and efforts to be carried out voluntarily by teaching hospitals, schools of medicine and osteopathy, and accrediting bodies with respect to issues relating to financing GME and changes in types of medical education program.

Agenda: Agenda items include presentations on (1) financing of primary care and geriatric residency training programs; (2) preliminary reports by contractors on studies on the use of ambulatory settings in GME; and (3) subcommittee discussion of its approved list of issues and an analytic paper prepared for its use.

Anyone requiring information regarding the subject Subcommittee should contact F. Lawrence Clare, M.D. Subcommittee Principal Staff Liaison, Division of Medicine, Bureau of Health Professions, Room 4C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 30857 Telephone (301) 443-6326.

Agenda Items are subject to change as priorities dictate.

Dated: July 14, 1987.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 87-16686 Filed 7-22-87; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Designation Order No. UT-040-003; UT-040-07-4333-10]

Off-Road Vehicle Designation Decisions; Pinyon/Cedar/Beaver/Garfield/Antimony Planning Units, Utah

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice of off-road vehicle designation decisions.

Decision: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989 and the regulations in 43 CFR Part 8340.

The purpose of these designations is to implement Executive Order 11644 (37 CFR 2877 as amended by EO 11989) by identifying restrictions to vehicle use required to manage off-road vehicle (ORV) use on public lands in the Pinyon, Cedar, Beaver, Antimony, and Garfield planning units. The ORV designations, with associated travel restrictions, are identified in the recent Environmental Impact Statement (FEIS 1985) and the Management Framework Plan (MFP) for Pinyon Planning Unit (1983). This plan involves a total of 2,296,698 public land acres; 1,225,298 acres in the Pinyon Planning Unit; 934,000 acres in the Cedar/Beaver Planning Units; 98,300 acres in the Garfield Planning Unit; and 39,100 acres in the Antimony Planning Unit. The lands covered in this plan are divided into three resource areas: Beaver River, Escalante, and Kanab Resource Areas. Public participation on the designations was outlined in the FEIS for Cedar/Beaver/Garfield/Antimony Resource Management Plan and the Pinyon Management Framework Plan.

"Open" zones are designated areas and trails on public lands where off-road vehicles may be operated, subject to operating regulations and vehicle standards set forth in Subparts 8431 and 8343 of 43 CFR Part 8340. All public lands not otherwise designated will be open (2,253,459 acres).

Year long restriction of off-road vehicles to existing roads and trails has been imposed on 16,787 acres to protect the Utah Prairie Dog and riparian areas. Seasonal restriction of off-road vehicles to existing roads and trails has been imposed on 26,448 acres to protect sage grouse strutting areas, eagle nesting and perching sites, and critical deer winter range.

These designations become effective upon publication in the Federal Register and will remain effective until rescinded or modified by the authorized officer. An environmental assessment describing the impact of these designations is available for inspection at the offices listed below:

ADDRESS: For further information and detail description of the areas involved contact the following Bureau of Land Management offices:

District Manager, Cedar City District, 176 E. DL Sargent Dr., Cedar City, Utah 84720, 801–586–2401

Area Manager, Beaver River RA, 444 South Main, Cedar City, UT 84720, 801–586–2458

Area Manager, Kanab RA, 320 N. First East, Kanab, Utah 84741, 801–644–2672

Area Manager, Esclante RA, Escalante, Utah 84726, 801–826–4291

Dated: July 17, 1987.

Morgan S. Jensen,

District Manager.

[FR Doc. 87–16709 Filed 7–22–87; 8:45 am]

BILLING CODE 4310–DQ–M

[NM–943–07–4111–13; NM NM 39141]

Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87504. Under the provisions of 43 CFR 3108.2–3, Estate of, Margaret B. Short, petitioned for reinstatement of oil and gas lease NM NM 39141 covering the following described lands located in Eddy County, New Mexico:

T. 24 S., R. 29 E., NMPM, New Mexico.
Sec. 31: SE¼SW¼.
Containing 40.00 acres.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $7.00 per acre per year and royalties shall be at the rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, June 1, 1986.

Date: July 7, 1987.

Tessie R. Anchondo,

Chief, Adjudication Section.

[FR Doc. 87–16767 Filed 7–22–87; 8:45 am]

BILLING CODE 4310–FB–M

[NM–943–07–4111–13; TX NM 38362]

Proposed Reinstatement of Terminated Oil and Gas Lease; New Mexico

United States Department of the Interior, Bureau of Land Management, Santa Fe, New Mexico 87504. Under the provisions of 43 CFR 3108.2–3, The Exploration Company petitioned for reinstatement of oil and gas lease TX NM 38362 covering the following described lands located in:

San Augustine County, Texas

Tract 540 (further described by metes and bounds)

Containing 481.00 acres, more or less.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease had been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $7.00 per acre per year and royalties shall be at the rate of 16⅔ percent. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, February 1, 1987.

Dated: July 7, 1987.

Tessie R. Anchondo,

Chief, Adjudication Section.

[FR Doc. 87–16768 Filed 7–22–87; 8:45 am]

BILLING CODE 4310–FB–M

[CA–060–07–7122–10–1018; CA–19159]

Realty Action; Exchange of Public and Private Lands in San Bernardino, Riverside and San Diego Counties, CA

The Notice of Realty Action (CA 19159) published in the Federal Register on Thursday, November 6, 1986, in Vol. 51, No. 215, page 40359, and corrected on Tuesday, December 23, 1986, in Vol. 51, No. 246, is hereby amended by adding the following legal descriptions and reservations.

The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Legal Description and Reservation

San Bernardino County

San Bernardino Meridian, California

T. 1 S., R. 1 W.,
Sec. 35: SW¼—A–1, 2; B

Riverside County

San Bernardino Meridian, California

T. 6 S., R. 2 W.,
Sec. 14: Lots 1–16, inclusive
Sec. 24: NW¼NW¼—A–1, 3; B; C
T. 8 S., R. 1 E.,
Sec. 27: NE¼SW¼, NW¼SE¼—A–1; B

San Diego County

San Bernardino Meridian, California

T. 12 S., R. 1 W.,
Sec. 14: S½SE¼, NW¼SE¼, SW¼NE¼.
Sec. 23: N½NE¼—A–1
T. 10 S., R. 2 W.,
Sec. 19: NW¼NE¼—A–1
T. 13 S., R. 1 W.,
Sec. 20: W½SW¼SE¼—A–1
T. 17 S., R. 7 E.,
Sec. 34: NW¼SW¼—A–1; B

Containing 1265.36 additional acres, more or less.

In exchange for these lands, the United States will acquire the following additional described non-federal lands in Riverside County from The Nature Conservancy:

San Bernardino Meridian, California

T. 4 S., R. 7 E.,
Sec. 7: Lots 1 and 2 of the SW¼, E½NE¼, E½NW¼NE¼, SW¼NE¼, SE¼.
Sec. 9: SE¼, S½NW¼, W½NW¼NW¼, SE¼NW¼NW¼, SE¼NE¼NW¼.
Sec. 16: N½, SE¼.
Sec. 17: NE¼.

Containing 1386.63 additional acres, more or less.

Lands to be transferred from the United States will be subject to:

A–1. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

A–2. Those rights for a buried water pipeline granted to the Health Ministry Foundation under the Act of October 21, 1976 (43 U.S.C. 1761–1771); Grant No. CA–14153.

A–3. Those rights for an Air Tanker Jettison Area granted to the Ryan Air Attack Base, State of California, Division of Forestry, under the authority of 44LD 513; Grant No. R–4395.

B. All the Geothermal Steam and associated Geothermal Resources shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document is available for review at this BLM office.

C. The rights of the current lessee, Francis Domengioni, to conditions of his existing Grazing Lease, Rawson Valley Grazing Lease, CA–066–6603.

until February 28, 1989. The patentee is entitled to receive annual grazing fees from the Grazing Lessee in an amount not to exceed that which would be authorized under Federal Grazing Fee published annually in the **Federal Register.**

For a period of 45 days after publication of this Notice in the **Federal Register,** interested parties may submit comments to the District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Objections will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: July 13, 1987.

Wes Chambers,

Acting District Manager.

[FR Doc. 87-16711 Filed 7-22-87; 8:45 am]

BILLING CODE 4310-40-M

[M-74199 (ND) and M-62060 (ND); MT-030-06-4212-13]

Realty Action; Exchange of Public and Private Lands; Bowman County, ND

AGENCY: Bureau of Land Management, Dickinson District, Interior.

ACTION: Notice of Realty Action M-74199(ND), and M-62060(ND) Exchange of public and private lands in Bowman County, North Dakota.

SUMMARY: The following described lands have been determined to be suitable for disposal under section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716. These lands are hereby removed from exchange M-62060(ND) and are now included in exchange proposal M-74199(ND). These lands are removed from exchange M-62060(ND) because the prospective recipient of the lands withdrew from the exchange.

Fifth Principal Meridian, North Dakota

T. 129 N., R. 106 W.,
Sec. 3, SE¼NW¼, SE¼SW¼, NE¼SW¼;
Sec. 4, Lots 5, 6, 7;
Sec. 11, N½NE¼, SE¼NE¼;
Sec. 12, NW¼NW¼;
Sec. 15, Lots 1, 2, NE¼NE¼, E½SE¼;
Sec. 22, E½NE¼.

Aggregating 651.38 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Kelly and Susan Stearns.

Fifth Principal Meridian, North Dakota

T. 129 N., R. 106 W.,
Sec. 20, NE¼, N½NW¼, S½;
Sec. 21, W½NW¼.

Containing 640 acres of private land.

DATES: For a period of 45 days from the date of the notice, interested parties may submit comments to the Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director, who may sustain, vacate or modify this realty action. In absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment and land report, is available for review at the Dickinson District Office, 202 East Villard, Box 1229, Dickinson, North Dakota 58602.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 for a period of 2 years from the date of publication. The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all minerals in the Federal lands being transferred.

3. All valid existing rights (e.g., rights-of-way and leases of record).

This exchange is consistent with Bureau of Land Management policies and land use planning. The estimated time of exchange is September 1987. The public interest will be served by completion of this exchange because it will enable the Bureau of Land Management to acquire lands with high public values and will increase management efficiency of public lands in the area.

Dated: July 17, 1987.

William F. Krech,

District Manager.

[FR Doc. 87-16748 Filed 7-22-87; 8:45 am]

BILLING CODE 4310-DN-M

[UT-060-07-4212-14; U-59971]

Realty Action; Noncompetitive Sale of Public Land in Carbon County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty Action in Carbon County, UT.

SUMMARY: The following described parcel of public land has been examined, and through the development of land use planning decisions based upon public input, resource considerations, regulations, and Bureau policies, has been found suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750; 43 U.S.C. 1713) using noncompetitive (direct sale) procedures (43 CFR 2711.3-3). Sale will be at no less than the appraised fair market value estimated to be $44,000.

Salt Lake Meridian, Utah

T. 15 S., R. 10 E.,
Sec. 12, S½SE¼;
Sec. 13, N½;
Sec. 14, NE¼NE¼.

The described land aggregates 440 acres.

The land is being offered as a direct sale to Wellington City, Utah in accordance with 43 CFR 2711.3-3. Wellington City plans to use the land for an industrial complex. The land will not be offered for sale until at least sixty (60) days after publication of this notice.

Publication of this notice in the **Federal Register** segregates the public land from the operation of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of the publication, whichever occurs first.

The terms and conditions applicable to the sale are:

1. All minerals, including oil and gas, shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation which will be incorporated in the patent document, is available for review at the Moab District Office and the Price River Resource Area office.

2. A right-of-way will be reserved for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

3. The sale of the lands will be subject to all valid existing rights and reservations of record. Existing rights and privileges of record include, but are not limited to, Federal oil and gas lease U-61303, and County roads #6549 and #6559 authorized under R.S. 2477.

Sale Procedures

If the identified parcel is not sold it will remain available for sale over the counter until sold or withdrawn from the market. Sealed bids will be accepted at the Price River Resource Area Office during regular business hours, 7:45 a.m. to 4:30 p.m. MDT. Sealed bids will be

opened the second and last Tuesday of each month at 11:00 a.m.

Bidder qualifications

Bidders must be U.S. citizens, 18 years of age or more; a State or State instrumentality authorized to hold property; or a corporation authorized to hold property; or a corporation authorized to own real estate in the State of Utah.

Bid Standards

The BLM reserves the right to accept or reject any and all offers, or withdraw the land from sale if, in the opinion of the Authorized Officer, consummation of the sale would not be fully consistent with Section 203(g) of FLPMA or other applicable laws.

DATES: For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P. O. Box 970, Moab, Utah 84532. 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 the Interior.

SUPPLEMENTARY INFORMATION: Additional information concerning the land and the terms and conditions of the sale may be obtained from Mark Mackiewicz, Area Realty Specialist, Price River Resource Area Office, 900 North 700 East, P. O. Drawer AB, Price, Utah 84501, (801) 637–4584, for from Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood, P. O. Box 970, Moab, Utah 84532, (801) 259–6111.

Dated: July 16, 1987.

Gene Nodine,

District Manager.

[FR Doc. 87–16712 Filed 7–22–87; 8:45 am]

BILLING CODE 4310–DQ–M

[UT–060–07–4212–14; U–54737]

Realty Action; Competitive Sale of Public Land in Carbon County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty Action in Carbon County, UT.

SUMMARY: The following described parcels of public land have been examined, and through the development of land use planning decisions based upon public input, resource considerations, regulations, and Bureau policies, have been found suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA) (90 Stat. 2750; 43 U.S.C. 1713) using competitive sale procedures (43 CFR 2711.3–1). Sale will be at no less than the appraised fair market value.

Tract	Legal description	Acres	Fair market value	Terms and conditions
	Salt Lake Meridian, Utah, T. 14 S., R. 10 E., Sec. 19			
1	SW¼NE¼NE¼NW¼	2.5	$500	1, 2, 3a.
2	NW¼NE¼NE¼NE¼	2.5	6,800	1, 2, 3b.
3	SE¼NE¼NE¼NE¼, NE¼SE¼NE¼NE¼	5.0	13,500	1, 2, 3a., 3c., 3d., 3e., 3f.

Sale Procedures

Sealed bids will be received at the Price River Resource Area Office, P.O. Drawer AB, 900 North 700 East, Price, Utah 84501 until 11:00 a.m. MDT September 29, 1987. At that time, bids will be opened. Oral bidding, if required, shall be held immediately following the opening of sealed bids. Any of the identified tracts not sold on the sale date, will remain available for sale over the counter until sold or withdrawn from the market. Sealed bids will be accepted at the Price River Resource Area Office during regular business hours, 7:45 a.m. to 4:30 p.m. MDT. Sealed bids will be opened the second and last Tuesday of each month at 11:00 a.m.

Bidder Qualifications

Bidders must be U.S. citizens, 18 years of age or more; a State or State instrumentality authorized to hold property; or a corporation authorized to hold property; or a corporation authorized to own real estate in the State of Utah.

Bid Standards

The BLM reserves the right to accept or reject any and all offers, or withdraw the land from sale if, in the opinion of the Authorized Officer, consummation of the sale would not be fully consistent with Section 203(g) of FLPMA or other applicable laws.

Publication of this Notice in the **Federal Register** segregates the public land from the operation of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of publication, whichever occurs first.

The terms and conditions applicable to the sale are:

1. All minerals, including oil and gas, shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the Moab District Office and the Price Resource Area Office.

2. A right-of-way will be reserved for ditches and canals constructed by the Authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

3. The sale of the lands will be subject to all valid existing rights and reservations of record. Existing rights and privileges of record include, but are not limited to, the following:

a. Federal oil and gas lease U–57821
b. Road right-of-way U–54682
c. Powerline right-of-way SL–064827
d. Gas pipeline right-of-way U–54745
e. Water pipeline right-of-way U–54744
f. County road right-of-way authorized under R.S. 2477

DATES: For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532. 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 the interior.

SUPPLEMENTARY INFORMATION: Additional information concerning the land and the terms and conditions of the sale may be obtained from Mark Mackiewicz, Area Realty Specialist, Price River Resource Area Office, 900 North 700 East, P.O. Drawer AB, Price, Utah 84501, (801) 637–4584, or from Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood, P.O. Box 970, Moab, Utah 84532, (801) 259–6111.

Dated: July 16, 1987.

Gene Nodine,

District Manager.

[FR Doc. 87–16713 Filed 7–22–87; 8:45 am]

BILLING CODE 4310–DQ–M

[OR 40617 Wash.; OR-130-07-4212-14: GP7-232]

Planning Area Analysis and Notice of Realty Action; Clallam County, WA

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct sale of public land, Clallam County, Washington. The following parcel is suitable for sale under sections 203 and 209 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713 and 1719, at no less than fair market value:

Willamette Meridian, Oregon

T. 341 N., R. 6 W.,
Port Angeles Townsite.
South 50 feet of Suburban Lot No. 113

This parcel, comprising 0.5 acres, is hereby segregated from appropriation under all other of the public land laws, including the mining laws.

The sale will be held September 25, 1987, at the Bureau of Land Management, Spokane District Office, East 4217 Main Avenue, Spokane, Washington 99202. This reconveyed, isolated parcel is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal agency. No significant resource values will be affected by this disposal. The sale is consistent with BLM's planning for the land involved and the public interest will be served by this sale. No other public lands are being offered for sale in the State of Washington at this time.

Direct sale procedures are being used since a competitive sale is not appropriate as the reconveyed parcel, originally patented to the City of Port Angeles as part of a Special Act Patent, contains portions of a dwelling and garage inadvertently constructed on the parcel.

Both the surface and mineral estates are being offered to Mr. and Mrs. Brian Haller, at fair market value, using direct sales procedures authorized by 43 CFR 2711.3-3 and 2720.

The prospective purchaser is required to pay the full purchase price by the sale date. If the purchase price is not paid by the sale date, the right to purchase will be forfeited.

Conditions of Patent

Patent reservation:

1. Rights-of-way for ditches and canals wil be reserved to the United States under 43 U.S.C. 945.

Patent will be subject to:

1. All valid existing rights and reservations of records.

2. A restrictive covenant running with 84% of the land, limiting land use to enjoyment by the owner, but not for dwellings, buildings, landscaping, or other uses that would alter the surface, vegetation, or appearance.

Comments

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, Bureau of Land Management, Spokane District Office. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of objections, this realty action will become the final determiantion of the Department of the Interior.

Joseph K. Buesing,

District Manager.

[FR Doc. 87-16716 Filed 7-22-87; 8:45 am]

BILLING CODE 4310-33-M

[NV-930-07-4212-22]

Filing of Plats of Survey; Nevada

July 7, 1987.

AGENCY: Bureau of Land Managment, Interior.

ACTION: Notice of filing of plats of survey.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of Plats of Survey in Nevada.

DATES: Filings were effective on dates shown.

FOR FURTHER INFORMATION CONTACT: Lacel Bland, Chief, Branch of Cadestral Survey, Nevada State Office, Bureau of Land Management, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, (702) 784-5484.

SUPPLEMENTARY INFORMATION:

1. The Plat of Survey of lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on August 24, 1987.

Mount Diablo Meridian, Nevada

T. 22 N., R. 47 E.,
Section 12.

2. The area surveyed within section 12 is nearly level in the west and mountainous in the eastern portion. The elevation ranges from 5,800 to 6,680 ft. above sea level. The soil is sandy loam in the valley to rocky in the mountains. The vegetation consists of sagebrush and bunchgrass and juniper trees in the mountains.

There is a log cabin, trailer house and barn in the NE¼ of the SW¼ of Sec. 12 and Twin Springs and a water tank are located in the W½ of the SE¼ of sec. 12.

The area is used for grazing cattle by ranchers.

No mineral formations of consequence were noted during the survey.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable land laws, the lands described above are hereby open to application, petition, and disposal as appropriate. All such valid applications received at or prior to 10:00 a.m., on August 24, 1987, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing. The lands described above have been open and continue to be open to the mining and mineral leasing laws.

4. The following Plats of Survey of lands which are resurveys and, therefore, do not require an opening date, were officially filed at the Nevada State Office, Reno, Nevada, effective at 10:00 a.m., on June 25, 1987:

Mount Diablo Meridian, Nevada

T. 39 N., R. 18 E.,
Dependent Resurvey
T. 39 N., R. 19 E.,
Dependent Resurvey

These surveys were executed to meet the administrative needs of the Bureau of Land Management.

All the above listed plates are now the basic record of describing the lands for all authorized purposes. The plats will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the plats and related field notes may be furnished to the public upon payment of the appropriate fee.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 87-16749 Filed 7-22-87; 8:45 am]

BILLING CODE 4310-HC-M

[MT-930-07-4220-11; M-21435]

Termination of Proposed Withdrawal and Opening of Forest Service Land; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This document is notice that the segregation created by the Forest Service withdrawal application dated May 3, 1972, is terminated. This action will open 20 acres to surface entry and mining. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: August 24, 1987.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-657-6090.

Notice is hereby given that the segregation created by the Notice of Proposed Withdrawal and Reservation of Lands published in the **Federal Register** June 1, 1972, Volume 37, No. 106, Page 10964, and republished on August 26, 1977, Volume 42, Page 43132, is hereby terminated as to the following described lands:

Principal Meridian

Deer Lodge National Forest

Douglas Creek Administrative Site

T. 9 N., R. 12 W.,
Sec. 28, N½N½SW¼SW¼ and S½S½ NW¼SW¼.

The area described contains 20 acres in Granite County.

At 9 a.m. on August 24, 1987, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the United States mining laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Michael J. Kirby,

Acting Deputy State Director, Division of Lands and Renewable Resources.

July 15, 1987.

[FR Doc. 87-16714 Filed 7-22-87; 8:45 am]

BILLING CODE 4310-DN-M

[MT-930-07-4220-11; M-8670]

Partial Termination of Proposed Withdrawal and Opening of Forest Service Lands; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This document is notice that the segregation created by the Forest Service withdrawal application dated December 30, 1966, is terminated as to a portion of the lands. This action will open 114.34 acres to surface entry and mining. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: August 24, 1987.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-657-6090.

Notice is hereby given that the segregation created by the Notice of Proposed Withdrawal and Reservation of Lands published in the **Federal Register** on January 20, 1967, Volume 32, Page 678, Document No. 67-649 under M-1171 and republished on July 27, 1977, Volume 42, Page 38224 under M-8670, is hereby terminated as to the following described lands:

Principal Meridian

Deer Lodge National Forest

Mormon Gulch Campground

T. 6 N., R. 6 W.,
Sec. 21, lot 6, W½NE¼NE¼SW¼, NW¼NE¼SW¼ and N½SW¼ NE¼SW¼

Canyon Picnic Ground

T. 1 N., R. 7 W.,
Sec. 9, E½SW¼NW¼NE¼, SW¼SW¼ NW¼NE¼, SE¼NW¼NE¼, NW¼NE¼SW¼NE¼ and N½NW¼ SW¼NE¼.

Orofino Campground

T. 6 N., R. 8 W.,
Sec. 21, W½SW¼SW¼NE¼, SE¼SW¼ SW¼NE¼, E½SE¼SE¼NW¼, SW¼SE¼SE¼NW¼, N½NE¼ NE¼SW¼, SE¼NE¼NE¼SW¼, N½NW¼NW¼SE¼ and SW¼NW¼ NW¼SE¼.

The areas described aggregate 114.34 acres in silver bow and deer Lodge Counties.

At 9 a.m. on August 24, 1987, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the United States mining laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possesion under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Michael J. Kirby,

Acting, Deputy State Director, Division of Lands and Renewable Resources.

July 15, 1987.

[FR Doc. 87-16715 Filed 7-22-87; 8:45 am]

BILLING CODE 4310-DN-M

[NV-943-07-4220-10; N-37165]

Proposed Withdrawal; Nevada

July 8, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw ten acres of public land in Pershing County to protect the archaeological values at Lovelock Cave. This notice closes the land for up to two years from surface entry and mining. The land will remain open to mineral leasing.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office, P.O. Box 12000, Reno, NV 89520, 702-784-5481.

SUPPLEMENTARY INFORMATION: On June 29, 1987, a petition was approved allowing the BLM to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Mount Diablo Meridian

T. 24 N., R. 30 E.,
Sec. 12, E½SW¼SW¼NE¼, W½SE¼ SW¼NE¼.

The area described contains ten acres in Pershing County.

The purpose of the proposed withdrawal is to protect the archaeological values at Lovelock Cave. Until an application is filed, no further action will be taken on this proposal.

For a period of two years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are compatible uses which can be authorized by lease, license, permit or right-of-way.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 87-16750 Filed 7-22-87; 8:45 am]

BILLING CODE 4310-HC-M

Minerals Management Service

Development Operations Coordination Document; Phillips Petroleum Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Phillips Petroleum Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS 0299 and 0301, Blocks 45 (portion) and 56 (portion), respectively, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Grand Chenier, Louisiana.

DATE: The subject DOCD was deemed submitted on July 15, 1987. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2867.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: July 16, 1987.

J. Roger Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87–16751 Filed 7–22–87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the Eighty Third Meeting of the Board for International Food and Agricultural Development (BIFAD) on August 13, 1987.

The purposes of the meeting are: (1) To discuss priorities for Title XII Programs under a reduced Budget; (2) to discuss the official records systems of various Universities' past projects; (3) to receive a Procurement Processes committee report; (4) and to receive a Research committee report and recommendations of the Collaborative Research Support Programs.

The Meeting will be held at 8:30 a.m. and adjourn at 12:00 on August 13, 1987. The Meeting will be held in the Loy Henderson Conference Room, State Department, 2201 C Street, Washington, DC 20523. Any interested person may attend, and may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Curtis Jackson, Bureau of Science and Technology, Office of University Relations, Agency for International Development is designated as A.I.D. Advisory Committee Representative at this Meeting. It is suggested that those desiring further information write to Dr. Jackson, in care of the Agency for International Development, Rm. 309, Washington, DC 20523, or telephone him on (703) 235–8929.

Dated: July 17, 1987.

Charles D. Ward,

Acting A.I.D. Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 87–16692 Filed 7–22–87; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–125 (Sub-No. 9)]

Carolina & Northwestern Railway Co., Abandonment Between Edenton and Mackeys in Chowan and Washington Counties, NC; Findings

The Commission has issued a certificate authorizing the Carolina and Northwestern Railway Company to abandon its 8.7-mile rail line between Edenton (milepost 74.0) and Mackeys, NC (milepost 82.7) in Chowan and Washington Counties, NC. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB–OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

Noreta R. McGee,

Secretary.

[FR Doc. 87–16726 Filed 7–22–87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Announcement of Vacancies and Request for Nominations; Advisory Council on Employee Welfare and Pension Benefit Plans

Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 88 Stat. 895, 29 U.S.C. 1142, provides for the establishment of an "Advisory Council on Employee

Welfare and Pension Benefit Plans" (the Council) which is to consist of 15 members to be appointed by the Secretary of Labor (the Secretary) as follows: Three representatives of employee organizations (at least one of whom shall be representative of an organization whose members are participants in a multiemployer plan); three representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and accounting; and three representatives from the general public (one of whom shall be a person representing those receiving benefits from a pension plan). Not more than eight members of the Council shall be members of the same political party.

Members shall be persons qualified to appraise the programs instituted under ERISA. Appointments are for terms of three years.

The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under ERISA, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on ERISA.

The terms of five members of the Council expire on Saturday, November 14, 1987. The groups or fields represented are as follows: employee organizations, employers (multiemployers), corporate trust field, investment management, and the general public.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the ERISA Advisory Council on Employee Welfare and Pension Benefit Plans to represent any of the groups or fields specified in the preceding paragraph, may submit recommendations to the Secretary of Labor, Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Recommendations must be delivered or mailed on or before September 11, 1987. Recommendations may be in the form of a letter, resolution, or petition, signed by the person making the recommendation, or, in the case of a recommendation by an organization, by an authorized representative of the organization. Each recommendation shall identify the candidate by name, occupation or position, telephone number and address. It shall include a brief description of the candidate's qualifications and shall specify the group or field which he or she would represent for the purposes of section 512 of ERISA, the candidates' political party affiliation, and whether the candidate is available and would accept.

Signed at Washington, DC, this 20th day of July, 1987.

David M. Walker,

Deputy Assistant Secretary for Pension and Welfare Benefits.

[FR Doc. 87-16723 Filed 7-22-87; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts

Arts Education Research Center Projects; Meeting

AGENCY: National Endowment for the Arts, NFAH.

ACTION: Notification of preproposal meeting.

SUMMARY: A preproposal meeting concerning Program Solicitation PS 87-06 for an "Arts Education Research Center Project" will be held on Monday July 27, 1987 in Room M09 at the National Endowment for the Arts. This will be an informational meeting to solicit proposals from existing research and development centers and other potential applicants and to advise the research and development centers and other potential applicants regarding the submission of proposals. Those planning to attend are requested to call the Arts in Education Program at 202/682-5426. Any attendees requiring special physical accommodations for the meeting are requested to notify the Program of these needs.

DATE: July 27, 1987, 2:00 p.m.

ADDRESS: National Endowment for the Arts, Room M09, 1100 Pennsylvania Ave., NW. Washington, DC.

FOR FURTHER INFORMATION CONTACT: Arts in Education Program, National Endowment for the Arts, 1100 Pennsylvania Ave., NW. Washington, DC 20506 (202/682-5426).

SUPPLEMENTARY INFORMATION: Program Soliciation PS 87-09 was issued on July 17, 1987 with a due date of August 24. No record of this meeting will be kept or made available.

Peter J. Basso,

Deputy Chairman for Management, National Endowment for the Arts.

[FR Doc. 87-16910 Filed 7-22-87; 9:09 am]

BILLING CODE 7537-01-M

DEPARTMENT OF STATE

[Public Notice 1018]

International Conferences; Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its January—July, 1987, list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III (c) 5 of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: July 15, 1987.

Frank R. Provyn,

Director, Office of International Conference Programs.

United States Delegation to the Thirty-Third Session of the Subcommittee on Safety of Navigation, International Maritime Organization (IMO) London, January 12-16, 1987

Representative

Homer A. Purdy, Captain, Chief, Navigation Systems Safety Division, Office of Navigation, U.S. Coast Guard, Department of Transportation

Alternate Representative

Edward J. LaRue, Jr., Navigation Systems Safety Division, Office of Navigation, U.S. Coast Guard, Department of Transportation

Advisers

Geoffrey R. Greiveldinger, Commander, USN, Office of the Assistant Secretary of Defense for International Security Affairs, Department of Defense

Brian J. Hoyle, Director, Office of Ocean Law and Policy, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Dan E. Lemon, Search and Rescue Division, Office of Operations, U.S. Coast Guard, Department of Transportation

Daphne Reese, Lieutenant (jg), Navigation Systems Safety Division, Office of Navigation, U.S. Coast Guard, Department of Transportation

Elroy A. Soluri, Acting Chief, Hydrographic Requirements Division, Plans and Requirements Directorate, Defense Mapping Agency, Hydrographic/Topographic Center

Private Sector Adviser

W. S. Griffin, Jr., Phillips Petroleum Company, Bartlesville, Oklahoma

United States Deleg ation, to the International Telecommunication Union, International Telegraph and Telephone Consultative Committee, Working Party III/8 and the Special Rapporteur's Group, for the Land Mobile Services, London, England, January 15–21, 1987

Representative

Gary M. Fereno, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Private Sector Advisers

Jay E. Marowitz, AT&T Basking Ridge, New Jersey
Edward Slack, COMSAT, Clarksburg, Maryland

United States Delegation to the 33rd Session of the Committee on Gas, Economic Commission for Europe (ECE), Geneva, January 19–22, 1987

Representative

George Ziegler, Deputy Director, International Energy Organizations and Policy Development, Department of Energy

Adviser

Paul Behnke, US Mission, Geneva

Private Sector Adviser

Stewart B. Kean, President, Utility Propane, Elizabeth, New Jersey

United States Delegation to the Special Sub-Committee of the Legal Committee, International Civil Aviation Organization (ICAO), Montreal, January 20–30, 1987

Representative

Irene E. Howie, Assistant Chief Counsel, for International Affairs and Legal Policy, Federal Aviation Administration

Alternate Representative

John R. Byerly, Office of the Legal Adviser, Department of State

Private Sector Adviser

James L. Casey, Assistant General Counsel, Air Transport Association of America, Washington, DC

United States Delegation to the Group of Rapporteurs on Pollution and Energy, 15th Session, Economic Commission for Europe (ECE), Geneva, January 26–30, 1987

Representative

Richard Wilson, Director, Office of Mobile Sources, Environmental Protection Agency

Alternate Representative

Merrill Korth, Office of Mobile Sources, Environmental Protection Agency, Ann Arbor, Michigan

Private Sector Advisers

Louis Broering, Engine Manufacturers Association, Chicago, Illinois
Harry Weaver, Motor Vehicles Manufacturers Association, Detroit, Michigan

United States Delegation to the 32nd Session of the Sub-Committee on Fire Protection, International Maritime Organization (IMO), London, January 26–30, 1987

Representative

Marjorie M. Murtagh, Chief, Fire Protection Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Donald J. Kerlin, Assistant Chief, Marine Investigation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Klaus Wahle, Survival Systems Branch, Merchant Vessel Inspection Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Frits Wybenga, Chief, Bulk Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private-Sector Advisers

John P. Goudreau, Fire Equipment Manufacturer's Association, Marinette, Wisconsin
Kathy Jeanne Metcalf, Safety and Health Director, Sun Refining and Marketing Company, Aston, Pennsylvania

United States Delegation to the 24th Session of the Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO), London, United Kingdom, February 16–20, 1987

Representative

John W. Kime, Rear Admiral, Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Joseph J. Angelo, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Ray V. Arnaudo, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Gregory T. Jones, lieutenant, Environmental Coordination Branch, Marine Environmental Response Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Timothy R. Keeney, Deputy General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce
David B. Pascoe, Lieutenant Commander, Chief, Environmental Coordination Branch, Marine Environmental Response Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Thaddeus Wastler, Office of Marine and Estuarine Protection, Environmental Protection Agency
Frits Wybenga, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private-Sector Advisers

James L. Dolan, Vice President of Operations, American Bureau of Shipping, Paramus, New Jersey
Sally Ann Lentz, Staff Attorney, Oceanic Society, Washington, DC

United States Delegation to the Organization of American States (OAS), Inter-American Telecommunications Commission (CITEL), Permanent Technical Committee (PTC) 1, Brasilia, February 16–20, 1987

Representative

Norman L. Achilles, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Adviser

William Moran, National Telecommunications and Information Administration, Department of Commerce

Private-Sector Adviser

Cecil R. Crump, AT&T Communications, Morristown, New Jersey

United States Delegation to the United Nations Commission on International Trade Law (UNICTRAL), the Working Group on International Negotiable Instruments, Fifteenth Session, New York, New York, February 17–27, 1987

Representative

John A. Spanogle, Jr., Professor of Law and Jurisprudence, State University of New York, Buffalo, New York

Alternate Representative

Peter H. Pfund, Assistant Legal Adviser for Private International Law, Department of State

Private-Sector Advisers

E. Allan Farnsworth, Professor, School of Law, Columbia University, New York, New York
Carl Felsenfeld, Professor, Fordham University, New York, New York
Johanna M. Sabol, Associate General Counsel, American Bankers Association, Washington, DC

United States Delegation to the Council and Executive Board Session, International Coffee Organization (ICO), London, February 23–27, 1987

Representative

Jon Rosenbaum, Assistant U.S. Trade Representative, Office of the U.S. Trade Representative, Executive Office of the President

Alternate Representative

Ralph F. Ives, III, Primary Commodities Division, Department of Commerce

Advisers

Martin Bailey, Economic Advisor to the Under Secretary for Economic Affairs, Department of State
James Burkart, U.S. Embassy, London
Linda M. Hochstein, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State
Bruce McMullen, U.S. Embassy, London

Private Sector Advisers

John M. Bederka, Woodhouse, Drake & Carey Trading Inc., New York, New York
Kenneth R. Dunnivant, Vice President, The Folger Coffee Co., Cincinnati, Ohio
John Heuman, Chairman of the Board, CEO, Dine-Mor Foods, Inc., Chicago, Illinois
Howard C. Katz, Goldman, Sachs & Co., New York, New York
Paul J. Keating, Vice President, General Foods Corporation, New York, New York
Andrew A. Scholtz, President, Coffee Department, Cargill, Inc., New York, New York
John Sutherland, Continental Coffee Products Company, Division of Stanley Continental, Inc., Chicago, Illinois
H. Grady Tiller, President, Coffee Unit, Coca Cola Foods, Houston, Texas

United States Delegation to the International Telecommunication Union (ITU), World Administrative Radio Conference for Planning Allocation of the High Frequency Broadcasting Bands (WARC-HFBC), Geneva, Switzerland, February 2–March 6, 1987

Representative

The Honorable Leonard H. Marks, Department of State

Alternate Representatives

Philip T. Balazs, Bureau of International Communications and Information Policy, Department of State
Jonathan David, Federal Communications Commission
Stanley Leinwoll, Radio Free Europe/Radio Liberty, New York, New York
Warren Richards, Bureau of International Communications and Information Policy, Department of State
Charles M. Rush, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado
Anatole Shub, Bureau of International Communications and Information Policy, Department of State
Francis Urbany, National Telecommunications and Information Administration, Department of Commerce
Thomas M. Walsh, Voice of America, United States Information Agency

Congressional Staff Adviser

Thomas Bruce, Senior Staff, Foreign Affairs Committee, United States House of Representatives

Advisers

Dexter Anderson, Voice of America, United States Information Agency
David Cohen, National Telecommunications and Information Administration, Department of Commerce, Annapolis, Maryland
Bruce Doerle, Voice of America, United States Information Agency
The Honorable Diana Lady Dougan, U.S. Coordinator and Director, Bureau of International Communications and Information Policy, Department of State
Howard W. Hardy, Jr., United States Information Agency
Harold H. Horan, Bureau of International Communications and Information Policy, Department of State
George Jacobs, Board for International Broadcasting
William H. Jahn, III, Bureau of International Communications and Information Policy, Department of State
Harry Montgomery, United States Mission, Geneva
Lawrence Palmer, National Telecommunications and Information Administration, Department of Commerce
Joseph P. Richardson, United States Mission, Geneva
Norbert Schroeder, Voice of America, United States Information Agency
Mary W. Sowers, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado
Richard Swanson, National Telecommunications and Information Administration, Department of Commerce
John Wood, Voice of America, United States Information Agency

Private Sector Adviser

Mark Bench, Station WNSR–FM, Bonneville Corporation, New York, New York

United States Delegation to the 2nd Ad Hoc Meeting on Copper, United Nations Conference on Trade and Development (UNCTAD), Geneva, March 2–6, 1987

Representative

Donald Phillips, Assistant U.S. Trade Representative for Trade Policy Coordination, Executive Office of the President

Alternate Representative

Robert Reily, Director, Office of Metals, Minerals, and Commodities, Department of Commerce

Advisers

V.A. Cammarota, Assistant Director—Minerals Information, Bureau of Mines, Department of the Interior
Kenneth Davis, Industrial and Strategic Materials Divisions, Bureau of Economic and Business Affairs, Department of State
Dorothy Dwoskin, Commodities Officer, Office of the U.S. Trade Represenative, Geneva

Private Sector Advisers

Benjamin J. Bowdon, Vice President, Metals Management, UTC/ESSEX, Fort Wayne Indiana
Emil Romagnoli, Manager, Regulatory Affairs, ASARCO Incorporated, New York, New York

United States Delegation to the Committee on the Invisibles and Financing Relating to Trade (CIFT), 12th Session, 2nd Part, UN Conference on Trade and Development (UNCTAD), Geneva, March 2–6, 1987

Representative

Brant W. Free, Director, Office of Service Industries, Department of Commerce

Private Sector Advisers

L. Oakley Johnson, Vice President, American International Group, Inc., Washington, DC
Richard M. Murray, Vice President, International Operations, The Travelers Companies, Hartford, Connecticut
Lyndon L. Olson, Chairman, Texas State Board of Insurance Commissioners, Austin, Texas

United States Delegation to the 43rd Session, UN Human Rights Commission, Economic and Social Council (ECOSOC), Geneva, February 2–March 13, 1987

Representative

The Honorable E. Robert Wallach, U.S. Representative to the UN Human Rights Commission

Representative Ex Officio

The Honorable Vernon A. Walters, Ambassador Extraordinary and Plenipotentiary, Permanent U.S. Representative to the United Nations

Alernate Representatives

Armando Valladares, Coalicion Europea Pro-Derechos Humanos En Cuba, Madrid, Spain
The Honorable Richard S. Williamson, Chicago, Illinois
Beverly Zweiben, Office of Human Rights and Women's Affairs, Bureau of International Organization Affairs, Department of State

Congressional Adviser

The Honorable Jim Moody, House of Representatives

Congressional Staff Adviser

Kerry D. Bolognese, Subcommittee on Human Rights and International Organizations, Committee on Foreign Affairs, House of Representatives

Senior Advisers

Alan L. Gerson, Department of Justice
Mary Mochary, Office of the Legal Adviser, Department of State
The Honorable Herbert S. Okun, Ambassador Extraordinary and Plenipotentiary, Deputy U.S. Representative to the United Nations

Advisers

Lewis Amselem, United States Mission, to the United Nations, New York, New York
Edmund Atkins, Office of Human Rights, Bureau of Human Rights, and Humanitarian Affairs, Department of State
Ronald D. Flack, Deputy Chief of Mission, United States Mission, Geneva
Thomas Johnson, Legal Counselor, United States Mission, Geneva
William U. Lawrence, Public Affairs Officer, U.S. Consulate General, Zagreb, Yugoslavia
Richard McKee, Political Counselor, United States Mission, Geneva
Albert Nahas, United States Mission of the United Nations, New York, New York
Roger Pilon, Bureau of Human Rights and Humanitarian Affairs, Department of State
Peter Poltun, United States Mission, Geneva
Gordaon J. Stirling, United States MIssion to the United Nations, New York, New York

Private Sector Advisers

Kristina Arriago, Washington, DC
The Honorable Jeane J. Kirkpatrick, American Enterprise Institute, Washington, DC

United States Delegation to the Second Session of the Program Group on Ocean Processes and Climate Intergovernmental Oceanographic Commission/United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC) Paris, March 10–13, 1987

Representative

J. Michael Hall, Director, Office of Climatic and Atmospheric Research, National Oceanic and Atomospheric Administration, Department of Commerce

Alternate Representative

Louis B. Brown, Science Associate, Division of Ocean Sciences, National Science Foundation

Advisers

Manfred Cziesla, Science Attache, United States Embassy, Paris
Richard Lambert, Program Manager, Division of Ocean Sciences, National Science Foundation
Richard Podgorny, Chief, International Affairs, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Ferris Webster, College of Marine Studies, University of Delaware, Lewes, Delaware

United States Delegation to the High Level Meeting III of the Chemicals Group Organization for Economic Cooperation and Development (OECD) Paris, March 16–18, 1987

Representative

The Honorable Lee M. Thomas, Administrator, Environmental Protection Agency

Alternate Representative

The Honorable Fitzhugh Green, Associate Administrator, Office of International Activities, Environmental Protection Agency

Advisers

Charles L. Elkins, Director, Office of Toxic Substances, Environmental Protection Agency
James Makris, Director, Preparedness Staff, Office of Solid Waste and Emergency Response, Environmental Protection Agency
Breck Milroy, Office of Toxic Substances, Environmental Protection Agency
The Honorable John A. Moore, Assistant Administrator, Office of Pesticides

and Toxic Substances, Environmental Protection Agency
Thomas F. Wilson, Office of Environment and Health, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

J. Clarence Davies, The Conservation Foundation, Washington, DC
Donald D. McCollister, Dow Chemical Company, Midland, Michigan

United States Delegation to the International Telecommunication Union (ITU) international Telegraph and Telephone Consultative Committee (CCITT) Meeting of the Plan Committee for Africa Yaounde, Cameroon, March 19–25, 1987

Representative

Norman Achilles, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Private Sector Adviser

Cecil R. Crump, American Telephone and Telegraph Company, Morris Plains, New Jersey

United States Delegation to the Working Party on Facilitation of International Trade Procedures Economic Commission for Europe (ECE) Geneva, March 23–27, 1987

Representative

Bruce R. Butterworth, Chief, Trade, Facilitation and Technical Issues Division, Office of International Transportation and Trade, Department of Transportation

Adviser

William H. Kenworthey, Jr., Data Systems Manager, Office of the Deputy Assistant Secretary of Defense for Management Systems, Department of Defense

Private Sector Advisers

Anthony J. D'Anna, AT&T Technologies, Inc., Greensboro, North Carolina
Nicole Valli Willenz, Director, The National Industrial Transportation League, Washington, DC

United States Delegation to the 20th Session of the Executive Council and the 14th Assembly of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO/IOC) Paris, March 16 to April 1, 1987

Representative

The Honorable Anthony J. Calio, Undersecretary, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representatives

Robert Corell, Senior Science Associate, Geoscience Directorate, National Science Foundation
William Erb, Director, Office of Marine Science and Technology Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Neil Anderson, Director, Chemical Oceanography Program, National Science Foundation
Dorothy Bergamaschi, Office of Marine Science and Technology Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Louis B. Brown, Science Associate, Division of Ocean Sciences, National Science Foundation
Candyce Clark, Office of International Affairs, Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce
Manfred Cziesla, Science Adviser, United States Embassy, Paris
Richard Podgorny, Chief, International Affairs, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce
Gregory Withee, Director, National Oceanographic Data Center, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Mary Hope Katsouros, Senior Staff Office, Ocean Studies Board, National Academy of Sciences

United States Delegation to the 19th Session of the Administrative and Legal Committee and the 35th Session of the Consultative Committee Union for the Protection of New Plant Varieties (UPOV) Geneva, March 30 to April 2, 1987

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Advisers

Paul Behnke, U.S. Mission, Geneva
James A. Truran, U.S. Mission, Geneva

Private Sector Advisers

Benjamin Bolusky, Administrator, National Association of Plant Patent Owners, Washington, DC
William Schapaugh, Executive Vice President, American Seed Trade Association, Washington, DC

United States Delegation to the Resumed Special Session of the UN Commission on Transnational Corporations Economic and Social Council (ECOSOC) New York, New York, April 6, 1987

Representative

Walter B. Lockwood, Jr., Deputy Director, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

The Honorable Chester E. Norris, Jr., Deputy U.S. Representative on the Economic and Social Council, New York, New York

Advisers

Stephen Altheim, Office of International Investments, Department of the Treasury
Jose Alvarez, Office of the Legal Adviser, Department of State
Christine E. Klepacz, Office of Multilateral Affairs, Department of Commerce

Private Sector Advisers

Cecil J. Olmstead, Steptoe and Johnson, Washington, DC
Ralph A. Weller, New York, New York

United States Delegation to the Meeting of Experts on Funding of International Distress and Safety Satellite Communications International Maritime Satellite Organization (INMARSAT) London, April 6–9, 1987

Representative

Ishmael Lara, Office of Regulatory and Treaty Affairs, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Dana Starkweather, Captain, United States Coast Guard, Department of Transportation

Advisers

James Bailey, National Oceanic and Atmospheric Administration, Department of Commerce
James Earl, Office of the Legal Adviser, Department of State
Steven Hall, Defense Mapping Agency
Larry Martinez, National Telecommunications and Information Administration, Department of Commerce
Joel Pearlman, Federal Communications Commission
Richard Swanson, National Telecommunications and Information Administration, Department of Commerce

Private Sector Adviser

Robert J. Oslund, Communications Satellite Corporation, Washington, DC

United States Delegation to the United Nations Conference for the Promotion of International Cooperation in the Peaceful Uses of Nuclear Energy (PUNE) Geneva, March 23–April 10, 1987

Representative

The Honorable Richard T. Kennedy, Ambassador-at-Large and Special Advisor to the Secretary of State on Non-Proliferation Policy and Nuclear Energy Affairs, Department of State

Alternate Representative

The Honorable Lewis A. Dunn, Assistant Director for Nuclear and Weapons Control, Arms Control and Disarmament Agency

Senior Special Advisor

The Honorable Lando W. Zech, Chairman, Nuclear Regulatory Commission

Advisors

William Bartley, Science Attache, U.S. Mission, Geneva
Deborah A. Bozik, Nuclear and Weapons Control Bureau, Arms Control and Disarmament Agency
Peter N. Brush, Director, Office of Nuclear Non-Proliferation Policy, Department of Energy
Gordon Cartwright, Consultant, U.S. Mission, Geneva
Maxwell J. Clausen, Technical Assistant to the Chairman, Nuclear Regulatory Commission
Wilfred DeClercq, Office of Nuclear Technology and Safeguards, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Kathleen Fiedler, Bureau of International Organization Affairs, Department of State
Frank Goldner, Department of Energy Representative, U.S. Mission to OECD, Paris
David McGoff, Acting Associate Deputy Assistant Secretary for Reactor Deployment, Department of Energy
Joseph A. Murphy, Technical Advisor to the Director of the Division of Reactor System Safety, Nuclear Regulatory Commission
Joseph Pilat, Assistant for Non-Proliferation Policy, Department of Defense
John Reynolds, Attorney Advisory, Office of Near Eastern and South Asian Affairs, Department of State
Bernard C. Rusche, Director, Office of Civilian Radioactive Waste Management, Department of Energy
James R. Shea, Director, Office of International Programs, Nuclear Regulatory Commission
Carlton R. Stoiber, Counselor, U.S. Mission, Vienna
James M. Taylor, Director, Office of Inspection and Enforcement, Nuclear Regulatory Commission
Samuel Thompson, Special Assistant to the Ambassador-at-Large for Non-Proliferation Policy and Nuclear Energy Affairs, Department of State
James Timberlake, Deputy Director, Long Range Policy, Department of Defense

Private Sector Advisors

Richard G. Cuddihy, Ph.D., Senior Scientist and Head of Risk Assessment Group, Lovelace Inhalation Toxicology Research Institute, Albuquerque, New Nexico
Jonathan Links, Ph.D., Associate Professor, Environment Health Service and Radiology, Johns Hopkins Medical Institutions, Baltimore, Maryland
Jacek Sivinski, Director, Radioactor Technologies, CH2M HILL, Albuquerque, New Mexico
Kenneth Strahm, Group Vice-President, Training and Education, Institute of Nuclear Power Operation, Atlanta, Georgia
William Whittemore, Manager, TRIGA Reactors Facility and Senior Scientific Advisor, GA Technologies, Inc., San Diego, California

United States Delegation to the 39th Session of the Subcommittee on the Carriage of Dangerous Goods International Maritime Organization (IMO) London, April 6–10, 1987

Representative

R.W. Tanner, Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard Department of Transportation

Alternative Represenative

P.C. Olenik, Lieutenant Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard Department of Transportation

Advisers

Elaine Economides, Office of Hazardous Materials Transportation, Research and Special Programs Administration, Department of Transportation
L.H. Gibson, Commander, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation
G.T. Jones, Lieutenant, Marine Environment and Response Division, United States Coast Guard, Department of Transportation
Jean C. Neitzke, Shipping Attache, United States Embassy, London

Private Sector Advisers

Donald W. Gates, Captain, National Cargo Bureau, Inc., New York, New York
Susan Saltzman, E.I. du Pont de Nemours & Co., Inc., Wilmington Delaware

United States Delegation to the United Nations Commission on International Trade (UNCITRAL) Working Group on the New International Economic Order (NIEO) New York, New York, March 30–April 16, 1987

Representative

Don Wallace, Jr., Wald, Harkrader & Ross, Washington, DC

Alternative Represenative

Philip R. Stansbury, Covington & Burling, Washington, DC
Private Sector Advisers
Roger Perry, Sound Management Company, New Rochelle, New York
Laishley P. Wragg, Curtis, Mallet-Prevost, Colt & Mosle, New York, New York

United States Delegation to the 3rd Meeting of the SSR Improvements and Collission Avoidance Systems Panel (SICASP/3) International Civil Aviation Organization (ICAO) Montreal, March 30 to April 16, 1987

Panel Member

Robert Brown, Manager, Radar Engineering Division, Federal Aviation Administration, Department of Transportation

Advisers

Kenneth V. Byram, Manager, Mode S Program Branch, Federal Aviation Administration, Department of Transportation
Joseph J. Fee, Acting Program Manager, TCAS Program Branch, Federal

Aviation Administration, Department of Transportation
Ernest Lucier, Electronics Engineer, Mode S Program Branch, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Richard Bowers, Manager, Navigation and Flight Systems, Air Transport Association of America, Washington, DC
Forrest Colliver, The MITRE Corporation, McLean, Virginia
David J. Lubkowski, The MITRE Corporation, McLean, Virginia
Vincent Orlando, Lincoln Laboratory, Massachusetts Institute of Technology, Lexington, Massachusetts
Ted Signore, The MITRE Corporation, McLean Virginia
Jerry Welch, Lincoln Laboratory, Massachusetts Institute of Technology, Lexington, Massachusetts

United States Delegation to the International Telecommunication Union (ITU) International Telegraph and Telephone consultative Committee (CCITT) Study Group III Special Rapporteur for Question 23/III Working Parties III/3, III/4, III/5, and III/6 Geneva, Switzerland, March 30–April 16, 1987

Representative

Earl S. Barbely, Director, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Gary M. Fereno, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Adviser

Wendell Harris, Federal Communications Commission

Private Sector Advisers

Theodore W. Boll, Communication Satellite Corporation, Clarksburg, Maryland
Clark Dahlgren, AT&T Communications, Morristown, New Jersey
Ivor Knight, Communications Satellite Corporation, Clarksburg, Maryland
William Motherway, MCI International, Rye Brook, New York
John O'Boyle, ITT World Communications, Incorporated, Secaucus, New Jersey
Marcel Scheidegger, MCI International, Rye Brook, New York
Carmine Taglialatela, RCA Communications, Incorporated, Piscatway, New Jersey

United States Delegation 10th (Commemorative) Session of the Commission on Human Settlements of the UN Economic and Social Council (ECOSOC) Nairobi, April 6–16, 1987

Representative

Peter M. Kimm, Deputy Assistant Administrator for Housing and Urban Programs, Agency for International Development

Alternate Representatives

Daniel W. Figgins, Jr., U.S. Permanent Representative to the UN Center for Human Settlements, Nairobi
Nestor R. Weigand, Jr., President—elect, National Association of Realtors, Washington, DC

Advisors

William D. Barrett, Deputy U.S. Representative to the UN Center for Human Settlements, Nairobi
Steven Giddings, Agency for International Development, Nairobi
H. Bernard Glazer, Chief, Economic Development Division, Bureau of International Organization Affairs, Department of State
Howard J. Sumka, Office of Housing and Urban Programs, Agency for International Development

Private Sector Advisers

Dale C. Bottom, Executive Vice President, U.S. League of Savings Institutions, Chicago, Illinois
John T. Howley, Vice President for International Affairs, National Association of Realtors, Washington, DC
Ralph Pritchard, President-emeritus, National Association of Realtors, Washington, DC

United States Delegation to the Steel Committee Working Party Organization for Economic Cooperation and Development (OECD) Paris, April 21–22, 1987

Representative

Ralph F. Thompson, Jr., Director, Iron and Steel Division, Ofice of Basic Industries, Department of Commerce

Advisers

Jorge Perez-Lopez, Acting Director, Office of International Economic Policy and Programs, Bureau of International Labor Affairs, Department of Labor
Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Frank Fenton, Vice President for Economics and Trade, American Iron and Steel Institute, Washington. DC
William J. Pendleton, Director, Corporate Affairs, Carpenter Technology Corporation, Reading Pennsylvania
John J. Sheehan, Assistant to the President and Director for Legislative Affairs, United Steel Workers of America, Washington, DC

United States Delegation to the Executive Board United Nations Children's Fund (UNICEF) New York, New York, April 20—May 1, 1987

Representative Ex Officio

The Honorable C. Everett Koop, M.D., Surgeon General and Director, Office of International Health, Public Health Service, Department of Health and Human Services

Repesentative

Rita Di Martino, United States Representative to UNICEF

Alternate Representative

Claudine B. Cox, Alternate United States Representative to UNICEF

Advisers

Mary Louise Becker, Office of Donor Coordination, Bureau for Program and Policy Coordination, Agency for International Development
Margaret E. Colvin, Division of Humantarian Development, Bureau of International Organization Affairs, Department of State
Doddie Livingston, Commissioner, Administration for Children, Youth and Families, Office of Human Development Services, Develpment of Health and Human Services
Gordon MacArthur, United States Mission to the United Nations, New York, New York
Susan Shearouse, United States Mission to the United Nations, New York, New York
Linda Vogel, Office of International Health, Public Health Service, Department of Health and Human Services

Private Sector Adviser

Lawrence E. Bruce, Jr., President, U.S. Committee for UNICEF, New York, New York

United States Delegation to the

International Telecommunication Union (ITU) International Telegraph and Telephone Consultative Committee (CCITT) World Administrative Telegraph and Telephone Conference, 1988 4th Meeting of the Preparatory Committee (PC–WATTC–88) Geneva, Switzerland, April 27–May 1, 1987

Representative

Earl S. Barbely, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Advisers

James D. Earl, Economic, Business and Communications Affairs, Office of the Legal Adviser, Department of State
Wendell Harris, International Conference Staff, Federal Communications Commission
Thomas Wasilewski, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Cecil Crump, AT&T Communications, Morristown, New Jersey
Michael Nuguent, Electronic Data Systems Coporation, Washington, DC
John O'Boyle, ITT World Communications, Inc., Secaucus, New Jersey
Phillip C. Onstad, Control Data Corporation, Washington, DC
Denis W. O'Shea, International Business Machines, Armonk, New York
Beverly Ann Sincavage, GTE TELENET Communications Corporation, Reston, Virgina
Carmine Taglialatela, RCA Communications, Inc., Piscataway, New Jersey
Deborah Tumey, Citibank, N.A., New York, New York

United States Delegation to the 54th Session of the Maritime Safety Committee International Maritime Organization (IMO) London, April 27 to May 1, 1987

Representative

J.W. Kime, Rear Admiral, Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Daniel F. Sheehan, Technical Adviser, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

James L. Card, Chief, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation
Geoffrey Greiveldinger, Commander, USN, Special Assistant for Ocean Policy Affairs, Office of the Assistant Secretary of Defense, International Security Affairs, Department of Defense
Brian Hoyle, Director, Office of Ocean Law and Policy, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Charles Meeker, Captain, USN, Staff, Commander-in-Chief, U.S. Naval Forces Europe
Daphne Reese, Lieutenant (jg), Office of Navigation, Navigation Systems Safety Division, United States Coast Guard, Department of Transportation
Gerard P. Yoest, International Affairs Staff, United States Coast Guard, Department of Transportation

Private Sector Advisers

Joseph J. Cox, Director of Marine Affairs, American Institute of Merchant Shipping, Washington, DC
James Dolan, Vice President, American Bureau of Shipping, New York, New York
W.S. Griffin, Phillips Petroleum Company, Bartlesville, Oklahoma
Donald C. Hintze, Captain, Executive Consultant, National Ocean Industries Association, Washington, DC

United States Delegation to the Fortieth World Health Assembly of the World Health Organization (WHO) Geneva, May 4–16, 1987

Delegates

The Honorable Don M. Newman (Chief Delegate), Under Secretary of Health and Human Services
The Honorable C. Everett Koop, M.D. (Deputy Chief Delegate), Surgeon General of the United States and Director, Office of International Health, Public Health Service, Department of Health and Human Services
The Honorable Joseph C. Petrone, Ambassador, United States Permanent Representative to the United Nations Office and Other International Organizations at Geneva

Alternate Delegates

Robert E. Windom, M.D., Assistant Secretary for Health, Public Health Service, Department of Health and Human Services
Frank E. Young, M.D., Commissioner of Food and Drugs, Food and Drug Administration, Public Health Service, Department of Health and Human Services
Neil A. Boyer, Director for Health and Transportation Programs, Bureau of International Organization Affairs, Department of State
Howard A. Minners, M.D., Science Adviser to the Administrator, Agency for International Development

Advisers

William C. Bartley, International Health Attache, U.S. Mission, Geneva
Rose Belmont, Associate Director for Multilateral Programs, Office of International Health, Public Health Service, Department of Health and Human Services
Ronald D. Flack, Deputy Chief of Mission, U.S. Mission, Geneva
Billy G. Griggs, Assistant Director for International Health Centers for Disease Control, Department of Health and Human Services
Justin J. Jackson, U.S. Mission, Geneva
Thomas A. Johnson, Legal Adviser, U.S. Mission, Geneva
Richard K. McKee, Political Counselor, U.S. Mission, Geneva
Joseph P. Richardson, U.S. Mission, Geneva
Sandra L. Vogelgesang, Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State
Craig K. Wallace, M.D., Director, Fogarty International Center, National Institutes of Health, Department of Health and Human Services

Private Sector Adviser

William B. Walsh, M.D., President, Project Hope, Millwood, Virginia

United States Delegation to the Tenth Congress of the World Meteorological Organization (WMO) Geneva, May 4–29, 1987

Principal Delegate

Richard E. Hallgren, Permanent United States Representative to the World Meteorological Organization, Assistant Administrator for Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Principal Delegate

James L. Rasmussen, Director, Office of Meteorology, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Advisers

Howard L. April, International Affairs Branch, National Weather Service, National Oceanic and Atmospheric

Administration, Department of Commerce
William C. Bartley, U.S. Mission, Geneva
Eugene W. Bierly, Director, Division of Atmospheric Services, National Science Foundation
Gordon Cartwright, U.S. Mission, Geneva
Kathleen J. Fielder, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State
Richard K. McKee, U.S. Mission, Geneva
Joseph P. Richardson, International Resources and Management Officer, U.S. Mission, Geneva
Verne R. Schneider, Chief, Office of Surface Water, United States Geological Survey, Department of the Interior
Sandra Vogelgesang, Deputy Assistant Secretary for International Development and Technical Specialized Agency Affairs, Bureau of International Organization Affairs, Department of State
Paul M. Wolff, Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce
Frederick S. Zbar, Chief, Systems Requirements Branch, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Albert J. Kaehn, Jr., President, American Meteorological Society, Boston, Massachusetts

United States Delegation to the 17th Session of the Subcommittee on Bulk Chemicals International Maritime Organization (IMO) London, May 18–22, 1987

Representative

Ronald W. Tanner, Commander, Chief, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Frits Wybenga, Chief, Bulk Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Michael D. Morrissette, Chief, Hazard Evaluation Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Marjorie Murtagh, Chief, Fire Protection Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Emmanuel P. Pfersich, Chief, Compliance and Approval Section, Marine Technical and Harzardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Advisers

William M. Mayberry, Captain, Executive Director, Offshore Marine Services Association, New Orleans, Louisiana
Kathy Metcalf, Safety and Health Director, Sun Refining and Marketing, Aston, Pennsylvania

United States Delegation to the Meeting on Mineral Resources, Antarctica, Montevideo, May 11–20, 1987

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

John Behrendt, United States Geological Survey, Denver, Colorado
Christina Dewey, Bureau of Economic and Business Affairs, Department of State
Scott Hajost, Office of the Legal Adviser, Department of State
Robert Hofman, Scientific Program Director, Marine Mammal Commission
Anthony Interbitzen, Division of Polar Programs, National Science Foundation
Thomas Laughlin, National Oceanic and Atmospheric Administration, Department of Commerce
Jack Rigg, Minerals Management Service, Department of Interior

Private Sector Advisers

James K. Jackson, Office of General Counsel, American Petroleum Institute, Washington, DC
Lee Kimball, International Institute for Environment and Development, Washington, DC

United States Delgation to the 2nd Session, Working Group on Liens and Mortgages, International Maritime Organization/United Nations Conference on Trade and Development (UNCTAD), London, May 11–15, 1987

Representative

Frederick F. Burgess, Captain, Chief, Maritime and International Law Division, United States Coast Guard, Department of Transportation

Alternate Representative

Fred M. Rosa, Lieutenant Commander, Maritime and International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Private Sector Adviser

Emery W. Harper, Maritime Law Association, New York, New York

Congressional Staff Adviser

Rudolph V. Cassani, Counsel, House Subcommittee on Merchant Marine, United States House of Representatives

United States Delegation to the Organization of American States/Inter-American Telecommunications Commission (OAS/CITEL), Permanent Technical Committee III (PTC–III): Radiocommunications, Buenos Aires, Argentina, May 4–8, 1987

Representative

David J. Markey, BellSouth Corporation, Washington, DC

Alternate Representative

Walter A. Pappas, Office of International Radio Communications, Bureau of International Communications and Information Policy, Department of State

Advisers

Jerome Freibaum, Communications Division, National Aeronautics and Space Administration
Christie Kenney, American Embassy, Buenos Aires, Argentina
Gerald J. Markey, Spectrum Engineering Division, Federal Aviation Administration
Robert C. McIntyre, Special Services Division, Federal Communications Commission
Lawrence Palmer, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

Private Sector Adviser

Jan King, Skylink Corporation, Boulder, Colorado
Ronald Lepkowski, GEOSTAR Corporation, Washington, DC
Kris E. Hutchison, Aeronautical Radio, Incorporated, Annapolis, Maryland

United States Delegation to the Preparatory Meeting for the Fourteenth Antarctic Treaty Consultative Meeting Rio De Janeiro, May 4–8, 1987

Representative

R. Tucker Scully, Director, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Advisers

Raymond L Arnaudo, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Scott Hajost, Office of the Legal Adviser, Department of State
Robert Hofman, Scientific Program Director, Marine Mammal Commission
Jack Talmadge, Division of Polar Programs, National Science Foundation

Private Sector Adviser

Lee Kimball, International Institute for Environment and Development, Washington, DC

United States Delegation to the 26th Session of the Legal Committee International Civil Aviation Organization (ICAO) Montreal, April 28 to May 13, 1987

Representative

Irene E. Howie, Assistant Chief Counsel for International Affairs and Legal Policy, Federal Aviation Administration

Alternate Representative

John R. Byerly, Office of the Legal Adviser, Department of State

Adviser

Louise E. Maillett, Staff Attorney, International Affairs and Legal Policy, Federal Aviation Administration

Private Sector Adviser

James L. Casey, Assistant General Counsel, Air Transport Association of America, Washington, DC

United States Delegation to the International Telecommunication Union (ITU) International Telegraph and Telephone Consultative Committee (CCITT) the Working Parties of Study Group XVII Boulder, Colorado, May 6–13, 1987

Representative

Gary M. Fereno, Deputy Director, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Private Sector Advisers

Richard R. Brandt, American Telephone and Telegraph Company, Bedminster, New Jersey
Kenneth R. Krechmer, Consultant, Palo Alto, California

United States Delegation to the 24th Session of the North Atlantic Systems Planning Group International Civil Aviation Organization (ICAO) Paris, May 4–15, 1987

Member

John Sachko, International Procedures Specialist, Federal Aviation Administration, Department of Transportation

Alternate Members

Howard Hess, Aviation Safety Inspector, Federal Aviation Administration, Department of Transportation
Robert Howard, Assistant Manager (Oceanic), Federal Aviation Administration, Department of Transportation, Ronkonkoma, New York
Dale Livingston, Supervisor, Analysis Branch, FAA Technical Center, Federal Aviation Administration, Department of Transportation, Atlantic City, New Jersey
Gerald Richard, International Program Specialist, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Richard Covell, Aeronautical Radio, Inc., Annapolis, Maryland
Paul Leonard, Vice President, Air Traffic Management and Regional Operations, Air Transport Association of America, Washington, DC

United States Delegation to the Insurance Committee and Its Working Group on Statistics Organization for Economic Cooperation and Development (OECD) Paris, June 1–3, 1987

Representative

Brant W. Free, Director, Office of Service Industries, Department of Commerce

Alternate Representative

Thomas Fenwick, Office of Service Industries, Department of Commerce

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Adviser

Gordon J. Cloney, President, International Insurance Council, Washington, DC

United States Delegation to the Meeting of The Parties To The Convention on Wetlands of International Importance (RAMSAR Convention) and the Extraordinary Meeting of the Parties to the Convention on Wetlands of International Importance Regina, Canada, May 27 to June 5, 1987

Representative

Frank H. Dunkle, Director, U.S. Fish and Wildlife Service, Department of the Interior

Alternate Representatives

Lawence N. Mason, Chief, Office of International Affairs, U.S. Fish and Wildlife Service, Department of Interior
Edward McKeon, International Wildlife Officer, Office of Ecology and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Harvey K. Nelson, Regional Director, U.S. Fish and Wildlife Service, Department of the Interior

Advisers

James C. Bartonek, U.S. Fish and Wildlife Service, Department of the Interior, Portland, Oregon
Thomas E. Dahl, Deputy Coordinator, National Wetlands Inventory, U.S. Fish and Wildlife Service, Department of the Interior
Dale A. Pierce, Wetlands Coordinator, U.S. Fish and Wildlife Service, Department of the Interior

Private Sector Adviser

C.D. Besadny, Wisconsin Department of Natural Resources Madison, Wisconsin

United States Delegation to the Executive Board Meeting International Coffee Organization (ICO) Bali, June 1–5, 1987

Representative

Bruce McMullen, United States Embassy, London

Adviser

Robert G. Rapson, United States Embassy, Jakarta

Private Sector Adviser

John M. Bederka, Woodhouse, Drake & Carey Trading Inc., New York, New York

United States Delegation to the 30th Session of the Subcommittee on Ship Design and Equipment, International Maritime Organization (IMO), London, June 1–5, 1987

Representative

Gordon G. Piché, Captain, Chief, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Charles E. Bills, Commander, Chief, Engineering Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Paul J. Pluta, Commander, Chief, Compliance and Enforcement Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

George R. Speight, Commander, Chief, Offshore Activities Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Advisers

James J. Gaughan, American Bureau of Shipping, Paramus, New Jersey

Michael W. Praught, Earl and Wright Consulting Engineers, San Francisco, California

United States Delegation to the 39th Session of the Executive Council, World Meterological Organization (WMO), Geneva, June 1–5, 1987

Member

Richard E. Hallgren, Permanent United States Representative to the World Meteorological Organization, Assistant Administrator for Weather Services, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Member

Eugene W. Bierly, Director, Division of Atmospheric Services, National Science Foundation

Advisers

Howard L. April, International Affairs Branch, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

William C. Bartley, U.S. Mission, Geneva

Gordon Cartwright, U.S. Mission, Geneva

Joseph R. Richardson, U.S. Mission, Geneva

Sandra Vogelgesang, Deputy Assistant Secretary for International Development and Technical Specialized Agency Affairs, Bureau of International Organization Affairs, Department of State

Private Sector Adviser

John S. Perry, Committee on Atmospheric Sciences/Climate, National Academy of Sciences, Washington, DC

United States Delegation to the 20th Session of the Administrative and Legal Committee, Union for the Protection of New Plant Varieties (UPOV), Geneva, June 17–18, 1987

Representative

Stanley D. Schlosser, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Private Sector Adviser

Dale Porter, Pioneer Hybrid Seed Company, Des Moines, Iowa

United States Delegation to the Eleventh Meeting of the Visual Aids Panel International Civil Aviation Organization (ICAO) Montreal, June 1–19, 1987

Member

Robert Bates, Manager, Engineering Specifications Division, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Robert Lambert, Crouse-Hinds Company, Windsor, Connecticut

Kip Tinker, Captain, Allied Pilots Association, Arlington, Texas

United States Delegation to the International Telecommunication Union (ITU) International Telegraph and Telephone Consultative Committee (CCITT) Study Group VII and Its Working Parties Geneva, Switzerland, June 8–19, 1987

Representative

Gary M. Fereno, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Adviser

Edward Greene, Office of Technology and Standards, National Communications System

Private Sector Advisers

Fred M. Burg, AT&T Information Systems, Lincroft, New Jersey

Joan T. LaBanca, Bell Communications Research, Red Bank, New Jersey

William S. Miller, International Business Machines Corporation, Research Triangle Park, North Carolina

Mark T. Neibert, COMSAT, Clarksburg, Maryland

Laurie H. Sage, US Sprint Telenet Corporation, Reston, Virginia

Eleanor G. Turman, DGM&S Incorporated, Mount Laurel, New Jersey

United States Delegation to the 39th Annual Meetings and Associated Meeting International Whaling Commission (IWC) Bournemouth, June 15–26, 1987

Representative

The Honorable, Anthony J. Calio, United States Commissioner and Administrator, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

The Honorable Norman Roberts, Deputy United States Commissioner

Congressional Advisers

The Honorable Mervyn M. Dymally, United States House of Representatives

The Honorable Ted Stevens, United States Senate

Congressional Staff Advisers

Svend Brandt-Erichsen, Legislative Assistant, Committee on Commerce,

Science and Transportation, United States Senate
Randall Echols, Special Assistant, Committee on Foreign Affairs, United States House of Representatives
Robert Eisenbud, Minority Chief Counsel for Maritime and Ocean Policy, Committee on Commerce, Science and Transportation, United States Senate
Gina DeFerrari, Staff Member, Committee on Merchant Marine and Fisheries, United States House of Representatives
Lori Williams, Staff Member, Committee on Merchant Marine and Fisheries, United States House of Representatives

Advisers

Howard Braham, National Marine Mammal Laboratory, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Anne Crichton, Office of the Solicitor, Department of the Interior
William E. Evans, Assistant Administrator for Fisheries, National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Department of Commerce
Peter H. Flournoy, Office of the Legal Adviser, Department of State,
Claudia Kendrew, Office of Oceans and Polar Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Daniel McGovern, General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce
Dean Swanson, Office of International Fisheries, National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Department of Commerce
Michael Tillman, Director, Office of Resource Investigations, National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

Edward D. Asper, Vice President, Sea World of Florida, Orlando, Florida
Nancy Azzam, Windstar Foundation, Golden Valley, Minnesota
Arnold Brower, Chariman, Alaska Eskimo Whaling Commission, Barrow, Alaska
Douglas Chapman, College of Fisheries, University of Washington, Seattle, Washington
Richard Ellis, National Audubon Society, New York, New York
Thomas Napageak, Vice Chairman, Alaska Eskimo Whaling Commission, Barrow, Alaska
Nolan Solomon, Trasurer, Alaska Eskimo Whaling Commission, Barrow, Alaska

United States Delegation to the Fourth Session of the Regional Committee for the Western Pacific (WESTPAC) Intergovernmental Oceanographic Commission United Nations Educational, Scientific, and Cultural Organization (UNESCO/IOC), Bangkok, Thailand, June 22–26, 1987

Representative

Louis B. Brown, Science Associate, Division of Ocean Sciences, National Science Foundation

Alternate Representative

Candyce Clark, Office of International Affairs, Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce

Adviser

Douglas R. McLain, Oceanographer, Ocean Applications Group, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Rodger Dawson, Chesapeake Biological Laboratory, University of Maryland, Solomons, Maryland

United States Delegation to the 19th Session of the Subcommittee on Lifesaving Search and Rescue (LSR), International Maritime Organization (IMO), London, June 22–26, 1987

Representative

Robert L. Markle, Jr., Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

James C. Card, Captain, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Norman W. Lemley, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation
Dan E. Lemon, Search and Rescue Division, Office of Operations, United States Coast Guard, Department of Transportation
Samuel E. Wehr, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Adviser

Margaret M. McMillan, President, McMillan Offshore Survival Technology, Lafayette, Louisiana

United States Delegation to the International Telecommunication Union (ITU), International Telephone and Telegraph Consultative Committee (CCITT), Study Group VIII—Telematic Terminal Equipment, Working Parties 1 and 2, Geneva, Switzerland, June 23–July 2, 1987

Representatives

Douglas V. Davis, Federal Communications Commission
Gary M. Fereno, Office of Technical Standards and Development, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

Dennis Bodson, National Communications System, Defense Communications Agency

Adviser

Frances H. Nielson, National Bureau of Standards, Department of Commerce

Private Sector Advisers

Richard J. Holleman, International Business Machines Corporation, Purchase, New York
David C. Shearer, Xerox Corporation, Lewisville, Texas
Herman Silbiger, AT&T Bell Laboratories, Holmdel, New Jersey
Stephen J. Urban, Delta Information Systems, Inc., Horsham, Pennsylvania

United States Delegation to the World Intellectual Property Organization (WIPO), International Union for the Protection of Industrial Property (Paris Union), Third Session of the Committee of Experts on Biotechnological Inventions and Industrial Property, Geneva, June 29–July 3, 1987

Representative

Lee Schroeder, Patent and Trademark Office, Department of Commerce

Alternate Representative

Patricia A. Woodring, Office of Business Practices, Bureau of Economic and Business Affaris, Department of State

Private Sector Adviser

William H. Duffey, Monsanto Company, St. Louis, Missouri

United States Delegation to the International Wheat Council (IWC), London, July 8–10, 1987

Representative

Donald J. Novotny, Director, Grain and Feed Division, Foreign Agriculture Serviced, Department of Agriculture

Alternate Representative

Carl C. Cundiff, Director, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State

Advisers

Rolland E. Anderson, Jr., Counsel for Agricultural Affairs, American Embassy, London
Kenneth Roberts, Agricultural Attache, American Embassy, London

Private Sector Adviser

Winston J. Wilson, President, United States Wheat Associates, Washington, DC

United States Delegation to the Sixth Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of wild Fauna and Flora, Ottawa, July 12–24–, 1987

Representative

Ronald E. Lambertson, Assistant Director for Fish and Wildlife Enhancement, United States Fish and Wildlife Service, Department of the Interior

Alternate Representative

Clark Bavin, Chief, Division of Law Enforcement, United States Fish and Wildlife Service, Department of the Interior

Congressional Staff Advisers

Donald Barry, General Counsel for Fisheries and Wildlife, Committee on Merchant Marine and Fisheries, United States House of Representatives
Gina DeFerrari, Staff Member, Committee on Merchant Marine and Fisheries, United States House of Representatives
Thomas O. Melius, Staff Member, Committee on Merchant Marine and Fisheries, United States House of Representatives

Advisers

Earl Baysinger, Special Assistant to the Assistant Director, Fish and Wildlife Enhancement, United States Fish and Wildlife Service, Department of the Interior
Charles Dane, Chief, Office of Scientific Authority, United States Fish and Wildlife Service, Department of the Interior
Nancy Foster, Director, Office of Protected Species, National Marine Fisheries Service, Department of Commerce
Richard Jackowski, Acting Chief, Federal Wildlife Permit Office, United States Fish and Wildlife Service, Department of the Interior
Arthur Lazarowitz, Regulatory Staff Specialist, Office of CITES Management Authority, United States Fish and Wildlife Service, Department of the Interior
Bruce MacBryde, Staff Botanist, Office of the CITES Scientific Authority, United States Fish and Wildlife Service, Department of the Interior
Edward McKeon, International Wildlife Officer, Office of Ecology and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Dick Mitchell, Staff Biologist, Office of the CITES Scientific Authority, United States Fish and Wildlife Service, Department of the Interior
Don Thompson, Staff Officer, Field Operations Support Staff, Animal and Plant Health Inspection Service, Department of Agriculture

Private Sector Adviser

Carroll D. Besadny, International Association of Fish and Wildlife Agencies, Washington, DC

[FR Doc. 87–16718 Filed 7–22–87; 8:45 am]

BILLING CODE 4710–19–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 87–048]

Meeting of the Subcommittee on Vapor Recovery, Chemical Transportation Advisory Committee

AGENCY: Coast Gaurd, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Subcommittee on Vapor Revovery of the Chemical Transportation Advisory Committee (CTAC). The meeting will be held on Tuesday, August 25, 1987 in Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The meeting is scheduled to begin at 9:00 a.m. and end at 12:00 p.m.

The agenda for the meeting follows:

1. Call to order.
2. Opening remarks.
3. Subcommittee organization.
4. Nomination and election of Chairperson.
5. Review and discussion of task statement.
6. Assignment of Subcommittee work.
7. Adjournment.

Attendance is open to the public. Members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Director of CTAC no later than the day before the meeting. Any member of the public may present a written statement to the Subcommittee at any time.

FOR FURTHER INFORMATION CONTACT: Mr. F. Wybenga or Mr. C.H. Rivkin, U.S. Coast Guard Headquarters (G–MTH–1), 2100 Second Street, SW., Washington, DC 20593, (202) 267–1217.

Dated: July 20, 1987.

N.W. Lemley,

Acting Executive Director, Chemical Transportation Advisory Committee.

[FR Doc. 87–16763 Filed 7–22–87; 8:45 am]

BILLING CODE 4910–14–M

[CGD 87–049]

Meeting of the Subcommittee on Occupational Health and Safety, Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I), notice is hereby given of a meeting of the Subcommittee on Occupational Health and Safety of the Chemical Transportation Advisory Committee (CTAC). The meeting will be held on Tuesday, August 25, 1987 in Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The meeting is scheduled to begin at 1:00 p.m. and end at 4:00 p.m.

The agenda for the meeting follows:

1. Call to order.
2. Opening remarks.
3. Subcommittee organization.
4. Nomination and election of Chairperson.
5. Review and discussion of task statement.
6. Assignment of Subcommittee work.
7. Adjournment.

Attendance is open to the public. Members of the public may present oral statements at the meeting. Persons

wishing to present oral statements should notify the Executive Director of CTAC no later than the day before the meeting. Any member of the public may present a written statement to the Subcommittee at any time.

FOR FURTHER INFORMATION CONTACT: Mr. M.D. Morrissette or Lieutenant J.J. Ocken, U.S. Coast Guard Headquarters (G-MTH-1), 2100 Second Street, SW., Washington, DC 20593, (202) 267-1577.

Dated: July 20, 1987.

N.W. Lemley,

Acting Executive Director, Chemical Transportation Advisory Committee.

[FR Doc. 87-16764 Filed 7-22-87; 8:45 am]

BILLING CODE 4910-14-M

Urban Mass Transportation Administration

Environmental Impact Statement and Cost-Effectiveness Analysis; Miami Metromover Project

AGENCY: Urban Mass Transportation, DOT.

ACTION: Notice of draft environmental impact statement and cost-effectiveness analysis.

SUMMARY: The Urban Mass Transportation Administration (UMTA) announces the issuance of the draft environmental impact statement and the cost-effectiveness analysis for the proposed Metromover extensions in Miami, Florida. This Notice supplements the Enviornmental Protection Agency's Notice of Availability which appeared in the Federal Register on July 17, 1987.

DATE: Comments on the draft environmental impact statement must be received on or before August 31, 1987.

ADDRESS: Comments should be submitted to Mr. Peter N. Stowell, Urban Mass Transportation Administration, Region 4, 1720 Peachtree Road NW., Suite 400, Atlanta, Georgia 30309.

FOR FURTHER INFORMATION CONTACT: Donald J. Emerson, Office of Planning Assistance, Urban Mass Transportation Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 366-0096.

SUPPLEMENTARY INFORMATION: UMTA and the Metro-Dade Transit Agency (MDTA) have completed a draft environmental impact statement that evalutates alternative transit improvements linking downtown Miami with the Omni and Brickell activity centers north and south of downtown. Two alternatives are considered: a No-Build alternative in which current bus services are continued, and a Build alternative in which the MDTA's existing downtown people mover system ("Metromover") is extended to Omni and Brickell. The draft EIS describes these alternatives and assesses their transportation, social, economic, and environmental effects. It also presents a comparative evaluation of the alternatives in terms of local goals and objectives.

Interested citizens and agencies are invited to review and comment on the draft environmental impact statement. Copies of the statement can be obtained by writing to Mr. James Moreno, Metromover Project Manager, Metro-Dade Transit Agency, 111 NW. First Street, Miami, Florida 33128, or by calling (305) 375-5902.

On August 18, 1987, the MDTA will be holding a public hearing on the Metromover extensions to Omni and Brickell. The hearing will be held at the Metro-Dade Center, Rooms A and B (Terrace Level), 111 NW. First Street, Miami, Florida. The hearing will include both an afternoon session beginning at 3:00 p.m., and an evening session beginning at 7:00 p.m.

UMTA and MDTA have also prepared separate cost-effectiveness analyses which focus on the investment-worthiness of the proposed Metromover extensions. These analyses are not part of the environmental impact statement, but are available for review by interested agencies and the public. Copies can be obtained from the Metro-Dade Transit Agency at the above address, or from UMTA's Office of Planning Assistance (UGM-22), 400 7th Street SW., Washington, DC 20590, (202) 366-0096.

Issued on: July 20, 1987.

Joseph A. LaSala,

Chief Counsel, Urban Mass Transportation Administration.

[FR Doc. 87-16720 Filed 7-22-87; 8:45 am]

BILLING CODE 4910-57-M

VETERANS ADMINISTRATION

Agency Form 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 an extension and lists the following information: (1) The department of staff office issuing the form, (2) the title of the form, (3) the agency form number, if applicable, (4) a description of the need and its use, (5) how often the form 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 form, 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 within 60 days of this notice.

Dated: July 17, 1987.

By direction of the Administrator.

Jack J. Sharkey,

Director, Office of Systems and Telecommunications.

Extension

1. Department of Veterans Benefits.
2. Application for Annual Clothing Allowance.
3. VA Form 21-8678.
4. This information is needed to determine the veteran's eligibility to receive an annual clothing allowance.
5. On occasion.
6. Individuals or households.
7. 6,720 responses.
8. 1,120 hours.
9. Not applicable.

[FR Doc. 87-16682 Filed 7-22-87; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 141
Thursday, July 23, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" ANNOUNCEMENT OF PREVIOUS CITATION: Vol. 52, No. 138 (July 20, 1987), p. 27284.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 23, 1987, 10:00 a.m.

CHANGES: Time and date changed to July 24, 1987, 10:00 a.m.

Listed Below is the Revised Agenda

Commission Meeting, Friday, July 24, 1987, 10:00 a.m.
Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, MD.

Open to the Public

FY 89 Budget

The Commission will consider the proposed fiscal year 1989 budget.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD. 20207, 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

July 21, 1987.

[FR Doc. 87–16840 Filed 7–21–87; 2:46 pm]

BILLING CODE 6355-01-M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 2:30 p.m., Thursday, July 23, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Enforcement Matter OS # 3373

The staff will brief the Commission on issues related to OS # 3373.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

July 21, 1987.

[FR Doc. 87–16841 Filed 7–21–87; 2:46 pm]

BILLING CODE 6355-01-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 87–16275.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, July 23, 1987, 10:00 a.m.

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA:

Draft Advisory Opinion 1987–15—James F. Schoener on behalf of Kemp for President Committee.

DATE AND TIME: Tuesday, July 28, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Thursday, July 30, 1987, 10:00 a.m.

PLACE: 999 E Street, NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of Dates for future Meetings.
Correction and Approval of Minutes.
Eligibility Report for Candidates to Receive Presidential Primary Matching Funds.
Response to Hypothetical Inquiry from Senate Select Committee on Ethics.
Routine Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 87–16853 Filed 7–21–87; 3:18 pm]

BILLING CODE 6715-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, July 29, 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.

Date: July 21, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87–16893 Filed 7–21–87; 3:54 pm]

BILLING CODE 6210-01-M

Corrections

Federal Register
Vol. 52, No. 141
Thursday, July 23, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

Order Amending Denial of Permission To Apply for or Use Export Licenses; Werner Ernst Gregg

Correction

In notice document 87-15874 appearing on page 26368 in the issue of Tuesday, July 14, 1987, make the following correction:

In the second column, at the end of the document, the signature date should read "July 8, 1987".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 79P-0055 et al.]

Approved Variances for Laser Light Shows; Availability

Correction

In notice document 87-15289 appearing on page 25472 in the issue of Tuesday, July 7, 1987, make the following corrections:

1. On page 25472, in the second column, under **ADDRESS**, in the fourth line, "HFT" should read "HFA".

2. On the same page, in the second column of the table, in the fourth line from the bottom, after "Pennsylvania" and before the period, insert "17603"; and in the third column of the table, in the 15th line from the bottom, "S-800 B" should read "S-8000B".

BILLING CODE 1505-01-D

federal register

Thursday
July 23, 1987

Part II

Department of Health and Human Services

Food and Drug Administration
Health Care Financing Administration

21 CFR Part 805

42 CFR Parts 400, 409, 410, 489 and 498

Cardiac Pacemaker Registry; Final Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 805

Health Care Financing Administration

42 CFR Parts 400, 409, 410, 489, and 498

[Docket Nos. 85N-0322 and BERC-324-F]

Cardiac Pacemaker Registry

AGENCIES: Food and Drug Administration and Health Care Financing Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) and the Health Care Financing Administration (HCFA) are issuing jointly a final rule to establish a national cardiac pacemaker registry, as required by the Deficit Reduction Act of 1984. This action is based on a proposed rule that was published in the **Federal Register** of May 6, 1986 (51 FR 16792). The final rule requires that certain information be submitted to FDA for inclusion in the registry from physicians and providers of services requesting or receiving Medicare payment for an implantation, removal, or replacement of permanent cardiac pacemaker devices and pacemaker leads. The final rule permits HCFA to deny Medicare payment to physicians and providers who fail to submit the required information to the registry.

EFFECTIVE DATE: September 21, 1987. This final rule applies to permanent cardiac pacemakers and leads implanted or removed on or after the effective date.

FOR FURTHER INFORMATION CONTACT:

For FDA information: Les Weinstein, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

For Medicare information: Barton McCann, Bureau of Eligibility, Reimbursement and Coverage, Health Care Financing Administration, Rm. 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9370.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Deficit Reduction Act of 1984 (Pub. L. 98-369), which was enacted on July 18, 1984, amends title XVIII of the Social Security Act (the Act) and requires the establishment of a national pacemaker registry. The purpose of the final rule being issued jointly by FDA and HCFA is to implement the requirements of Pub. L. 98-369.

Highlights of the final rule may be summarized as follows:

(1) The rule provides for an FDA registry of all permanent cardiac pacemakers and leads for which Medicare payment is requested of or made by HCFA; specifies the information that is required to be submitted to the registry, and when, how, and by whom it is to be submitted; and authorizes withholding of Medicare payments to physicians and providers when information is not supplied to the registry, when required.

(2) The rule requires physicians and providers of services who request or receive payment from Medicare for the implantation, removal, or replacement of permanent pacemakers and pacemaker leads for which payment is made or requested under Medicare, to supply specified information for the pacemaker registry for each procedure performed. The information is to be submitted in the form and manner provided under general instructions of the Medicare program.

(3) The rule authorizes denial of Medicare payment to physicians and providers who fail to submit the required information for the registry. The affected physician or provider will be provided 45 days notice of denial of Medicare payment and may appeal the denial.

(4) The rule amends HCFA's existing Medicare regulations governing provider agreements to ensure that patients are not charged (except for coinsurance and deductible amounts) by providers for covered services furnished in connection with the implantation, removal, or replacement of a pacemaker or pacemaker lead in any case in which HCFA denies payment for failure to submit the required information to the registry. However, if the provider later submits the appropriate information required by FDA, payment will be made if the provider resubmits the claim in a timely manner.

The information to be submitted to the registry is as follows: the name of the manufacturer; the model and serial number of the pacemaker or pacemaker lead; the expiration date of any express or implied warranties associated with the pacemaker or lead under contract or State law; the patient's name and health insurance claim number (HICN), the provider number, the date of the procedure, the name and identification number of the physician who ordered the procedure, and the name and identification number of the operating physician. In addition, if the procedure about which the submission to the registry is being made was the removal or replacement of a pacemaker or lead, the following data elements would also have to be submitted: the date the device was initially implanted, if known; whether the device that was replaced was left in the body and, if not so left, whether the device was returned to the manufacturer.

FDA plans to use the data from the registry to monitor the performance of pacemakers and leads to allow the agency to identify generic failures of or defects in pacemakers. This information will be made available to HCFA and accessible to other Department of Health and Human Services (HHS) components in connection with their statutory responsibilities. FDA will notify HCFA of risks associated with any particular device and, if necessary, HCFA will make appropriate adjustments in Medicare coverage of the device. Also, the information generated by examination of pacemaker data may lead FDA to issue regulations that would set forth criteria for requesting that certain types of pacemakers and leads be returned to the manufacturers for testing. If FDA issues any such regulations, HCFA will issue regulations to deny payment for failure to comply with FDA requirements.

The agencies are prohibited from releasing any specific information that identifies by name a recipient of any pacemaker device or lead or that would otherwise identify a specific recipient. Public disclosure of all other information reported to the registry will be governed by the Freedom of Information Act, the Privacy Act of 1974, and the public information regulations of HHS, FDA, and HCFA.

II. Background

In the **Federal Register** of May 6, 1986 (51 FR 16792), FDA and HCFA jointly issued proposed regulations to establish a national cardiac pacemaker registry. Interested persons were given until July 7, 1986, to submit written comments on the proposal; 17 persons did so. Comments were received from hospitals, hospital associations, physicians, physician associations, pacemaker manufacturers, a medical device manufacturers' association, a Medicare Part B carrier, and individuals. Of the 17 letters submitted, 12 were received before the close of the comment period. FDA considered all 17 comments in developing its portion of the final rule, while HCFA, in accordance with its usual practice, limited its analysis and response to the 12 timely comments. A summary and analysis of the comments

received on the proposal and the agencies' responses to them follow.

The agencies also advise that, in the Federal Register of November 14, 1986 (51 FR 41332), HCFA issued a final rule that conformed certain of its regulations to statutory changes enacted since the regulations were published. The November 14, 1986, final rule also recodified certain parts of Title 42. Specifically, §§ 405.232 and 405.252 were moved to a new Part 410. As a result, the agencies have consolidated the proposed amendments to 42 CFR 405.180, 405.232, 405.252, and 405.380 into §§ 409.19 (for Medicare Part A benefits), 410.10 and 410.64 (for Medicare Part B benefits). Further, in the Federal Register of June 12, 1987 (52 FR 22444), HCFA issued a final rule with comment period that recodified Part 405, Subpart O of Title 42 to a new Part 498 of Title 42. As a result, the proposed amendment to § 405.1502 has been redesignated as an amendment to § 498.3.

III. Summary and Analysis of Comments

A. General Comments

1. One comment asked if the final rule will apply to temporary as well as permanent pacemaker devices.

The agencies advise that the final rule will apply only to permanent pacemaker devices (compare, e.g., 21 CFR 870.3600 and 870.3610). Final § 805.1(a) of FDA's rule providing for the registry (21 CFR 805.1(a)) and §§ 409.19(a) and 410.64(a) of HCFA's rule (42 CFR 409.19(a) and 410.64(a)) have been revised accordingly. A temporary pacemaker is used until a permanent pacemaker is implanted or another therapeutic modality is decided upon. It is used for periods generally measured only in weeks. A malfunction of a temporary pacemaker would be reported under FDA's Medical Device Reporting (MDR) requirements (21 CFR Part 803). Because the pacemaker registry will provide FDA with a mechanism for monitoring and evaluating the long-term performance of pacemakers, submission of data on temporary pacemakers, which are used only for the short-term, would serve no useful purpose. Moreover, information is to be submitted to the registry upon implantation, removal, or replacement of a pacemaker. Temporary pacemakers are not implanted but are external to the body.

2. Two comments suggested modifying proposed § 805.1 to provide that, to monitor the performance of pacemakers and leads, FDA may use the registry data in conjunction with other FDA data sources such as the MDR regulations under 21 CFR Part 803, records maintained to comply with current good manufacturing practice (CGMP) regulations under 21 CFR Part 820, and annual reports under 21 CFR Part 814 governing premarket approval of medical devices.

FDA believes that it is not necessary to include this language in the final rule. It is FDA's policy to integrate, coordinate, and utilize all data submitted to the agency by various reporting procedures to monitor devices.

3. One comment inquired whether the proposed rule would apply to the antitachyarrhythmia defibrillator and the automatic implantable defibrillator, neither of which, the comment argued, is a pacemaker.

The agencies acknowledge that the definitions of pacemaker or pacemaker device in § 805.3(c) of the final rule, or the definition of pacemaker lead in § 805.3(d), do not apply to the antitachyarrhythmia defibrillator or to the automatic implantable defibrillator. As advances are made in pacemaker technology, however, the definition of pacemaker device will be revised as necessary for purposes of Medicare coverage.

4. Three comments on § 805.10(h) believe that the date of initial implantation of a removed pacemaker is often unknown to the physician or provider treating a patient with a pacemaker failure, especially if the original implantation was done by a different physician and by a different provider. The agencies recognize that there may be instances where the date of initial implantation is not known. For this reason, final § 805.10(h) has been revised to require reporting of the date of initial implantation only "if known."

5. One comment requested that an upgrade of a pacemaker system from a single-chamber to a dual-chamber be exempt from the requirement of § 805.10(h) to report "if the procedure involved a lead implant, whether a former lead was left in the body." The comment explained that in such an upgrade a lead is left in the body when another lead is implanted, but it should not be necessary to report this fact to the registry.

The agencies reject the comment. The purpose of the registry is to acquire data on pacemaker devices including leads. In order for the data on leads to be comprehensive, the agencies have decided not to exempt from submission information on former leads being left in the body when the pacemaker system is upgraded from a single-chamber to a dual-chamber unit.

Also, regarding § 805.10(h), the agencies, on their own initiative, deleted the latter part of proposed § 805.10(h) that would have required submission of the following: "if the pulse generator was removed or replaced, whether a lead also was removed or replaced; and, if the procedure involved a lead implant, whether a former lead was left in the body." This information would have been redundant because the first part of § 805.10(h) requires that the same information be submitted for "each device." Pursuant to §§ 805.3(c) and 805.10(h), each "device" means pulse generator, atrial lead, or ventricular lead.

6. One comment expressly approved of the data elements that proposed § 805.10 would require to be submitted to the registry. Another comment suggested that, for the purpose of reporting on the removal or replacement of a device, the agencies should also require under § 805.10(h) the submission of information respecting the underlying rhythm or condition that initially required implantation of a pacemaker, a hard copy of the data indicating pacemaker malfunction (e.g., electrocardiogram strips, recording, or numerical test data), the type of monitoring used for the patient in which the device was removed or replaced, and whether any significant problems occurred with the patient because of the failure of the device removed or replaced.

Although section 1862(h)(1)(B) of the Act permits the agencies to include in the registry any information they deem appropriate, the agencies do not believe at this time that the additional data elements suggested by the comment are necessary for the purposes for which the registry is being established. To keep the information-reporting burden at a minimum, the agencies reject the suggested additional data elements as nonessential.

7. One comment suggested that proposed § 405.180 (§ 409.19 in the final rule) be amended by deleting the word "removal." This would mean that information on cases in which a pacemaker or lead is removed but not replaced with another pacemaker or lead would not be collected by the registry.

The agencies do not accept this comment because they believe that to do so would compromise the purpose of the registry as described in the Act. Failure to collect information on pacemakers and leads that are removed would not only increase the number of "lost" devices in the registry, but would also overlook potential serious abuse in the area of implantation by not reporting situations in which the device may not have been medically necessary in the first place.

8. One comment stated that the final rule should include a provision that would allow a manufacturer of pacemakers or leads, in addition to the physician or provider, to provide warranty or other information to the registry. The comment argued that such a provision would express in part the congressional intent behind section 1862(h)(1)(E) of the Act.

Section 1862(h)(1)(E) of the Act states, "any person or organization may provide information to the registry with respect to cardiac pacemaker devices and leads *other than those for which payment is made* under this title" (emphasis added). It is clear that Congress' intent was to allow, but not to require, the submission to the registry of information regarding implants and explants of non-Medicare patients in addition to those of Medicare patients. There is not any similar requirement that any "person or organization" be allowed to submit information on Medicare cases. Indeed, section 1862(h)(1)(C) of the Act specifies that the "physician and provider of services" for which payment is made or requested under Medicare is to be the source of the information. The agencies believe that, in light of the requirements in these regulations for physician and provider submissions of information, additional submissions would not be necessary for the purposes of the registry.

9. One comment recommended that the agencies add to the final rule a provision that neither the submission to the registry, or release by the agencies, of information constitutes a conclusion or admission that a pacemaker or lead has failed to operate within its performance specifications. The comment expressed concern that, "with the growing number of medical malpractice and product liability cases," the registry data could be used to wrongfully imply liability.

The agencies have revised § 805.1 to make clear that submission or release of data does not necessarily reflect a conclusion or admission that a device has failed to operate within its performance specifications. A submitter need not admit, and may deny, that the information constitutes an admission that the device failed to operate within performance specifications.

FDA's position on this matter was stated in the agency's responses to two comments in the preamble of the MDR final rule (49 FR 36329 and 36338) as well as in the agency's response to a request for clarification of this position from Johnson & Johnson. (See 49 FR 48272).

10. A Medicare Part B carrier requested that a program be established between local Part B carriers and Part A intermediaries so that the carriers could more efficiently deny payment to physicians if the necessary information was not submitted for the registry.

HCFA has been collecting registry information for more than a year and has identified so few instances in which physicians have been responsible for failing to submit information that HCFA does not believe it is necessary to establish such a program at this time. However, the agency is prepared to develop such a program if noncompliance becomes a serious problem.

B. Method of Information Reporting

11. One comment expressed concern that because two agencies, FDA and HCFA, will be involved in the operation of the registry, there might be two separate reporting systems, one for submitting claims data to HCFA and another for submitting registry data to FDA. The comment asked if this "additional requirement" of submitting registry data will delay payment of Medicare claims. The comment also asked if those providers that transmit claims data electronically to their fiscal intermediary will also be able to transmit registry information electronically.

The agencies advise that there will not be two separate reporting systems; providers will submit the required registry information to their fiscal intermediary at the same time they submit the bill for services; providers will not be required to transmit information directly to FDA. Providers may transmit this information electronically to the intermediary if the provider and the intermediary each have that capability. In fact, the agencies encourage providers and intermediaries to pursue all cost-reducing and burden-reducing initiatives. A provider that submits the required information with the bill will not experience any delay in payment of the provider's claim. As noted in paragraph 10 of this preamble, providers have been submitting registry information for more than a year; to date, there have not been any delays in payment.

C. Reporting Responsibilities

12. One comment recommended that proposed § 405.232(k) (§§ 409.19 and 410.64 in the final rule) be changed to limit the reporting obligation to those physicians directly engaged in the implant procedure. The comment argued that §§ 409.19 and 410.64 may encompass cardiologists, referring physicians, or members of a surgical team who do not have access to information that is to be reported to the registry.

The agencies believe that the language in proposed § 405.232(k) may be unclear. Accordingly, the agencies have changed §§ 409.19 and 410.64 of the final rule such that all proposed references to physicians and providers of services "*engaged* in the implantation * * *" now refer to physicians or providers of services that "*request or receive payment from Medicare* for the implantation * * *" (emphasis added). This reference to "physicians" means the surgeon or other physician who performs the implant, replacement, or removal. It is not intended to encompass other physicians such as cardiologists, referring physicians, or members of the surgical team. Also, this revision in final §§ 409.19 and 410.64 makes all references in Title 42 concerning who must report to the registry consistent with § 805.10. In most cases, the provider of services will coordinate the submission of information that must be reported. However, if the provider fails to submit the required information, any physician who requests or receives payment from Medicare for the implantation, removal, or replacement of permanent cardiac pacemakers or pacemaker leads is required to submit information to the registry.

13. Two comments recommended that data about the pacemakers and leads (including warranty information) should be obtained from manufacturers of the devices, or from the representative of the manufacturer that is present during surgery, rather than from physicians and providers, so as not to unduly burden physicians and providers.

As discussed at length in the preamble to the proposal (51 FR 16792), section 1862(h)(1)(C) of the Act provides that physicians and providers (not manufacturers) shall submit all the required information to the registry. The agencies, thus, may not issue regulations requiring either manufacturers or any manufacturer's representative to submit the information (see also paragraph 9 of this preamble).

14. One comment argued that the proposed rule should be more explicit about the specific information that is to be reported to the registry by the attending physician and by the surgeon.

The agencies believe there is no need to specify within the regulation itself which information will be collected from which physicians. Any physician who requests or receives Medicare payment for the implantation, removal, or replacement of a pacemaker or lead is required to provide his or her Medicare physician identification number (used

by Utilization and Quality Control Peer Review Organizations) to the provider. (See § 805.10(e) of the final rule.) Any additional information that a particular physician will be required to submit, such as manufacturer, model, and serial number of the implanted or removed pacemaker or lead, will be determined by the method the provider chooses to use to obtain that information and will be requested in accordance with Medicare program instructions.

D. Manufacturers' Warranties

15. Two comments objected to the proposed definition of "warranty" in § 805.3(h). One of the comments argued that the references in the proposed definition to "implied guarantee" and to "State law" should be deleted on the ground that they are outside the practical scope of the registry. Moreover, the comment argued that implied warranties may vary among States and often arise as a result of judicial case law rather than through legislation. For this reason, there may be questions as to which State's law applies—the State where the manufacturer is located or the State where the explant or implant is performed.

Section 1862(h)(1)(B) of the Act states that the "registry shall include * * * any express or implied warranties associated with such device or lead under contract or State law, and such other information as the Secretary deems to be appropriate." Thus, although the Act gives the agencies the discretion to require that physicians and providers submit information in addition to that specified by the Act, it does not permit the agencies to delete information that the Act requires to be submitted.

Neither the Act nor the final rule creates any warranties but merely recites that warranties may arise under contract or State law. Issues such as variation in warranties from State to State and which State's law applies are beyond the intent and scope of the Act and the final rule.

The agencies recognize that warranties may vary from State to State. However, there is nothing in either the Act or the legislative history to indicate that Congress intended to alter that variability or to place with either FDA or HCFA the responsibility to decide which State's law is controlling. Indeed, the Act calls for the registry to include "*any* express or implied warranties * * * under contract or State law (emphasis added)." Similarly, the legislative history contemplates the inclusion of "*any* express or implied warranties *associated* with the device." (H. Rept. 98-861, 98th Cong., 2d sess.; 1322 (1984)) (emphasis added). Accordingly, it is possible that a pacemaker device may have more than one applicable warranty, and may have a certain warranty, either express or implied, in one State, but a different warranty in another State. In an effort to keep the registry requirements to a minimum, the registry asks only for the applicable warranty expiration dates.

16. One comment urged that the agencies change the definition of "warranty" from "an express or implied guarantee, under contract or State law, of the integrity of a pacemaker device or pacemaker lead and of the manufacturer's responsibility for the repair or replacement of defective parts of a pacemaker device or pacemaker lead," to "* * * an express written affirmation or statement of the integrity of a pacemaker device or pacemaker lead and of the manufacturer's responsibility to refund, repair, replace, or take other remedial action in the event that the pacemaker device or pacemaker lead fails to meet the representations set forth in the statement."

The agencies reject the suggested change to the definition of "warranty." The definition in the proposed rule is adequate for the purposes of the registry and reflects section 1862(h)(1)(B) of the Act, in that it makes clear that a warranty may be either an express warranty or an implied warranty and may arise either by contract or State law. As stated previously, neither the Act nor the final rule actually creates any warranties. Accordingly, the definition remains the same in the final rule.

17. Two comments suggested that the agencies revise proposed § 805.10(g) to provide for the submission of "warranty duration" information rather than "warranty expiration date." The comments argued that the determination of a warranty expiration date might be a cause of delay or inaccuracy.

The agencies recognize that warranty terms and conditions vary. However, because providers are in the best position to calculate or interpret the term of the warranty and to determine the warranty expiration date, the agencies do not believe that such determinations will cause any significant inaccuracy in the information provided to the registry. As noted in paragraph 11 of this preamble, registry information has been collected for more than a year; to date, there have not been any delays in payment. The inclusion of a warranty expiration date, rather than a duration description, will make it easier for the agencies to use registry data to determine whether any warranty might be applicable to a replaced pacemaker. A duration description, by itself, would not indicate when the warranty will expire.

18. Several comments on proposed § 805.10(h) noted the difficulties associated with determining the date of expiration of the warranty for a pacemaker device or lead in a case in which the procedure about which the information for the registry is being collected is a removal or replacement.

The agencies agree that the warranty expiration date for a removed device may not be known by the physician or the provider of services. The agencies did not intend that the physician or provider would be obligated to report this information if the physician or provider does not know it. For this reason, final § 805.10(h) has been revised to require that the warranty expiration date is to be submitted to HCFA for inclusion in the registry only "if known."

19. One comment suggested that the agencies add a new provision in the final rule to require each manufacturer or importer of pacemakers or pacemaker leads to submit to the registry, every year, copies of warranties on all models of currently implanted pacemakers and leads in the United States.

The agencies do not believe that it is necessary for the purposes of the registry to impose such a reporting burden on manufacturers and importers of pacemakers or pacemaker leads. The agencies prefer to request copies of warranties on an as needed basis. In any case, as noted in paragraph 13 of this preamble, section 1862(h) of the Act does not provide any authority to impose such requirements on manufacturers or importers.

20. One comment suggested that where the warranty provides a choice between payment to the patient for uninsured medical expenses, or a new replacement pacemaker without charge, HCFA should insist on a full warranty credit toward a new replacement pacemaker.

HCFA has not accepted this comment. Because the warranty is made to the patient, not to HCFA, the choice would therefore lie with the patient, not HCFA.

E. Denial and Appeal Procedures

21. One comment recommended that proposed § 405.180(a) (§§ 409.19(b) and 410.64(b) in the final rule), dealing with denial of Medicare payment, be revised to provide that payment "may be" rather than "will be" denied in the event that a physician or provider does not meet the reporting requirements of the rule. The

comment argued that the latter wording changes the discretionary authority of the Secretary and is beyond the scope of the Act.

Section 1862(h)(4) of the Act gives the Secretary the discretion to deny Medicare payments to physicians and providers for failure to comply with the registry reporting requirements. HCFA has decided to exercise its authority to deny entire payments to ensure compliance with the reporting requirements. Sections 409.19(b) and 410.64(b) of the final rule reflect HCFA's policy to deny entire payments.

22. One comment on proposed § 405.180(a) recommended that the provisions dealing with denial of Medicare payment in cases of noncompliance (§§ 409.19(b) and 410.64(b) in the final rule) be amended to provide that payment would be withheld "in whole or in part" rather than entirely.

As discussed in response to comment 21, section 1862(h)(4) of the Act gives the Secretary discretionary authority to decide whether payments in whole or in part should be withheld in cases of noncompliance with regulations issued by the agencies. HCFA has decided to exercise its authority to deny whole payments to better ensure compliance with the registry reporting requirements.

23. One comment urged that HCFA establish a time limit of 2 years from the date of implantation of a pacemaker or pacemaker lead to the date for initiating procedures for denial of payment.

HCFA believes that it is unnecessary to set a time frame for initiating denial of Medicare payment. Any initiation of the denial provisions under final § 409.19(b) or § 410.64(b) is expected to occur well within a 2-year period.

24. One comment on HCFA's proposed regulations providing for denial of Medicare payment in cases of noncompliance requested a definition of the word "timely," as used in the preamble to the proposal (51 FR 16793), which stated: "If the provider later submits the appropriate information required by FDA, payment would be made if the provider resubmits the claim timely."

"Timely" means within the time periods specified in § 409.19(c) of the final rule. This section states that HCFA will send a written notice to the affected party 45 days before a determination to deny payment becomes effective. However, before the start of the formal denial process (which begins with the 45-day notice) providers will be given an opportunity to furnish any missing information in a manner similar to the current process their intermediaries use to obtain missing information or to clarify inconsistencies on the bill. Because these processes are usually done prior to payment, HCFA will program the bill processing system to preclude payment until the Part A intermediary receives the required information from the provider. This is consistent with current procedures for collection of missing data, e.g., admission date, discharge date, and condition codes. HCFA believes that this approach will decrease significantly the need for formal denial notices and subsequent reconsiderations. The formal denial process will be initiated only as a last resort for those cases in which the provider refuses to provide the necessary information. Moreover, payment will be made at any time during the 45-day period that the provider submits the required information. Once administrative and judicial appeal procedures are initiated, payment will be made only in accordance with the appeals process.

25. One comment expressed concern that the proposed rule lacks safeguards to ensure that physicians are not penalized if they meet their reporting requirements but the provider fails to report the required information to HCFA.

HCFA advises that payment to physicians will be denied only in cases where HCFA determines that the physician was not providing the necessary information to the provider. Where such a determination is made, HCFA will send a written notice to the physician, to which he or she may respond, stating the basis of HCFA's determination that the physician has failed to meet the reporting requirements.

26. One comment recommended that HCFA establish a clear procedure for late reporting so that physicians and providers could receive full payment after issuance of the 45-day notice that they failed to comply with the information collection requirements. The procedure was recommended because of a concern that registry information could get lost in the administrative process.

HCFA advises that the 45-day notice is intended to provide for late reporting. As noted previously, HCFA has not experienced any difficulties in receiving or processing this information since the agencies began collecting it more than a year ago.

F. Confidentiality

27. Two comments were received regarding proposed § 805.25 of FDA's regulations. One of the comments requested that FDA restrict from public use any information in the registry that identifies physicians. The other comment stated that proposed § 805.25 failed to adequately and expressly protect trade secret and proprietary information otherwise protected by the Freedom of Information Act (5 U.S.C. 552) and 21 CFR Part 20 (FDA's public information regulations). The comment suggested that the agencies revise § 805.25 to specifically provide that they will not disclose any information that constitutes a trade secret, confidential, commercial, or financial information, or proprietary data such as the names of physicians or hospitals.

Section 1862(h)(1)(D) of the Act prohibits the public disclosure of any specific information that identifies by name, or otherwise, a recipient of any pacemaker device or lead. The agencies do not believe that it is either necessary or appropriate to specify in the final rule any other information that may not be available for public disclosure. As stated in the preamble to the proposal (51 FR 16794), the public availability of any such information reported to the registry will be governed by the Freedom of Information Act, the Privacy Act of 1974 (5 U.S.C. 552a), and the public information regulations of HHS, FDA, and HCFA. To make these requirements clear, the agencies have changed final § 805.25(b) to make it consistent with the preamble to the proposed rule.

G. Return and Testing

FDA did not propose to establish regulations to implement certain provisions of section 1862(h) of the Act that are discretionary. In the preamble to the proposed rule (51 FR 16793), the agencies invited comments on the deferral of regulations implementing such discretionary provisions. These statutory provisions provide that the Secretary may establish regulations to: (1) Require the return by providers of removed pacemakers and leads to the manufacturer of the device (section 1862(h)(2)(A) of the Act), (2) require the testing of such returned devices by the manufacturer of the device and the sharing of test results with providers (section 1862(h)(3) of the Act), and (3) describe the circumstances under which FDA will participate in the testing (section 1862(h)(3) of the Act). The agencies specifically asked that any comments on the deferral of regulations implementing these provisions address: (i) The need for implementing either or both of these discretionary provisions and (ii) the nature and extent of the regulations that should be established.

28. The agencies received three comments on the deferral of regulations.

One comment urged the agencies to implement the discretionary provisions at the same time as the registry is established on the grounds that: (1) Deferral of testing that would be dependent on earlier registry data would result in a "lag-time" during which some models of pacemakers and leads might be discontinued, thus making testing of these models meaningless; (2) immediate implementation of the testing provision would save Medicare "thousands of dollars" because testing would provide the agencies with the data that would be required to pursue warranty reimbursements for defective devices; (3) testing would elevate the level of confidence that FDA has in the pacing industry: and (4) the industry, if faced with the prospect of having all explants tested and having to honor warranties, may be encouraged to define and implement a realistic, standardized warranty. The comment also suggested that, when the provision to require the testing of returned devices is implemented, it should provide for such testing by an independent testing facility approved by FDA, rather than by the manufacturer of the device, to eliminate a possible conflict of interest.

Two comments supported the deferral (perhaps indefinitely) of the implementation of the discretionary provisions of the Act. One of the comments gave the following reasons for deferral: (1) Manufacturers, on their own initiative, encourage physicians and hospitals to return explanted devices to them for testing; in fact, it is "fairly standard" in the industry for pacemaker warranties to require such return; (2) FDA's CGMP regulations, in 21 CFR 820.162, require manufacturers to conduct an investigation of any failed device; and (3) the MDR reports make device analysis information available to FDA. The comment believes that it is appropriate to implement the registry first and evaluate its usefulness in conjunction with these existing data sources before implementing provisions which, at the present time would increase registry costs with no commensurate benefit. If implemented in the future, this comment further believes that any regulations respecting the testing of returned devices should provide for such testing by the manufacturer of the device rather than any independent laboratory, FDA, or the hospitals, on the ground that only manufacturers have the facilities and expertise to do the testing.

The second comment favoring deferral believes deferral is appropriate in view of the current lack of information on the registry's actual functioning. Moreover, according to the comment, implementing the discretionary provisions could extend FDA's regulatory authority to providers, beyond the traditional scope of the agency's jurisdiction.

FDA agrees with the comments that favor deferral of the discretionary "return and testing" provisions of the Act although not necessarily with the reasons given in the comments. FDA continues to believe that it is not timely to establish "return and testing" requirements for the following reasons: (1) Data from the registry will be used to assist FDA in deciding if there is a need to implement return and testing provisions. To implement them at this time, when the agency is lacking data upon which to make such a decision, would involve an unnecessary and premature use of resources and would unduly delay implementation of the registry itself; (2) the means to implement these provisions, and the degree of specificity that is needed, will depend to a large degree on the actual functioning of the registry. The legislation itself recognizes this, in that it provides that once the registry is in operation, information derived from the registry will be used to identify pacemakers and leads which must be tested, and that information from the registry will be used to determine whether FDA personnel are to be present at the testing of specific pacemakers and leads.

29. One comment on proposed § 405.180(a) recommended that HCFA not establish regulations to require the provider to return to the manufacturer any pacemaker device or lead which is removed or to require the manufacturer to test the device or lead if FDA so requires under a subsequent regulation, because FDA has not decided to implement return and testing provisions. The comment argued that HCFA's proposed provisions are confusing and would lead to disjointed or conflicting provisions if and when FDA issues regulations to implement the discretionary provisions of the Act.

The agencies agree that the proposed provisions may be confusing and inappropriate at this time. Indeed, several other comments asked specific questions about the implementation of the "return and testing" provisions, apparently mistakenly believing that the agencies were proposing to implement them at this time. Therefore, we have removed all requirements regarding the return and testing of pacemaker devices from the final rule. Because the final rule does not implement the "return and testing" provisions of the Act, the agencies are unable to respond to the specific questions about such provisions raised in several comments. If FDA decides in the future to establish return and testing requirements, the agencies will proceed through notice and comment rulemaking, at which time interested persons will have the opportunity to comment on the proposal. The agencies urge those persons and organizations that submitted these comments to resubmit them, if still appropriate, and any other comments at that time.

H. Review Under the Paperwork Reduction Act

30. Two comments requested a review of the regulations under the Paperwork Reduction Act of 1980 within 1 year of implementation of the registry to examine how the registry is accomplishing its goals and to determine whether additional revisions could make it more workable.

The agencies will be monitoring and evaluating the implementation and operation of the registry on a regular basis. The agencies advise that revisions will be made as needed to assure compliance with the final rule and to assure that the registry is workable. Revisions will be submitted to the Office of Management and Budget for final review pursuant to the Paperwork Reduction Act.

I. Regulatory Impact Statement

31. One comment urged that the agencies reevaluate the estimates of the costs to hospitals of recordkeeping and reporting under the rule, once the agencies have had some experience with such reporting.

The agencies do not believe that a reevaluation is needed. The comment did not provide any data to show that the voluntary initial impact analysis that the agencies provided in the preamble to the proposal (51 FR 16794) was erroneous. Further, based on data collected for the registry from most hospitals for more than a year, the estimates have been found not to be erroneous.

32. One comment criticized as too low the estimate that "costs for collecting, processing, and transmitting data to the registry would equal approximately $750,000 per year" (51 FR 16795). The comment appeared to believe that this estimate represented costs to hospitals.

The estimate cited by the comment represents solely administrative costs to the Federal government that we estimate will be incurred by the Medicare program. Although we discussed in the preamble to the proposed rule factors that would affect

providers' administrative costs and gave reasons why we believed those costs would not be substantial (51 FR 16795), data were not available that would have enabled us to make a definitive estimate. Further, because hospitals differ greatly both in the number of implants performed and in their information management resources, an estimate of average or aggregate administrative costs to hospitals would have been of doubtful help to persons interested in commenting on the proposal. For this reason, we provided a formula for the expression of a hospital's administrative costs. The formula did not include the cost of returning devices to the manufacturer if required by subsequent FDA regulations. Although one comment suggested that HCFA might later assess hospitals' actual experience with the costs of recording and reporting required information, none of the comments submitted any data that would cause us to revise the amount set forth in the voluntary initial impact analysis.

33. Three comments recommended that the pacemaker diagnosis related groups, under which Medicare prospective payments are made for related inpatient hospital services, be readjusted, or that additional payments be made, so that hospitals could recover the recordkeeping costs incurred while complying with these regulations.

In Pub. L. 98–21, Congress established a new system for paying hospitals for services furnished to inpatients. This system was designed to replace the reasonable cost reimbursement system, under which hospitals were reimbursed on a dollar-for-dollar basis for their actual reasonable costs incurred in furnishing services to Medicare hospital inpatients. The new Medicare prospective payment system was implemented beginning October 1, 1983. Under the law, the amount of payment for operating costs of inpatient hospital services is based on prospectively determined rates. Section 1886(a)(4) of the Act defines operating costs as including:

> * * * all routine operating costs, ancillary service operating costs, and special care unit operating costs with respect to inpatient hospital services * * *. Such term does not include costs of approved educational activities, costs of anesthesia services provided by a certified registered nurse anesthetist or * * * capital-related costs * * *.

Costs of furnishing data for maintaining a pacemaker registry are clearly within the meaning of operating costs of inpatient hospital services, and we have therefore decided will not be reimbursed on a dollar-for-dollar pass-through basis.

IV. Technical Revisions

As part of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248), Congress authorized hospice care as a new Medicare benefit, effective November 1, 1983. Congress enacted the hospice benefit with a "sunset" provision that would terminate the benefit on September 30, 1986, unless further legislation were enacted. Section 9123 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272) was enacted on April 7, 1986, just prior to the May 6, 1986, proposed regulations, and repeals the "sunset" provision of the Medicare hospice benefit. In accordance with this new legislation, we are removing from final § 805.3(g) the September 30, 1986, termination date for the hospice benefit, contained in proposed § 805.3(g).

We have, in addition, made changes in the regulations text to conform it to recent recodifications and to improve its clarity and consistency.

V. Regulatory Impact Statement

Executive Order 12291 requires Federal agencies to prepare and publish a regulatory impact analysis for any major rule. A major rule is defined as any rule that is likely to: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, and local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. In addition, we prepare and publish a regulatory flexibility analysis consistent with the Regulatory Flexibility Act (5 U.S.C. 601 through 612) unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities.

In the preamble to the proposed rule published May 6, 1986 (51 FR 16794–16796), we set forth in some detail our reasons for determining that it was not necessary to prepare an analysis under either Executive Order 12291 or the Regulatory Flexibility Act. Nevertheless, we prepared a voluntary analysis of the effects we expected the creation of the pacemaker registry would have on beneficiaries, providers, physicians, manufacturers, and our own program and administrative expenditures. Our responses to the timely comments that dealt directly with the material discussed in that voluntary analysis are included in Section III of this preamble.

As noted in the preamble to the proposed rule, the impact of this rule will result primarily from the statutory mandate to establish a pacemaker registry. The pacemaker registry will impose costs on both providers of health care services and the Federal government. It may also provide benefit payment savings to the Medicare program by enabling purchasers of pacemakers and pacemaker leads to make more informed decisions. Private sector costs will arise from the requirement for physicians and health care providers to supply information for the registry regarding implanted, removed, or replaced pacemakers and pacemaker leads. Federal government costs will arise from the administration and data management of the registry. Any offsetting government savings from Medicare will depend on the content and functions of the registry and its impact on provider behavior.

Costs or potential savings cannot be estimated with any confidence. Both savings (that is, reductions of program expenditures) and the costs that will result from implementation of this final rule will be functions of the number of implants, removals, or replacements of pacemaker devices and leads.

As stated in the proposed rule, we believe that hospitals are able to maintain a relatively simple system of recordkeeping that requires minimum effort and facility expense. Some comments contested this (see, e.g., paragraphs 31 through 33 in this preamble), but our experience to date with collection of registry data supports us. The expenses incurred by hospitals in recording, maintaining, and reporting required data will be considered reasonable costs for hospitals paid on a cost basis. Hospitals under the prospective payment system are paid for such administrative expenses related to inpatient procedures under the prospective payment amount.

Although we expect the information concerning the ordering or implanting physicians to be supplied by hospitals to HCFA for the registry, if the surgeon or attending physician is found not to be supplying information necessary for the program to the hospital, authority exists to deny payment to the physician for each case. As in the case of hospitals, however, we expect physicians to comply. Therefore, the provision permitting denial of payment to physicians should not have any significant economic impact. Further, because the hospital will be

accumulating and reporting the data, we believe that physicians will not incur any significant additional administrative costs associated with the rule.

Beneficiaries will not be negatively affected by the registry requirements. If payment is denied to a hospital for noncompliance with the rule, the hospital is prohibited by § 489.21(g) from increasing charges to beneficiaries to recover denied payments. Although we do not expect implementation of this rule to have a financial impact on patients in the short term, potential long-term beneficial effects would include fewer complications and possibly fewer deaths associated with malfunctioning pacemaker devices. The magnitude of such effects can be determined only after the registry is implemented and we have a period of experience under the program.

In conclusion, this rule will require physicians and providers of services, all of which may be considered small entities under the Regulatory Flexibility Act, to submit to FDA and HCFA certain information regarding pacemakers and pacemaker leads.

Although this requirement will obligate hospitals to record and to report the information, we do not believe that it represents a significant increase in hospitals' overall paperwork or human resources requirements. To a large extent, much of this information is already kept by hospitals. Manufacturers of cardiac pacemaker devices and pacemaker leads may be required by subsequent FDA regulations to test and report on devices that are returned by providers of services. FDA will review the impact of any such regulations at the time that they are issued. Therefore, we have determined that this rule is not a major rule under Executive Order 12291. Further, we have determined, and the Secretary certifies, that this rule will not have a significant economic impact on a substantial number of small entities.

VI. Environmental Considerations

The agencies have determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VII. Information Collection Requirements

21 CFR 805.10 of this rule contains information collection requirements that were submitted for review and approval to the Director of the Office of Management and Budget (OMB), as required by section 3507 of the Paperwork Reduction Act of 1980. These information collection requirements were approved and assigned OMB control number 0910–0234.

HCFA has already obtained OMB approval of Form HCFA–497, HCFA Pacemaker Related Data, which implements the collection of information requirements contained in this rule. The OMB control number, which reflects approval of that form, is 0938–0436. 42 CFR 409.19(a) and 410.64(a) do not establish any new information collection requirements. They only refer to 21 CFR 805.10, which as discussed above has been approved and assigned OMB control number 0910–0234.

List of Subjects in 21 CFR Part 805

Medical devices, Medicare records, Reporting and recordkeeping requirements.

List of Subjects

42 CFR Part 400

Grant programs—health, Health facilities, Health maintenance organizations (HMO), Medicaid, Medicare, Reporting and recordkeeping requirements.

42 CFR Part 409

Health facilities, Medicare.

42 CFR Part 410

Medical and other health services, Medicare.

42 CFR Part 489

Health facilities, Medicare.

42 CFR Part 498

Administrative practice and procedure, Appeals, Medicare, Practitioners, providers, and suppliers.

Therefore, under the Social Security Act and the Deficit Reduction Act, Title 21 and Title 42 of the Code of Federal Regulations are amended as follows:

TITLE 21—[AMENDED]

1. By adding new 21 CFR Part 805 to read as follows:

PART 805—CARDIAC PACEMAKER REGISTRY

Subpart A—General Provisions

Sec.
805.1 Scope.
805.3 Definitions.

Subpart B—Submission of Information

805.10 Submission of information by physicians and providers.
805.20 How to submit information.
805.25 Confidentiality.

Authority: Sec. 1862(h) of the Social Security Act and sec. 2304(d) of the Deficit Reduction Act, 98 Stat. 1068–1069 (42 U.S.C. 1395y(h), 1395y note); 21 CFR 5.10 and 5.11.

Subpart A—General Provisions

§ 805.1 Scope.

(a) This part provides for a nationwide cardiac pacemaker registry and requires any physician and any provider of services who requests or receives payment from Medicare for the implantation, removal, or replacement of permanent cardiac pacemakers and pacemaker leads to submit certain information to the registry. If the physician or the provider of services does not submit the information according to this part and 42 CFR 409.19(a) and 410.64(a), HCFA, which administers the Medicare program, will deny payment to the physician or the provider. FDA will use the information submitted to the registry to track the performance of permanent pacemakers and pacemaker leads and to perform studies and analyses regarding the use of the devices, and to transmit data to HCFA to assist HCFA in administering the Medicare program and to other Department of Health and Human Services' components to carry out statutory responsibilities.

(b) Information submitted to the registry by a physician or a provider of services (and any release by FDA or HCFA of that information) does not necessarily reflect a conclusion by the submitter, FDA, or HCFA that the information constitutes an admission that a pacemaker device or lead failed to operate within its performance specifications. A submitter need not admit, and may deny, that the information submitted to the registry constitutes an admission that the pacemaker device or lead failed to operate within its performance specifications.

(c) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

§ 805.3 Definitions.

(a) "FDA" means the Food and Drug Administration.

(b) "HCFA" means the Health Care Financing Administration.

(c) A "pacemaker" or "pacemaker device" is a device that produces periodic electrical impulses to stimulate the heart. It consists of two basic components: a pulse generator and one or more leads. See § 870.3610 for a more detailed definition.

(d) A "pacemaker lead" is a flexible, insulated wire connected at one end to a

pacemaker's pulse generator and at the other end to the heart. It transmits electrical stimuli to and from the heart. See § 870.3680(b) for a more detailed definition.

(e) A "physician" is a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by applicable laws of the State in which he or she performs such function or actions. (This definition includes an osteopathic practitioner.)

(f) A "PRO" is a Utilization and Quality Control Peer Review Organization that contracts with the Secretary of Health and Human Services to review health care services funded by the Medicare program to determine whether those services are reasonable, medically necessary, furnished in the appropriate setting, and are of a quality which meets professionally recognized standards.

(g) A "provider" is a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, or a hospice that has in effect an agreement to participate in Medicare.

(h) A "warranty" is an express or implied guarantee, under contract or State law, of the integrity of a pacemaker device or pacemaker lead and of the manufacturer's responsibility for the repair or replacement of defective parts of a pacemaker device or pacemaker lead.

(i) Any terms defined in section 201 of the Federal Food, Drug, and Cosmetic Act will have that definition.

Subpart B—Submission of Information

§ 805.10 Submission of information by physicians and providers.

A physician or a provider of services that requests or receives payment from Medicare for the implantation, removal, or replacement of a permanent cardiac pacemaker device or pacemaker lead shall submit the following information on a specified form to HCFA for inclusion in the pacemaker registry provided for by FDA under § 805.1:

(a) Provider number.

(b) Patient's health insurance claim number (HICN).

(c) Patient's name.

(d) Date of the procedure.

(e) Identification number (used by PRO's) and name of the physician who ordered the procedure.

(f) Identification number (used by PRO's) and name of the operating physician.

(g) For each device (pulse generator, atrial lead, ventricular lead) implanted during the procedure about which the report is being made: the name of the manufacturer, model number, serial number, and the warranty expiration date.

(h) For each device (pulse generator, atrial lead, ventricular lead) removed or replaced during the procedure about which the report is being made: the name of the manufacturer; model number; serial number; the warranty expiration date, if known; the date the device was initially implanted, if known; whether a device that was replaced was left in the body; if the device was not left in the body, whether it was returned to the manufacturer.

(Collection of information requirements in this section were approved by the Office of Management and Budget under OMB control number 0910-0234)

§ 805.20 How to submit information.

Information shall be submitted to the registry in the form and manner required under general instructions of the Medicare program (see 42 CFR 409.19(a) and 410.64(a)).

§ 805.25 Confidentiality.

(a) FDA and HCFA will keep confidential, and will not reveal to the public, any specific information that identifies by name a recipient of any pacemaker device or lead or that would otherwise identify a specific recipient.

(b) Public disclosure of all other information under this part will be governed by the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), the Department of Health and Human Services' public information regulations (45 CFR Part 5), FDA's public information regulations (21 CFR Part 20), and HCFA's public information regulations (Subpart B of 42 CFR Part 401).

TITLE 42—[AMENDED]

PART 400—INTRODUCTION; DEFINITIONS

Subpart B—Definitions

2. The authority citation for 42 CFR Part 400, Subpart B, continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh) and 44 U.S.C. Chapter 35.

3. In § 400.200 by adding the definition of "FDA" in alphabetical order to read as follows:

§ 400.200 General definitions.

* * * * *

"FDA" stands for the Food and Drug Administration.

* * * * *

PART 409—HOSPITAL INSURANCE BENEFITS

4. The authority citation for 42 CFR Part 409 is revised to read as follows:

Authority: Secs. 1102, 1812, 1813, 1861, 1862(h), 1871, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395d, 1395e, 1395x, 1395y(h), 1395hh, and 1395rr).

5. By adding new § 409.19, to read as follows:

§ 409.19 Services related to cardiac pacemakers and pacemaker leads.

(a) *Conditions.* Providers of services that request or receive payment from Medicare for the implantation, removal, or replacement of permanent cardiac pacemakers and pacemaker leads must submit information required by FDA under 21 CFR Part 805 for the pacemaker registry to HCFA in the form and manner set forth in the general instructions of the Medicare program.

(b) *Denial of payment.* Notwithstanding any other provisions of this chapter, payment will be denied to a provider of services with respect to the implantation, removal, or replacement of any permanent cardiac pacemaker or pacemaker lead when, and for so long as, HCFA determines in accordance with the procedures established in paragraph (c) of this section that the provider has failed to submit information required by FDA (under 21 CFR Part 805) for the pacemaker registry.

(c) *Notice of denial of payment.* (1) Whenever HCFA determines that a provider of services has failed to meet any of the requirements contained in paragraph (a) of this section or 21 CFR Part 805, HCFA will send written notice of its determination to the provider at least 45 days before the determination becomes effective.

(2) The notice will state the reasons for the determination and its effective date, and will grant the provider 45 days from the date of the notice to submit to HCFA information or evidence to demonstrate that HCFA's determination is in error. The notice will also inform the provider of its right to a hearing.

(3) Following the expiration of the 45-day notice period provided in paragraph (c)(1) of this section, HCFA's determination and notice constitute an "initial determination" and a "notice of initial determination" for purposes of the administrative and judicial appeal procedures specified in Part 498 of this chapter.

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

Subpart B—Medical and Other Health Services

6. The authority citation for 42 CFR Part 410 continues to read as follows:

Authority: Secs. 1102, 1832, 1833, 1835, 1861 (r), (s), and (cc), 1871, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395k, 13951, 1395n, 1395x (r), (s), and (cc), 1395hh and 1395rr).

7. In § 410.10 by redesignating existing paragraph (n) as paragraph (o) and adding a new paragraph (n) to read as follows:

§ 410.10 Medical and other health services: Included services.

* * * * *

(n) Cardiac pacemakers and pacemaker leads.

* * * * *

8. By adding new § 410.64, to read as follows:

§ 410.64 Cardiac pacemakers and pacemaker leads.

(a) *Conditions.* Physicians and providers that request or receive payment from Medicare for the implantation, removal, or replacement of permanent cardiac pacemakers and pacemaker leads must submit to HCFA information required by FDA under 21 CFR Part 805 for the pacemaker registry in the form and manner set forth in the general instructions of the Medicare program.

(b) *Denial of payment.* Notwithstanding any other provisions of this chapter, HCFA will deny payment to a physician or provider who requests or receives payment from Medicare for the implantation, removal, or replacement of any cardiac pacemaker or pacemaker lead when, and for so long as, HCFA determines in accordance with the procedures established in paragraph (c) of this section that the physician or provider does not meet the reporting requirements in paragraph (a) of this section.

(c) *Notice of denial of payment.* (1) Whenever HCFA determines that a physician or provider has failed to meet any of the requirements contained in paragraph (a) of this section or 21 CFR Part 805, HCFA will send written notice of its determination to the physician or provider at least 45 days before the determination becomes effective.

(2) The notice will state the reasons for the determination and its effective date, and will grant the physician or provider 45 days from the date of the notice to submit to HCFA information or evidence to demonstrate that HCFA's determination is in error. The notice will also inform the physician or provider of the right to a hearing.

(3) Following the expiration of the 45-day notice period provided in paragraph (c)(1) of this section, HCFA's determination and notice constitute an "initial determination" for purposes of the administrative and judicial appeal procedures specified in Part 498 of this chapter.

PART 489—PROVIDER AGREEMENTS UNDER MEDICARE

9. The authority citation for 42 CFR Part 489 is revised to read as follows:

Authority: Secs. 1102, 1861, 1862(h), 1864, 1866, and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x, 1395y(h), 1395aa, 1395cc, and 1395hh) and sec. 602(k) of Pub. L. 98-21 (42 U.S.C. 1395ww note).

10. In § 489.21 by adding new paragraph (g) to read as follows:

§ 489.21 Specific limitations on charges.

* * * * *

(g) Items and services furnished in connection with the implantation of cardiac pacemakers or pacemaker leads when HCFA denies payment for those devices under § 409.19 or § 410.64 of this chapter.

PART 498—APPEALS PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM

11. The authority citation for Part 498 continues to read as follows:

Authority: Secs. 205(a), 1102, 1869(c), 1871, and 1872 of the Social Security Act (42 U.S.C. 405(a), 1302, 1395ff(c), 1395hh, and 1395ii), unless otherwise noted.

12. In § 498.3(b) by republishing the introductory text and adding new paragraph (b)(10) to read as follows:

§ 498.3 Scope and applicability.

* * * * *

(b) *Initial determinations by HCFA.* HCFA makes initial determinations with respect to the following matters:

* * * * *

(10) Whether to deny payment under § 409.10 or § 409.64 of this chapter, pertaining to cardiac pacemakers and the pacemaker registry.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare Hospital Insurance; and No. 13.774, Medicare Supplementary Medical Insurance.)

Dated: July 9, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

Dated: July 13, 1987.

William L. Roper,

Administrator of Health Care Financing Administration.

Dated: July 15, 1987.

Otis R. Bowen,

Secretary of Health and Human Services.

[FR Doc. 87-16592 Filed 7-22-87; 8:45 am]

BILLING CODE 4160-01-M

federal register

Thursday
July 23, 1987

Part III

Office of Management and Budget

5 CFR Part 1320

Controlling Paperwork Burdens on the Public; Regulatory Changes Reflecting Amendments to the Paperwork Reduction Act; Notice of Proposed Rulemaking

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1320

Controlling Paperwork Burdens on the Public; Regulatory Changes Reflecting Amendments to the Paperwork Reduction Act

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of proposed rulemaking.

SUMMARY: The recently enacted Paperwork Reduction Reauthorization Act of 1986 amended the Paperwork Reduction Act of 1980. In an amendment to 44 U.S.C. 3502(11), Congress clarified the applicability of the Paperwork Reduction Act to collections of information contained in proposed and current regulations. In amendments to 44 U.S.C. 3507, Congress sought to enable the public to participate more fully and meaningfully in the Federal paperwork review process. The Office of Management and Budget (OMB) is proposing to amend its existing paperwork clearance rules to reflect these legislative changes. In addition, consistent with the purpose of these legislative amendments, OMB is proposing (1) to have agencies include, in the **Federal Register** notice indicating submission of an agency's paperwork clearance package to OMB, an estimate of the average burden hours per response; (2) to have agencies publish, as part of the **Federal Register** notice, a copy of the collection of information, when agencies are seeking expedited OMB review; and (3) to have agencies indicate on each collection of information (or on any related instructions) the estimated average burden hours per response, together with a request that respondents direct any comments on the accuracy of the estimate to the agency and OMB.

DATE: Comments must be received on or before September 21, 1987.

ADDRESS: Please address all written comment to Jefferson B. Hill, Office of Information and Regulatory Affairs, OMB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jefferson B. Hill, Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (202/395–7340).

SUPPLEMENTARY INFORMATION:

A. Background

The Office of Management and Budget (OMB) issued 5 CFR 1320—Controlling Paperwork Burden on the Public, on March 31, 1983 [48 FR 13666]. This rule implements provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. Chapter 35) concerning agency responsibilities for obtaining OMB approval of their collection of information, and other paperwork control functions.

The Paperwork Reduction Reauthorization Act of 1986 (Pub. L. 99–500 (October 18, 1986) and 99–591 (October 30, 1986), section 101(m)) amended the Paperwork Reduction Act of 1980, effective October 30, 1986. OMB is proposing to amend 5 CFR Part 1320 in order to reflect the legislative amendments to 44 U.S.C. 3502(11) and 44 U.S.C. 3507. In addition, consistent with the purpose of these legislative amendments, OMB is proposing (1) to have agencies include, in the **Federal Register** notice indicating submission of an agency's paperwork clearance package to OMB, an estimate of the average burden hours per response; (2) to have agencies publish, as part of the **Federal Register** notice, a copy of the collection of information, when agencies are seeking expedited OMB review; and (3) to have agencies indicate on each collection of information (or on any related instructions) the estimated average burden hours per response, together with a request that respondents direct any comments on the accuracy of the estimate to the agency and OMB.

B. 44 U.S.C. 3502(11)—OMB Clearance Procedures

Procedures by which OMB approves a collection of information—whether called for by a printed form, oral question, or a proposed or current rule—are set forth in the Paperwork Reduction Act, mostly in 44 U.S.C. 3507 and 3508. Collections of information contained in proposed rules published for comment in the **Federal Register** are also subject, in part, to clearance procedures set forth in 44 U.S.C. 3504(h).

The 1986 amendment to 44 U.S.C. 3502(11) states more explicitly the original intent of the Paperwork Reduction Act. This 1986 amendment clarifies that a "collection of information requirement" is a type of "information collection request." This clarification is intended to ensure that both an "information collection request" and a "collection of information requirement" are treated in the same manner under the Paperwork Reduction Act, except as, and only to the extent that, the generally applicable clearance procedures of the Paperwork Reduction Act are circumscribed by the clearance procedures in 44 U.S.C. 3504(h).

In other words, 44 U.S.C. 3504(h) sets forth specific clearance procedures for OMB paperwork clearance applicable to a collection of information contained in a proposed rule published for public comment in the **Federal Register**, otherwise, and unless circumscribed by the clearance procedures in 44 U.S.C. 3504(h), all the remaining provisions of the Paperwork Reduction Act apply to any collection of information, whether called for by a printed form, oral question, or a proposed or current rule. These provisions include: the basic legal authority in OMB to approve or disapprove the collection of information in 44 U.S.C. 3507(a) and 3508; the public protection provisions in 44 U.S.C. 3512; the minimum information that an agency must provide the public in its **Federal Register** notice in 44 U.S.C. 3507(a)(2)(B); the three-year limit on approval of a collection of information in 44 U.S.C. 3507(d); the legal reponsibility of agencies to display the OMB control number in 44 U.S.C. 3507(g); the fast-track, emergency clearance authority in 44 U.S.C. 3507(g); and the public disclosure provision in 44 U.S.C. 3507(h).

These various provisions of the Paperwork Reduction Act, working together, help the public participate more fully and meaningfully in the Federal paperwork review process. For example, the three-year limit to paperwork approval, combined with the notice provisions in the Act, gives the public the opportunity to comment on any collection of information (including any recordkeeping requirement) contained in a current rule every three years, not just when the rule was first issued. After a respondent has complied with a collection of information (including a recordkeeping requirement) contained in a current rule for several years, the respondent should have clearer knowledge of the burdens involved, and the agency more concrete experience with the practical utility of the information obtained. Through this iterative review process, the agency is able on a continuing basis to improve and reduce the burden of its collection of information.

In this notice, OMB has numbered its proposed amendments. Proposed amendments 4 and 5 would implement the 1986 amendments to 44 U.S.C. 3502(11) as it clarifies the applicability of the public protection provisions of 35 U.S.C. 3512. Proposed amendments 1, 3, 6, 8, 10, 11, 13, 14, 16, 17, 19, 21, and 23 would implement this legislative amendment for the remainder of 5 CFR Part 1320. Reference in existing 5 CFR Part 1320 to an "information collection request" or a "collection of information requirement" would be replaced with a reference to a "collection of information". Proposed amendment 8 would also clarify the defintion of

"collection of information" in § 1320.7(c).

C. 44 U.S.C. 3507—Public Notice

1. The Paperwork Reduction Act of 1980 requires each agency to give public notice in the **Federal Register** that it has submitted a paperwork clearance package to OMB. 44 U.S.C. 3507(a)(2)(B), as amended by the Paperwork Reduction Reauthorization Act of 1986, specifies what minimum information each agency should include in this notice. At a minimum, this **Federal Register** notice is to contain a title for the collection of information, a brief description of the need for the information and its proposed use, a description of the likely respondents and proposed frequency of response to the collection of information, and an estimate of the burden that will result from the collection of information. In describing likely respondents, OMB anticipates that agencies will use such categories as: individuals or households, State or local governments, farms, business or other for-profit institutions, Federal agencies or employees, non-profit institutions, and small businesses or organizations.

Proposed amendment 20 sets forth the content for this **Federal Register** notice. Proposed amendments 12, 15, and 18 would require agencies to provide this notice as part of the paperwork clearance process.

2. While the 1986 legislative amendment to 44 U.S.C. 3507(a)(2)(B) sets a statutory minimum for the information agencies are to provide in the **Federal Register** notice, agencies may include in their notice any additional information that would enhance the quality and quantity of such public comments. In the spirit of this legislative amendment, OMB is proposing, in amendment 20, that each agency disaggregate its estimate of total annual reporting and recordkeeping burden for each collection of information into discrete components applicable to each separate collection of information—the average hours per response, the frequency of response, and the likely number of respondents. Agencies will also be encouraged in this notice to explain the basis for estimating the average hours per response and to request comments on their overall accuracy.

OMB recognizes that an agency may, in its submission of collections of information for OMB review, seek approval for a group of related forms or other collections of information in a single package. Such packaging may facilitate agency implementation, and OMB review of related collections of information. OMB is not proposing to change this agency practice; OMB is, however, proposing that agencies estimate and give public notice of the reporting and recordkeeping burdens associated with each collection of information in such a packaged submission.

3. In amendment 20, OMB is also proposing that agencies publish in certain circumstances, as part of the **Federal Register** notice, a copy of the collection of information, together with any related instructions, for which OMB approval is being sought. Publication of the draft collection of information would occur when an agency, under existing § 1320.17(f), plans to request or has requested OMB to conduct its review on an expedited basis (a review faster than 60 days from the date of submission). Agencies would also include in this **Federal Register** notice the time period within which they are requesting OMB to approve or disapprove the collection of information. These requirements would not apply to collections of information contained in proposed rules published for public comment in the **Federal Register**; the instrument calling for the collection of information should already be published in the **Federal Register** as part of the proposed rule.

4. In amendment 22, OMB is likewise proposing that agencies include in the **Federal Register** notice the time period within which they are requesting emergency processing under § 1320.17.

5. More generally, it is the agency responsibility to develop and maintain an information collection management system that ensures that, to the extent practicable, the public receives adequate and appropriate notice. To this end, OMB is proposing, in amendment 3, that agencies indicate in their paperwork clearance packages, what practicable steps they have taken to consult with interested agencies and members of the public in order to minimize the burden of the collection of information.

6. The Paperwork Reduction Act of 1980 also requires OMB to make available to the public its decision to approve or disapprove an agency's collection of information. In an amendment to 44 U.S.C. 3507(b), the Paperwork Reduction Reauthorization Act of 1986 requires OMB to make its explanation thereof available to the public. Proposed amendment 9 would implement this legislative amendment.

7. In a new 44 U.S.C. 3507(h), the Paperwork Reduction Reauthorization Act of 1986 requires that:

> Any written communication of the Administrator of the Office of Information and Regulatory Affairs [in OMB] or any employee thereof from any person not employed by the Federal Government or from an agency concerning a proposed information collection request, and any written communication from the Administrator or employee of the Office to such person or agency concerning such proposal, shall be made available to the public. This subsection shall not require the disclosure of any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive Order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

OMB will comply with this statutory provision in a manner consistent with applicable law. OMB is aware, however, of public concerns suggesting that the first sentence of this amendment may act to inhibit possible whistleblowers—discourage public complaints or comments concerning specific collections of information. For example, a respondent may wish to express concerns about a collection of information imposed by a regulatory agency, or by an agency providing grants or other benefits. If the respondent's complaint is disclosed to the agency, the respondent may fear some form of reprisal, either, for example, through more intensified regulatory enforcement, through denial of a grant or other benefit, or other means.

OMB points out that one purpose of the Paperwork Reduction Act is "to ensure that the collection * * * of information by the Federal Government is consistent with applicable laws related to confidentiality" (44 U.S.C. 3501(6)), and that the authority of the OMB Director under the Paperwork Reduction Act is to "be exercised consistent with applicable law" (44 U.S.C. 3504(a)). If a complainant wishes to provide OMB comments about a specific collection of information on a confidential basis, the complainant should request such confidentiality. Consistent with the privacy functions of the OMB Director (see 44 U.S.C. 3501(6) and 3504(f)), OMB will seek to honor such a request to the extent that OMB is legally permitted (see 5 U.S.C. 552(b)).

D. New § 1320.21—Agency Display of Estimated Burden

OMB is proposing a new § 1320.21—Agency display of estimated burden. Proposed amendment 24 would require agencies to indicate on each instrument for the collection of information—whether set forth on a printed form, or contained in a proposed or current rule—the estimated average burden hours per response, together with a

request that the public direct any comments concerning the accuracy of this burden estimate to the agency and Office of Information and Regulatory Affairs in OMB.

In order to focus public comments, agencies may also, as part of the collection of information (or any related instructions), explain the basis for estimating the average hours per response. In addition, for example, if it is not practicable for an agency to indicate the burden estimate and request for comments on the front page of a printed form (or at the beginning of a proposed or final rule), the agency may indicate the burden estimate and request for comments at the beginning of any related instructions that accompany the collection of information (or of the preamble to the rule). Proposed amendment 24 also provides that if OMB determines that special circumstances exist, OMB may, at the request of the agency, exempt specific collections of information or categories thereof from the provisions of this proposal.

This proposal is intended to facilitate agency management of its collection of information and its efforts to reduce paperwork burdens on the public. Before an agency submits a collection of information for OMB review, an agency is obligated by the Paperwork Reduction Act to balance its need for the information, and the practical utility of the information, against the burden on respondents and costs involved. The purpose of this agency review is to encourage each agency to discipline itself to submit for OMB review the least burdensome alternative that will meet its need. A grossly underestimated or overestimated burden could adversely affect an agency's evaluation of the impact of alternative ways to collect the information. This proposal is also intended to encourage more meaningful public participation by eliciting public comment on the burdens actually imposed and the perceived practical utility of the information to be provided.

The Department of Interior has already initiated a pilot effort to implement this proposal. Specifically, that Department is developing internal guidance for its Information Collection Clearance Officers (ICCOs) that would require certain collections of information to include statements of etimated burden—either on the face of an individual form, or in a separate section of a rule containing a collection of information. An excerpt from this guidance follows:

Some forms impose approximately the same burden for all respondents. Examples are simple permit applications used by individuals or nontechnical surveys. For forms of this type, the following statement should be used:

Public reporting burden for this form [/information collection] is estimated to average *xx hours[/minutes]* per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form[/information collection]. Direct comments regarding the burden estimate or any other aspect of this form [/information collection] to [insert title and address of bureau ICCO]; and Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Burden for some complex forms may vary widely. Examples include complex permit forms or applications completed by firms or organizations. On forms of this type, the following statement may be used:

Public reporting burden for this form[/information collection] is estimated to vary from xx to xx hours[/minutes] per response, with an average of *xx hours[/minutes]* per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form[/information collection]. Direct comments regarding the burden estimate or any other aspect of this form[/information collection] to [insert title and address of bureau ICCO]; and Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Proposed amendment 24 would not require as specific a format as developed by the Department of the Interior. OMB, however, is considering whether such a specifically formatted statement should be required by rule. Consistent with the purposes of this proposal, OMB seeks comment concerning whether this format would provide information useful to the public, and what different or additional information would be more useful. OMB also seeks comment on the potential burdens and costs involved in including such a specifically formatted statement on agency forms, and on the degree of flexibility agencies need to tailor such a statement to their various kinds of forms and other types of collection of information.

E. Other Amendments

As amended in 1986, 44 U.S.C. 3501(5) states that a purpose of the Paperwork Reduction Act is "to ensure that automatic data processing, telecommunications, and other information technologies are acquired and used by the Federal Government in a manner which improves service delivery and program management, increases productivity, improves the quality of decisionmaking, reduces waste and fraud, and wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to and for the Federal Government." Agencies have been able to increase practical utility and reduce burden by automating or otherwise applying new forms of information technology to the collection of information; e.g., by receiving information electronically online or on magnetic tape or diskette. OMB is proposing, in amendment 7, to have all agencies, as part of the development of a collection of information, consider reducing the burden on respondents by use of automated collection techniques, or other forms of information technology.

Proposed amendments 2 and 25 are technical in nature, reflecting the fact that statutory amendment has taken place since implementation of these existing regulations.

Regulatory Impact and Regulatory Flexibility Act Analysis

OMB has analyzed the effects of this rule under both Executive Order No. 12291 and the Regulatory Flexibility Act. Copies of this analysis are available upon request. In summary, OMB has concluded that these amendments will have a salutary impact on small entities through the reduction of unnecessary paperwork and that, while the costs and benefits of procedural amendments such as these are largely unquantifiable, the amendments meet all the requirements of the Executive Order.

Issued in Washington, DC, July 16, 1987.

Wendy L. Gramm,

Administrator, Office of Information and Regulatory Affairs.

List of Subjects in 5 CFR Part 1320

Reporting and recordkeeping requirements, paperwork, collections of information.

PART 1320—CONTROLLING PAPERWORK BURDENS ON THE PUBLIC

For the reasons set forth in the preamble, OMB proposes to amend 5 CFR Part 1320 as follows:

1A. The authority citation for Part 1320 is revised to read as follows:

Authority: 31 U.S.C. Sec. 1111 and 44 U.S.C. Chs. 21, 25, 27, 29, 31, 35.

1. In the summary of the titles of the sections at the beginning of this Part, delete the titles for §§ 1320.12 to 1320.20 and replace them with:

1320.12 Clearance of collections of information.
1320.13 Clearance of collections of information in proposed rules.
1320.14 Clearance of collections of information in current rules.

1320.15 **Federal Register** notice of OMB review.
1320.16 Collections of Information prescribed by another agency.
1320.17 Interagency reporting.
1320.18 Emergency and expedited processing.
1320.19 Public access.
1320.20 Independent regulatory agency override authority.
1320.21 Agency display of estimated burden.
1320.22 Other authority.

2. In § 1320.1, after "1980" insert "as amended,"; replace "1950," with "1950"; and replace "1111," with "1111),".

3. At the end of § 1320.4(b)(3), replace the period with a comma, and add at the end of that sentence the following: "and shall indicate, in its submission of a collection of information for OMB review, what practicable steps it has taken to consult with interested agencies and members of the public in order to minimize the burden of that collection of information.". In § 1320.4(c)(2), replace "information collection request" each time the phrase appears with "collection of information". In § 1320.4(d), replace "§ 1320.19" with "§ 1320.20".

4. Remove §§ 1320.5(a) and 1320.5(b), and replace these paragraphs with a new § 1320.5(a), as follows: "(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failure to comply with any collection of information (1) that does not display a currently valid OMB control number; or (2), in the case of a collection of information required by law or to obtain a benefit which is submitted to nine or fewer persons, that fails to state, as prescribed by § 1320.4(a), that it is not subject to OMB review under the Act. The failure to display a currently valid OMB control number for a collection of information contained in a current rule does not, as a legal matter, rescind or amend the rule; however, its absence will alert the public that either the agency has failed to comply with applicable legal requirements for the collection of information or the collection of information has been disapproved, and that therefore the portion of the rule containing the collection of information has no legal force and effect and the public protection provisions of 44 U.S.C. 3512 apply.".

5. In § 1320.5, redesignated paragraphs (c) and (d) as paragraphs (b) and (c), respectively, and replace the first sentence in the new § 1320.5(b) with the following sentence: "Whenver an agency has imposed a collection of information as a means for providing or satisfying a condition to the receipt of a benefit or the avoidance of a penalty, and the collection of information does not display a currently valid OMB control number or statement, as prescribed in § 1320.4(a), the agency shall not treat a person's failure to comply, in and of itself, as grounds for withholding the benefit or imposing the penalty.". In the new §§ 1320.5(b)(1) and 1320.5(b)(2), replace "§ 1320.19" each time it appears with "§ 1320.20".

6. In § 1320.6(b), replace "an information collection request or requirement" with "a collection of information".

7. At the end of § 1320.6(j), replace the period with a comma and add after that paragraph the following new paragraph: "(k) Unless the agency has considered reducing the burden on respondents by use of automated collection techniques or other forms of information technology.".

8. In the first sentence of § 1320.7(c), after "questions,", insert "or identical reporting or recordkeeping requirements,". Replace the third sentence of § 1320.7(c) introductory text with the following: "In the Act, a 'collection of information requirement' is a type of 'information collection request.' As used in this Part, a 'collection of information' refers to the act of collecting information, to the information to be collected, to a plan and/or an instrument calling for the collection of information, or any of these, as appropriate."

In the second sentence of § 1320.7(c)(1), after "plans" insert "information collection requests, collection of information requirements,"; after "rules or regulations," insert "information collection requests or collection of information requirements contained in, derived from, or authorized by such rules or regulations,"; after "interview guides," insert "oral communications,"; and after "telephonic requests," insert "automated collection techniques,". In the first sentence of § 1320.7(c)(2), replace "by an agency or" with "by an agency for". In § 1320.7(c)(3), delete the word "also". In § 1320.7(f)(1), replace "information collection requests" with "collections of information," and "request" with "collection of information". In the first sentence of § 1320.7(u) introductory text, replace "an information collection request" with "a collection of information", and replace both "request" and "information collection request" with "collection of information". In § 1320.7(u)(2), replace "information collection request" with "collection of information". In § 1320.7, remove paragraphs (d) and (1); and redesignate paragraphs (e) to (k), and (m) to (u), as paragraphs (d) to (j), and (k) to (s), respectively.

9. At the end of § 1320.11(d), add a new sentence, as follows: "Any such determination and explanation thereof shall be publicly available.".

10. In § 1320.11(e), replace the third sentence with the following: "Agencies shall submit collections of information other than those contained in proposed rules published for public comment in the **Federal Register** or in current regulations that were published as final rules in the **Federal Register**, in accordance with the requirements set forth in § 1320.12.". In the fourth sentence of § 1320.11(e), replace "§ 1320.15" with "§ 1320.16". In the fifth sentence of § 1320.11(e), replace "information collection requests" with "collections of information", and replace "§ 1320.17" with "§ 1320.18." Replace the third sentence of § 1320.11(f) with the following: "Upon such notification, the agency shall submit the collection of information for review under the procedures outlined in §§ 1320.12 or 1320.14, as appropriate.". In the fifth sentence of § 1320.11(f), replace "information collection request" with "collection of information" and "request", the second time it appears, with "collection of information". In § 1320.11(h), replace "an information collection request or requirement" with "a collection of information".

11. In § 1320.12, replace the title with "§ 1320.12 Clearance of collections of information.". Replace the first sentence of § 1320.12 introductory text with: "Agencies shall submit all collections of information, other than those contained either in proposed rules published for public comment in the **Federal Register** or in current rules that were published as final rules in the **Federal Register**, in accordance with the following requirements:".

12. In the first sentence of § 1320.12(a), add after the word "shall" the following: ", in accordance with the requirements set forth in § 1320.15,".

13. In the second sentence of § 1320.12(a), replace "information collection request" with "collection of information". In § 1320.12(b), replace "information collection request" the first and third times the phrase appears with "collection of information"; replace "the request' with "the collection of information"; and replace "an information collection request" with "a collection of information". In § 1320.12(d), replace "No information collection request may" with "A collection of information may not".

14. In § 1320.13, replace the title with "*§ 1320.13 Clearance of collections of*

information in proposed rules.". In the first sentence of § 1320.13 introductory text, replace "collection of information requirements" with "collections of information". In the first sentence of § 1320.13(a), replace "collection of information requirements" with "collections of information".

15. In the first sentence of § 1320.13(a), after the word "include", insert ", in accordance with the requirements set forth in § 1320.15,"; and after the word "rule", insert ", and identified as such,".

16. In §§ 1320.13(d) through 1320.13(j), remove the word "requirement" each time it appears.

17. In the first sentence of § 1320.14 introductory text, replace "reporting and recordkeeping requirements" with "collections of information".

18. In the first sentence in § 1320.14(b), add after the word "shall" the following: ", in accordance with the requirements set forth in § 1320.15, ".

19. In the second sentence of § 1320.14(e), replace "§ 1320.7(f)(2)" with "§ 1320.7(e)(2)". In the third sentence of § 1320.14(g), replace "requirement" with "collection of information". In the second sentence of § 1320.14(i) remove "request or requirement" the first time it is used, and replace "request or requirement" the second time it is used with "collection of information".

20. Insert, after § 1320.14, a new § 1320.15, as follows:

§ 1320.15 Federal Register notice of OMB review.

Agencies shall publish the notices statement prescribed by §§ 1320.12(a) and 1320.14(b), and the statement prescribed by § 1320.13(a), in accordance with the following requirements:

(a) The notices and statement shall each set forth, at a minimum:

(1) The title for the collection of information;

(2) A brief description of the agency's need for the information to be collected, including the use to which it is planned to be put;

(3) A description of the likely respondents; and

(4) An estimate of the total annual reporting and recordkeeping burden that will result from each collection of information. This total burden for each collection of information shall also be disaggregated and set forth in terms of the estimated average burden hours per response, the proposed frequency of response, and the estimated number of likely respondents.

(b) If, at the time of submittal of a collection of information for OMB review in accordance with the requirements set forth in §§ 1320.12 or 1320.14, an agency plans to request, or has requested OMB to conduct its review on an expedited schedule (a review faster than 60 days from the date of receipt by OMB), the agency shall publish as part of this **Federal Register** notice the time period within which it is requesting OMB to approve or disapprove the collection of information, and a copy of the collection of information, together with any related instructions, for which OMB approval is being sought.

21. Redesignate existing §§ 1320.15 through 1320.19 as §§ 1320.16 through 1320.20, respectively. In the new § 1320.17, add, after the third use of the word "Act" the phrase "as amended,". In the first sentence of the new § 1320.18, replace "information collection requests" with "collections of information".

22. After the new § 1320.18(c), add the following new paragraph "(d) The agency shall set forth in the **Federal Register** notice prescribed by § 1320.15 a statement that it is requesting emergency processing, and the time period stated under § 1320.18(b).".

Redesignate paragraphs (d) to (f) in new § 1320.18 as paragraphs (e) to (g), respectively. In new § 1320.18(e), replace "§1320.17(b)" with "§ 1320.18(b)". In the new § 1320.19(b), replace "an information collection request" with "a collection of information".

23. In the third sentence of the new § 1320.20, replace "information collection requirement or collection of information request" with "collection of information".

24. In the new § 1320.19(b), after "used,", insert "the average burden hours per response,". Insert, after the new § 1320.20, a new § 1320.21, as follows:

§ 1320.21 Agency display of estimated burden.

(a)(1) Agencies shall display on each collection of information, as close to the current OMB control number as practicable, the agency estimate of the average burden hours per response.

(2) Agencies shall include with this estimate of burden a request that the public direct any comments concerning the accuracy of this burden estimate to the agency and the Office of Information and Regulatory Affairs.

(b) If it is not practicable to display the burden estimate and request for comments on the front page, or otherwise at the beginning of the collection of information (or for other good cause), the agency may display the burden estimate and request for comments at the beginning of the instructions that accompany the collection of information, or at the beginning of the preamble of a proposed or final rule that contains the collection of information.

(c) An agency need only display the burden estimate and request for comments on copies of the collection of information, or on its instructions, printed or otherwise reproduced (or newly communicated) after October 1, 1987.

(d) If an agency determines that special circumstances exist, OMB may, in consultation with the agency, exempt specific collections of information or categories of collections of information from the requirements of this section.

25. Redesignate existing § 1320.20 as § 1320.22. In the first sentence of the new § 1320.22(e), add after "1980" the following: ", the Paperwork Reduction Reauthorization Act of 1986,". In the second sentence of the new § 1320.22(e), replace the "or" with a ", " and after "Act" add the following: "of 1980, or the Paperwork Reduction Reauthorization Act of 1986".

[FR Doc. 87-16631 Filed 7-22-87; 8:45 am]
BILLING CODE 3110-01-M

Federal Register

Thursday
July 23, 1987

Part IV

Department of Education

34 CFR Part 643

Talent Search Program; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 643

Talent Search Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations for the Talent Search Program. These amendments are needed to implement changes made in the statute authorizing the Talent Search Program, Title IV–A–4 of the Higher Education Act of 1965 (HEA) by the Higher Education Amendments of 1986, Pub. L. 99–498.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the U.S. Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. Daniel Davies, Division of Student Services, U.S. Department of Education, L'Enfant Plaza, P.O. Box 23772, Washington, DC 20026–3772. Telephone: (202) 732–4804.

SUPPLEMENTARY INFORMATION:

Background

The Talent Search Program is authorized by Title IV–A–4 of the HEA. Under the program, the Secretary awards grants to enable grantees to provide eligible participants with counseling, information and assistance in applying for admission to institutions of postsecondary education.

Explanation of Changes

The amended HEA revised the definitions of a "veteran" and "first-generation college student." The latter definition was amended to address the situation where the student regularly resided with and was supported by only one parent. Section 643.6 has been revised to accommodate the amended definition of a "veteran" and § 643.4(c) has been revised to accommodate the amended definition of a "first generation college student."

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, since these amendments only incorporate statutory changes, public comment could have no effect on the content of the regulations. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these final regulations would not have a significant economic impact on a substantial number of small entities. These regulations are technical in nature, and amend existing regulations which have been previously determined not to have any significant impact on a substantial number of small entities.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 643

Colleges and universities, Education, Disadvantaged students, Education of handicapped.

(Catalog of Federal Domestic Assistance Number 84.044—Talent Search Program)

Dated: July 7, 1987.

William J. Bennett,

Secretary of Education.

PART 643—[AMENDED]

The Secretary amends Part 643 of Title 34 of the Code of Federal Regulations to read as follows:

1. The authority citation for Part 643 is revised to read as follows:

Authority: 20 U.S.C. 1070d–1, unless otherwise noted.

2. In § 643.4, paragraphs (b) and (c)(1) are revised to read as follows:

§ 643.4 Eligible project participant: selection requirements.

* * * * *

(b) "Low-income individual means an individual whose family's taxable income did not exceed 150 percent of the poverty level in the calendar year preceding the first calendar year in which the individual participates in the project. Poverty level income is determined by using criteria of poverty established by the Bureau of the Census, U.S. Department of Commerce.

(c)(1)(i) Except as provided in paragraph (c)(1)(ii) of this section, a student qualifies as a "first generation college student" if neither of the student's parents received a baccalaureate degree.

(ii) If a student regularly resided with and received support from only one parent, the student qualifies as a first generation college student if that parent did not receive a baccalaureate degree.

(Authority: 20 U.S.C. 1070d–1)

* * * * *

3. In § 643.6(b), the definition of the term "veteran" is revised to read as follows:

§ 643.6 Definitions that apply to the Talent Search Program.

* * * * *

(b) * * *

"Veteran" means a person who served on active duty as a member of the Armed Forces of the United States—

(1) For a period of more than 180 days, any part of which occurred after January 31, 1955, and who was discharged or released from active duty under conditions other than dishonorable; or

(2) After January 31, 1955, and who was discharged or released from active duty because of a service connected disability.

4. Section 643.20 is amended by moving "and" from the end of paragraph (b) to the end of paragraph (c) and changing the period at the end of paragraph (c) to semi-colon and adding a new paragraph (d) to read as follows:

§ 643.20 Assurances.

* * * * *

(d) That at least two-thirds of the participants to be served by the project will be low-income individuals who are, or will be, first-generation college students.

[FR Doc. 87–16731 Filed 7–22–87; 8:45 am]

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Federal Register

Thursday
July 23, 1987

Part V

Department of Education

Office of Postsecondary Education

34 CFR Part 645

Upward Bound Program; Final Regulations

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

34 CFR Part 645

Upward Bound Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations for the Upward Bound Program. These amendments are needed to implement changes made in the statute authorizing the Upward Bound Program, Title IV A–4 of the Higher Education Act of 1965 (HEA) by the Higher Education Amendments of 1986, Pub. L. 99–498.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the U.S. Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Sonnergren, Director, Division of Student Services, U.S. Department of Education, Room 3060A, Regional Office Building #3, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732–4804.

SUPPLEMENTARY INFORMATION:

Background

Under the Upward Bound Program, the Secretary awards grants to provide academic support programs to eligible individuals. These programs may include: instructional programs, personal and academic counseling, career guidance, English proficiency instruction, tutoring, and exposure to cultural events and academic programs not usually available to disadvantaged youths. Grants funds support a residential summer program and an academic year program.

Explanation of Changes

The amended HEA revised the definitions of a "veteran" and "first-generation college student." The latter definition was amended to address the situation who the student resided with, and was supported by, only one parent. Section 645.6 has been revised to accommodate the amended definition of a "veteran" and § 645.4(d) has been revised to accommodate the amended definition of a "first-generation college student."

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232 (b)(2)(A)), and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, since these amendments only incorporate statutory changes, public comment could have no effect on the content of the regulations. Therefore, the Secretary has determined that publication of a proposed rule is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities. These regulations are technical in nature, and amend existing regulations which have been previously determined to not have any significant impact on a substantial number of small entities.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have found to contain information collection requirements.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 645

Colleges and universities, Education, Education of disadvantaged, Education of handicapped, Grant programs—education.

(Catalog of Federal Domestic Assistance Number 84.047—Upward Bound Program.)

Dated: July 7, 1987.

William J. Bennett,

Secretary of Education.

The Secretary amends Part 645 of Title 34 of the Code of Federal Regulations as follows:

PART 645—[AMENDED]

1. The authority citation for Part 645 is revised to read as follows:

Authority: 20 U.S.C. 1070d, 1070d–1a.

2. Section 645.3 is amended by revising paragarph (a)(3) to read as follows:

§ 645.3 Eligible project participants: General.

(a) * * *

(3) Has a need for academic support, as determined by the grantee, in order to pursue successful a program of education beyond high school; and

* * * * *

3. Section 645.4 is amended by revising paragraph (d)(1) to read as follows:

§ 645.4 Eligible project participants: Selection requirements.

* * * * *

(d)(1)(i) Except as provided in paragraph (d)(1)(ii) of this section, a student qualifies as a "first-generation college student" if neither of the student's parents received a baccalaureate degree.

(ii) If a student regularly resided with and received support for only one parent, the student qualifies a a first-generation college student if that parent did not receive a baccalaureate degree.

* * * * *

4. In § 645.6, the definition of the term "veteran" in paragraph (b) is revised to read as follows:

§ 645.6 Definitions that apply to the Upward Bound Program.

* * * * *

(b) * * *

"Veteran" means a person who served on active duty as a member of the Armed Forces of the United States—

(1) For a period of more than 180 days, any part of which occurred after January 31, 1955, and who was discharged or released from active duty under conditions other than dishonorable; or

(2) After January 31, 1955, and who was discharged or released from active duty because of a service connected disability.

* * * * *

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S.J. Res. 85/Pub. L. 100-75

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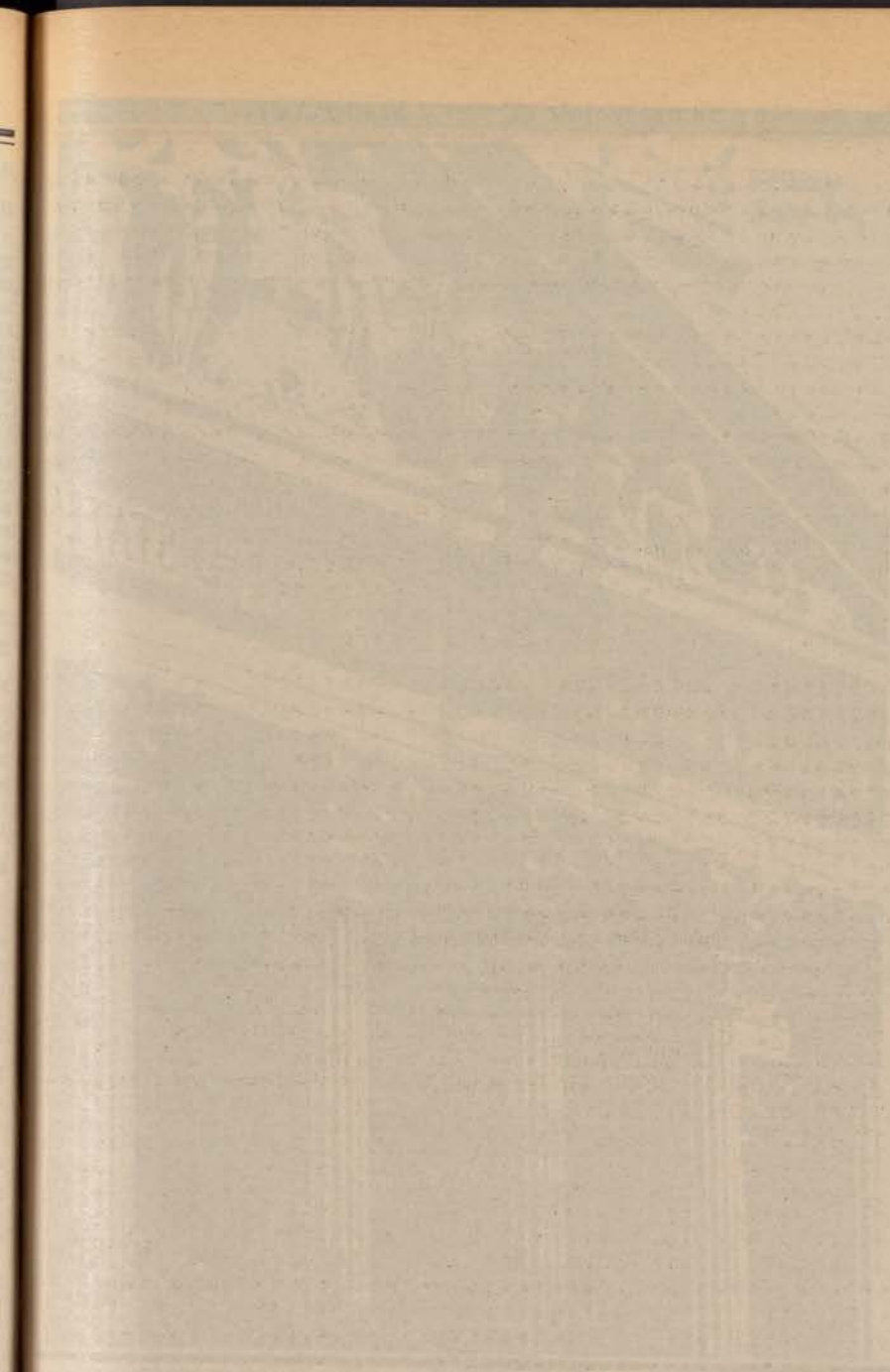

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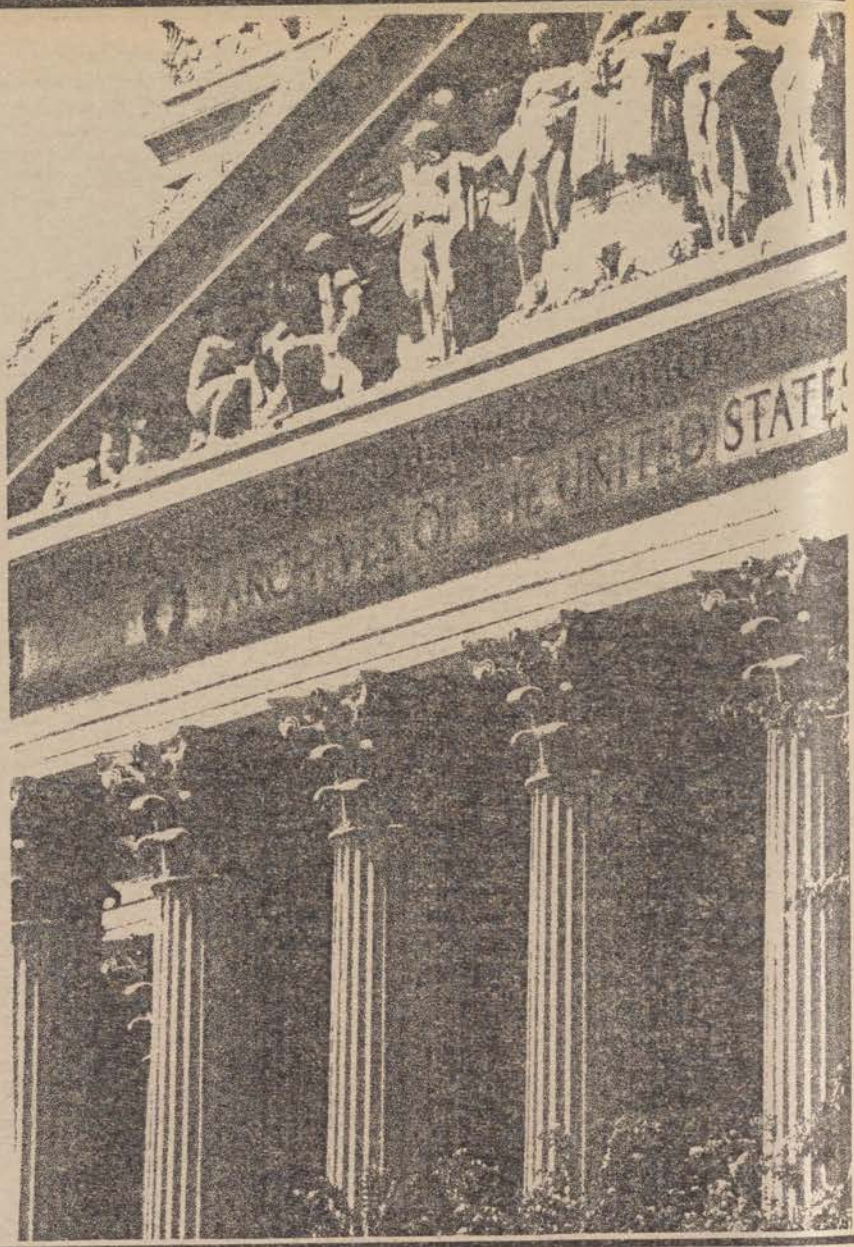

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