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Rules and Regulations

Federal Register

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Thursday, July 30, 1987

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

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 401

[Doc. No. 0145A]

General Crop Insurance Regulations; Hybrid Sorghum Seed, Oat, Rye, Almond, Wheat and Barley Endorsements; Wheat and Barley Winter Coverage Options; Late Planting Agreement Option; and Prevented Planting Endorsement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) issues a new Part 401 in Chapter IV of Title 7 of the Code of Federal Regulations (CFR), effective for the 1988 and succeeding crop years, to contain one set of crop insurance regulations and a master policy of insurance applicable to all such regulations now contained in over 40 individual policies to cover insurance on that many different crops.

The intended effect of this rule is to provide a standard set of regulations and a master policy for insuring most crops authorized under the provisions of the Federal Crop Insurance Act, as amended, that will substantially reduce: (1) The time involved in amendment or revision; (2) the necessity of the present repetitive review process; and (3) the volume of paperwork processed by FCIC.

FCIC also adds ten new sections to be known as 401.101 (Wheat Endorsement), 401.102 (Wheat Winter Coverage Option), 401.103 (Barley Endorsement), 401.104 (Barley Winter Coverage Option), 401.105 (Oat Endorsement), 401.106 (Rye Endorsement), 401.107 (Late Planting Agreement Option), 401.108 (Prevented Planting Endorsement),

401.109 (Hybrid Sorghum Seed Endorsement), and 401.110 (Almond Endorsement), effective for the 1988 and succeeding crop years, containing the provisions for insuring hybrid sorghum seed, wheat, barley, oats, almonds, and rye, and the provisions for Late Planting Agreement and Prevented Planting. FCIC has proposed to amend 7 CFR Parts 418, 419, 427, 429, and 439 (52 FR 25015; 25381-25384) so that they are effective only through the 1987 crop year by separate document. The authority for the promulgation of this rule is the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: July 30, 1987.

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

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

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

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

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

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local

officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

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

Background

FCIC has published over 40 policies to cover insurance on that many different crops. Many of the regulations and policies contain identical language, which, if changed requires that over 40 different policies be changed, both in the Code of Federal Regulations (CFR) and the printed policy language. This repetition of effort is both inefficient and expensive. FCIC, therefore, issues in 7 CFR Part 401, one set of regulations and one master policy which will contain that language which is identical in most of the policies and regulations.

As revisions on individual policies are necessary, FCIC will publish a "crop endorsement" which will contain the language of the policy unique to that crop, and any exceptions to the master policy language necessary for that crop. When an endorsement is published in a section to Part 401, effective for a subsequent crop year, the present policy contained in a separate part of Chapter IV will be revoked at the end of the crop year then in effect and later removed and reserved.

Simultaneously with the issuance of a new 7 CFR Part 401, General Crop Insurance Regulations, FCIC also issues ten sections to be known as 401.101, 401.102, 401.103, 401.104, 401.105, 401.106, 401.107, 401.108, 401.109, and 401.110 (Wheat Endorsement; Wheat Winter Coverage Option; Barley Endorsement; Barley Winter Coverage Option; Oat Endorsement; Rye Endorsement; Late Planting Agreement Option; Prevented Planting Endorsement; Hybrid Sorghum Seed Endorsement; and Almond Endorsement; respectively), effective for the 1988 and succeeding crop years, containing the provisions for insuring hybrid sorghum seed, wheat, barley, oats, almonds, and rye, and applicable options, and provisions for late planting and prevented planting insurance.

With this final publication of 7 CFR Part 401 and §§ 401.101, 401.102, 401.103, 401.104, 401.105, 401.106, 401.107, 401.108,

401.109, and 401.110, the provisions for insuring wheat, barley, oats, rye, almonds, and winter coverage options for wheat and barley, and the provisions for late planting and prevented planting insurance contained therein will supersede those provisions contained in 7 CFR Parts 418, 419, 427, 429, 439, and 442 (the Wheat, Barley, Oat, Rye, Almond, and Prevented Planting Insurance regulations, respectively), and 7 CFR Part 400, Subpart A (the Late Planting Agreement Option), effective with the beginning of the 1988 crop year.

The provisions contained in the Prevented Planting Endorsement (7 CFR Part 442) apply to several crops not included in § 401.108 herein, therefore, the provisions of 7 CFR Part 442 will not be terminated until all crops covered by those provisions are transferred as endorsements to 7 CFR Part 401.

The provisions for insuring wheat and barley under the winter coverage option are new for the 1988 crop year and are being offered for the first time as adjuncts to the wheat and barley crop insurance endorsements.

The provisions contained in § 401.109, Hybrid Sorghum Seed Endorsement, are new and provide procedures for insuring hybrid sorghum seed for the first time.

In establishing the General Crop Insurance Regulations, FCIC has incorporated general insurance and policy provisions, presently found in all separately issued crop insurance regulations under 7 CFR Chapter IV, into 7 CFR Part 401.

Several new additions to the general insurance policy are found in § 401.8, as follows:

1. *Partnerships*: This issue is addressed in section 2.d. of the policy and provides that, unless the application clearly indicates that insurance is requested for a partnership or joint venture, insurance will cover only the crop share of the person making application for insurance. If insurance for a partnership or joint venture is requested, all general partners must be listed on the application.

2. *Dual Coverage*: Section 2.i. of the policy provides that you must not obtain any other crop insurance under the Federal Crop Insurance Act (Multiple Peril Crop Insurance Policy or Federal Crop Insurance Policy) on your share of the insured crop. More than one policy on your share may result in FCIC voiding the policies and collecting the premium. If we determine that the violation was inadvertent, the policy with the earliest date of application will be the one in force and all other policies will be void. However, the insured is still permitted to obtain other hail and fire insurance not issued under the Act.

3. *Food Security Act*: Although your violation of a number of federal statutes including the Federal Crop Insurance Act may cause cancellation, termination, or voidance of your insurance contract, FCIC includes cautionary language in section 2.j. of the policy to make all insureds aware that loss of crop insurance will result from violation of the provisions of the Food Security Act (the Act), referred to as the sodbuster, swampbuster, and controlled substance provisions, with respect to producing crops on highly erodible land or converted wetlands, or producing controlled substance crops. If you are found to be in violation of these provisions, we are required by the Act to cancel your insurance policy for the crop year in which the violation occurred, resulting in you losing all crop insurance benefits for that year. We will recover any and all money paid to you or received by you and your premium will be refunded.

4. *Interest Calculation on Non-Premium Debts*: Section 6.b. of the policy is rewritten to charge interest on non-premium debts in accordance with 31 U.S.C. 3717.

5. *Claim for Damages*: Section 9.1. of the policy describes the obligations of FCIC with respect to payment of damages (compensatory, punitive, or other), attorney fees, or other charges in connection with any claim for indemnity under FCIC's exemption from punitive and other damages which are not available in suits against FCIC. No policy of insurance either issued or reinsured by FCIC, will be the basis of a claim for damages which the FCIC would not be liable for unless the claimant establishes that the claim is based on the failure of a company selling FCIC insurance, or a company whose policies are reinsured by FCIC, or agents of those companies, to properly follow FCIC instructions and procedures, or unless the companies or agents were acting outside the scope of their authority.

6. *Meaning of Terms*: Section 17 of the policy, while incorporating and explaining terminology generally found in all present policies for crop insurance, now includes a variety of additional terms which should be noted by the insured for purposes of clarity and clear understanding of the policy provisions. Of particular note in section 17 are the conditions for the further division of the insurance unit according to applicable guidelines provided by the actuarial table on file in the service office. Crop endorsements may provide that the unit may be divided into more than one unit if you agree to pay additional premium as provided for by the actuarial table,

and abide by certain conditions for each proposed unit.

7. *Dates, Reports, and Notices*: Special notations are contained in section 21 of the policy for the information of the insured regarding important dates which should be met under the policy, required reports which must be filed to comply with insurance provisions, and special notices which must be submitted to FCIC in order to be eligible for the program's benefits.

In adding each new endorsement for wheat, barley, oats, almonds, and rye as outlined below, FCIC has made several changes in the provisions for insuring each crop. Additional minor editorial changes have been made to improve compatibility with the new general crop insurance policy. These changes do not affect meaning or intent of the provisions.

The Wheat Endorsement (Section 401.101)

The principal changes in contract provisions contained in the wheat endorsement are as follows:

1. Section 1.—Add a provision to specify that wheat destroyed in order to comply with an ASCS program will not be insured. This provision is added to prevent insurance from attaching to wheat not intended for harvest as grain but for grazing and eventual destruction to comply with an ASCS program.

2. Section 4.—Provide that insurance will begin on each unit or portion of a unit. This change is made to avoid instances when delayed planting of part of a unit until after the final planting date would prevent insurance from attaching on timely planted acreage.

3. Section 5.—Add unit division guidelines and add a clause to specify that division of units may result in the insured paying additional premium for guideline unit division in accordance with actuarial studies which show an increased risk when units are divided.

4. Section 7.—Clarify that appraised production to be counted on irrigated acreage will include production lost due to inadequate irrigation not caused by an insurable cause of loss. This change will eliminate continued problems associated with the determination of production to count when there is inadequate irrigation. The number of green garlic bulblets allowed for quality adjustment has been reduced from 6 to 2. This special grade change is made in accordance with the changes in the U.S. grain standards.

5. Section 8.—Change the cancellation and termination dates to April 15 in Big Horn, Fremont, Hot Springs, Park, and Washakie counties, Wyoming.

6. Section 10.—Add definitions for "Adequate stand" and "Harvest."

The Barley Endorsement (Section 401.103)

The principal changes in contract provisions contained in the barley endorsement are as follows:

1. Section 1.—Add a provision to specify that barley destroyed in order to comply with an ASCS program will not be insured. This provision is added to prevent insurance from attaching to barley not intended for harvest as grain but for grazing and eventual destruction to comply with an ASCS program.

2. Section 4.—Provide that insurance will begin on each unit or portion of a unit. This change is made to avoid instances when delayed planting of part of a unit until after the final planting date would prevent insurance from attaching on timely planted acreage.

3. Section 5.—Add unit division guidelines and add a clause to specify that division of units may result in the insured paying additional premium for guideline unit division in accordance with actuarial studies which show an increased risk when units are divided.

4. Section 7.—Clarify that appraised production to be counted on irrigated acreage will include production lost due to inadequate irrigation not caused by an insurable cause of loss. This change will eliminate continued problems associated with determination of production to count when there is inadequate irrigation.

5. Section 10.—Add definitions for "Adequate stand" and "Harvest."

The Oat Endorsement (Section 401.105)

The principal changes in contract provisions contained in the oat endorsement are as follows:

1. Section 1.—Remove silage and hay as insurable under the oat policy. Add a provision to specify that oats destroyed in order to comply with an ASCS program will not be insured. This provision is added to prevent insurance from attaching to oats not intended for harvest as grain but for grazing and eventual destruction to comply with an ASCS program.

2. Section 4.—Provide that insurance will begin on each unit or portion of a unit. This change is made to avoid instances when delayed planting of part of a unit until after the final planting date would prevent insurance from attaching on timely planted acreage.

3. Section 5.—Add unit division guidelines and add a clause to specify that division of units may result in the insured paying additional premium for guideline unit division in accordance

with actuarial studies which show an increased risk when units are divided.

4. Section 7.—Clarify that appraised production to be counted on irrigated acreage will include production lost due to inadequate irrigation not caused by an insurable cause of loss. This change will eliminate continued problems associated with determination of production to count when there is inadequate irrigation.

5. Section 10.—Add definitions for "Adequate stand" and "Harvest."

The Rye Endorsement (Section 401.106)

The principal changes in contract provisions contained in the rye endorsement are as follows:

1. Section 1.—Add a provision to require mechanical incorporation of the seed into the soil.

2. Section 4.—Provide that insurance will begin on each unit or portion of a unit. This change is made to avoid instances when delayed planting of part of a unit until after the final planting date would prevent insurance from attaching on timely planted acreage.

3. Section 5.—Add unit division guidelines and add a clause to specify that division of units may result in the insured paying additional premium for guideline unit division in accordance with actuarial studies which show an increased risk when units are divided.

4. Section 6.—Add a provision requiring a producer to provide written notice if the rye is to be harvested for silage or hay.

5. Section 7.—Clarify that appraised production to be counted on irrigated acreage will include production lost due to inadequate irrigation not caused by an insurable cause of loss. This change will eliminate continued problems associated with determination of production to count when there is inadequate irrigation.

6. Section 8.—Change the Cancellation and Termination dates to September 30 for all states.

7. Section 10.—Add definitions for "Adequate stand" and "Harvest."

The Late Planting Agreement Option (Section 401.107)

The provisions contained in 7 CFR Part 400, Subpart A, the Late Planting Agreement Option, are duplicated herein in order to become effective when elected by producers under the endorsements for those crops which are eligible for the Late Planting Agreement Option.

In adding provisions for late planting as a new § 401.107 herein, no changes are made to the provisions (contained in 7 CFR Part 400, Subpart A), and only minor editorial changes have been made

to provide compatibility with the new general crop insurance policy.

The Prevented Planting Endorsement (Section 401.108)

The provisions contained in 7 CFR Part 442, the Prevented Planting Endorsement, are duplicated herein in order to become effective when elected by producers under the endorsements for those crops which are eligible for the Prevented Planting Endorsement.

In adding provisions for prevented planting as a new section 401.108 herein, no changes are made to the provisions and only minor editorial changes have been made to provide compatibility with the new general crop insurance policy.

The Hybrid Sorghum Seed Endorsement (Section 401.109)

The provisions of the Hybrid Sorghum Seed Endorsement are herein offered for the first time, effective for the 1988 crop year.

The Hybrid Sorghum Seed Endorsement is designed to complement the grain sorghum program already in effect while providing insurance coverage in certain areas where hybrid grain sorghum seed is produced.

The Almond Endorsement (Section 401.110)

The principal changes in contract provisions contained in the almond endorsement are as follows:

1. Section 3.—Change the acreage reporting date from December 31 to January 15. The sales closing date is December 31. The December 31 acreage reporting date did not allow any time between sales closing and acreage reporting.

2. Section 5.—Change the date insurance attaches from December 11 to January 1. This date is changed because in the 1986 policy insurance attached for the next crop year before the cancellation date.

3. Section 6.—Add unit division guidelines and add a clause to specify that division of units may result in the insured paying additional premium for guideline unit division in accordance with actuarial studies which show an increased risk when units are divided.

4. Section 10.—Replace the definition of "contiguous land" with "non-contiguous land." Non-contiguous land is used as a criterion for unit division.

5. Section 10.—Redefine "total meat pounds" to include rejects.

On Friday, June 12, 1987, FCIC published a notice of proposed rulemaking in the Federal Register at 52 FR 22476, to issue a new Part 401 in Chapter IV of Title 7, Code of Federal

Regulations for the purpose of providing a standard set of regulations and a master policy for insuring most crops authorized under the provisions of the Federal Crop Insurance Act, as amended, effective for the 1988 and succeeding crop years. In addition, FCIC also added ten new sections to be known as 401.101 (Wheat Endorsement), 401.102 (Wheat Winter Coverage Option), 401.103 (Barley Endorsement), 401.104 (Barley Winter Coverage Option), 401.105 (Oat Endorsement), 401.106 (Rye Endorsement), 401.107 (Late Planting Agreement Option), 401.108 (Prevented Planting Endorsement), 401.109 (Hybrid Sorghum Seed Endorsement), and 401.110 (Almond Endorsement), effective for the 1988 and succeeding crop years, containing the provisions for insuring hybrid sorghum seed, wheat, barley, oats, almonds, and rye, and the provisions for Late Planting Agreement and Prevented Planting. FCIC will propose to amend the title of 7 CFR Part 400, Subpart A; 7 CFR Parts 418, 419, 427, 429, 439, and 442, so that they are effective only through the 1987 crop year by separate document.

The public was given 30 days in which to submit written comments, data, and opinions on this proposed rule. FCIC received nine comments on its proposed rule: One from the California Almond Growers Exchange, six from Kansas wheat producers, one from a Member of Congress and one from the American Farm Bureau Federation. FCIC addresses these comments as follows:

1. The comment by the California Almond Growers Exchange addressed its concern about the appropriateness of the unit division guidelines for almonds. Commenter recommends growers have the option of applying for separate coverage on any acreage for which they maintain separate records. It is commenter's view that the requirement that land be non-contiguous in order to be divided into units is overly restrictive.

The comment assumes that a change has been made in requirements for unit division. However, unit requirements for almonds have not changed since the inception of the almond insurance program. Only non-contiguous land for which separate production records have been provided is eligible for unit division. The unit division guidelines for almonds does provide for separate coverage on any acreage for which the insured maintains separate records and such acreage is located on non-contiguous land. The comment does not necessitate a change in the proposed rule.

2. The six comments by the wheat producers, which were identical in

content, and the comment by the one Member of Congress expressed concern in regard to premium surcharges for guideline unit division. The commenters pointed out that the loss ratio for wheat in Kansas for the period 1948 through 1984 was .79 and for all insurance in Kansas for the period 1948 through 1985 was .88. They indicated that unit division was allowed during this period.

The actuarial studies conducted by the Corporation show that the loss ratio is greater when units are divided under unit division guidelines. Since losses increase when units are divided the rates must be adjusted to reflect that increase in order to meet the statutory requirement that the program be actuarially sound. The question to be addressed by the Corporation is whether to spread that increase over all policies (as has been the practice to this time), or whether to charge that increase only to those producers who receive the benefit and cause the increase (those who divide units). The Corporation has determined that the rate increase should be borne by those who use that provision of the policy. Therefore this provision of the wheat endorsement has not been changed.

The second concern of the commenters is on the provision which makes a crop planted on land on which a crop has not been planted and harvested in at least one of the three previous years ineligible for crop insurance. The commenters point out that this provision would make crops following alfalfa or clover ineligible for insurance.

FCIC agrees that the policy language should be changed to allow insurance for perennial crop rotations. Therefore, section 2.(e)(11) of the general crop insurance policy has been changed to reflect that acreage previously in a soil conserving legume crop will be insurable.

3. The comment from the American Farm Bureau Federation addressed the provision in the general policy calling for an interest rate on past due premium payments of 1¼% per month. They thought that at the present cost of money to the Treasury, this rate was somewhat excessive and that by placing a rate in the policy, we were requiring periodic review to determine if the rate properly reflects the costs of money to the Corporation. At the same time they recognized that some interest rate penalty may be necessary to encourage payment of premium when due. They suggested a monthly rate of 1½ times the interest rate established by the Secretary of the Treasury.

The Corporation has determined not to adopt this suggestion. Although the

present interest rate of 1¼% per month (15% per annum) is higher than the Renegotiation Board Rate set semi-annually by the Secretary of the Treasury (now 8.8725% per annum) the FCIC rate takes into consideration the length of time that the insured does not pay any interest. Under the policy, the premium is due and payable at the time insurance attaches (usually when the crop is planted). However, interest does not start to accrue until one month after the billing date (the billing date is usually around harvest time). The FCIC rate takes into account this interest-free period for those producers who choose to delay the payment of their premium past the time allowed by the contractual terms. If FCIC followed the normal insurance practice, it would collect the premium at the time insurance attaches. If the Corporation decided to finance the insurance, it could charge interest from that date at the Renegotiation Board Rate and assess a late charge as a penalty to encourage payment after the credit period.

The Corporation is required to periodically review all of its regulations and contracts including the interest rate provision. The rate was reduced recently from 18% to 15% per annum. One of the basis for this reduction was the reduction in the cost of money to the Corporation.

The present method of establishing the rate of interest has the further advantage of advising the insured, at the time of application of the rate of interest which will be charged. The rate in the policy is the rate used by the Corporation for the crop year when insurance attached and does not change in response to the Treasury rate. It is readily available to the insured and does not change every six months in response to an index over which the insured has no control.

The Corporation periodically reexamines its premium collection procedure. Should the philosophy of this procedure change at a later date, the interest collection rate and procedure will form a part of that change.

Therefore, with the exception of the change in section 2.(e)(11) as noted above, minor changes to clarify the meaning or intent of some policy provisions and editorial changes, the proposed rule is adopted as final.

Since policy changes must be on file by July 30, 1987, good cause is shown for making this rule effective in less than 30 days.

List of Subjects in 7 CFR Part 401

Crop insurance, Wheat endorsement, Wheat endorsement (Winter Coverage

Option), Barley endorsement, Barley endorsement (Winter Coverage Option), Oat endorsement, Rye endorsement, Late planting agreement option, Prevented planting endorsement, Hybrid sorghum seed endorsement, and Almond endorsement.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation (FCIC) adds a new Part 401, effective for the 1988 and subsequent contract years, as follows:

PART 401—GENERAL CROP INSURANCE REGULATIONS—REGULATIONS FOR THE 1988 AND SUBSEQUENT CONTRACT YEARS

Sec.

- 401.1 Applicability.
- 401.2 Availability of federal crop insurance.
- 401.3 Premium rates, production guarantees or amounts of insurance, coverage levels, and prices at which indemnities shall be computed.
- 401.4 OMB control numbers.
- 401.5 Creditors.
- 401.6 Good faith reliance on misrepresentation.
- 401.7 The contract.
- 401.8 The application and policy.
- 401.9-401.100 [Reserved]
- 401.101 Wheat endorsement.
- 401.102 Wheat (Winter Coverage Option).
- 401.103 Barley endorsement.
- 401.104 Barley (Winter Coverage Option).
- 401.105 Oat endorsement.
- 401.106 Rye endorsement.
- 401.107 Late planting agreement option.
- 401.108 Prevented planting endorsement.
- 401.109 Hybrid sorghum seed endorsement.
- 401.110 Almond endorsement.

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

§ 401.1 Applicability.

The provisions of this part are applicable only to crops for which a crop endorsement is published as a section to 7 CFR Part 401 and then only for the crops and crop years designated by the applicable section.

§ 401.2 Availability of federal crop insurance.

(a) Insurance shall be offered under the provisions of this section on the insured crop in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended (the Act). The crops and counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation.

(b) The insurance is offered through two methods. First, the Corporation offers the contract contained in this part

directly to the insured through agents of the Corporation. Those contracts are specifically identified as being offered by the Federal Crop Insurance Corporation. Second, companies reinsured by the Corporation offer contracts containing substantially the same terms and conditions as the contract set out in this part. These contracts are clearly identified as being reinsured by the Corporation.

(c) No person may have in force more than one contract on the same crop for the crop year, whether insured by the Corporation or insured by a company which is reinsured by the Corporation.

(d) If a person has more than one contract under the Act outstanding on the same crop for the same crop year, all such contracts shall be voided for that crop year and the person will be liable for the premium on all contracts, unless the person can show to the satisfaction of the Corporation that the multiple contract insurance was inadvertent and without the fault of the person.

(e) If the multiple contract insurance is shown to be inadvertent and without the fault of the insured, the contract with the earliest application will be valid and all other contracts on that crop for that crop year will be cancelled. No liability for indemnity or premium will attach to the contracts so cancelled.

(f) The person must repay all amounts received in violation of this section with interest at the rate contained in the contract for delinquent premiums.

(g) An insured whose contract with the Corporation or with a company reinsured by the Corporation under the Act has been terminated because of violation of the terms of the contract is not eligible to obtain multi-peril crop insurance under the Act with the Corporation or with a company reinsured by the Corporation unless the insured can show that the default in the prior contract was cured prior to the sales closing date of the contract applied for or unless the insured can show that the termination was improper and should not result in subsequent ineligibility.

(h) All applicants for insurance under the Act must advise the agent, in writing, at the time of application, of any previous applications for insurance under the Act and the present status of any such applications or insurance.

§ 401.3 Premium rates, production guarantees or amounts of insurance, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees or amounts of insurance, coverage levels, and prices at which indemnities shall be

computed for the insured crop which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect an amount of insurance or a coverage level and price from among those contained in the actuarial table for the crop year.

§ 401.4 OMB control numbers.

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

§ 401.5 Creditors.

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

§ 401.6 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the crop insurance contract, whenever:

(a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation:

(1) Is indebted to the Corporation for additional premiums; or

(2) Has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than \$100,000.00, finds that:

(1) An agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice;

(2) Said insured relied thereon in good faith; and

(3) To require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto. Requests for relief under this section must be submitted to the Corporation in writing.

§ 401.7 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the crop as provided in the policy and the crop endorsement. The contract shall consist of the application, the policy, the crop endorsement and any amendments thereto, and the county actuarial table. Changes made in the contract shall not affect its continuity from year to year. No indemnity shall be paid unless the insured complies with all terms and conditions of the contract. The forms referred to in the contract are available at the applicable service offices.

§ 401.8 The application and policy.

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

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

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

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

DEPARTMENT OF AGRICULTURE**Federal Crop Insurance Corporation***General Crop Insurance Policy*

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

Note.—This is a contract with the Federal Crop Insurance Corporation, a United States Government agency. The terms of the contract are published in the *Federal Register* under the provisions of the Federal Register Act (44 U.S.C. 1501), and may not be waived or varied in any way by the Crop Insurance Agent or any other agent or employee of FCIC.

Agreement to insure: We will provide the insurance described in this policy and the applicable endorsement in return for the premium and your compliance with ALL provisions of the crop insurance contract. If a conflict exists between the terms of this policy and the crop endorsement, the terms of the crop endorsement control.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation. Unless the context indicates otherwise, use of the plural form of a word includes the singular and use of the singular form of the word includes the plural.

Terms and Conditions**1. Causes of loss.**

a. You are insured only against unavoidable loss of production directly caused by specific causes of loss contained in the crop endorsement.

b. We do not insure against any loss caused by:

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

(2) The failure to follow recognized good farming practices for the insured crop;

(3) Water contained by any governmental, public, or private dam or reservoir project;

(4) Flooding on any unit subject to a flood or water flowage easement;

(5) Flooding on any unit located between any body of water and a primary flood control structure for that body of water;

(6) Failure or breakdown of irrigation equipment or facilities;

(7) Failure to carry out a good irrigation practice for the insured crop;

(8) Any cause not specified in the crop endorsement as an insured cause of loss; or

(9) Any other cause set out as an uninsured cause of loss in the crop endorsement.

2. Crop, acreage, and share insured.

a. The crop insured is the crop specified in the crop endorsement and no other, which is planted for harvest as the insured crop, which is grown on insurable acreage, and for which a guarantee or amount of insurance and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year is the insurable acreage as designated by the actuarial table, which is planted to the insured crop and in which you have a share (as reported by you or as determined by us, whichever we elect).

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

- (1) The time of loss; or
- (2) The beginning of harvest.

d. Unless the application clearly indicates that insurance is requested for a partnership or joint venture, insurance will cover only the crop share of the person making application for insurance.

e. We do not insure any acreage:

(1) If the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided by the actuarial table or the crop endorsement (you may elect to insure irrigated acreage on a non-irrigated basis by reporting it as non-irrigated on the acreage report and adjusting the basis used to establish your guarantee accordingly);

(3) Which is destroyed, it is practical to replant to the insured crop, but the insured crop is not replanted;

(4) Initially planted after the final planting date, unless we allow and you agree in writing on our form, to coverage reduction (the Late Planting Option applies only on selected crops);

(5) Of a volunteer crop;

(6) Planted to a type or variety of the crop not established as adapted to the area or excluded by the actuarial table;

(7) Planted with a crop other than the insured crop;

(8) Which does not meet rotation requirements required by the crop endorsement or actuarial table;

(9) Of a second crop following any crop (insured or uninsured) harvested in the same crop year unless specifically permitted by the crop endorsement or the actuarial table;

(10) Used for wildlife protection or management;

(11) On which a crop has not been planted and harvested in at least one of the three previous crop years, unless it is determined the acreage has been in a soil conserving legume; or

(12) Which has been strip mined.

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

g. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured, unless permitted by the crop endorsement or unless we agree, in writing, to insure such acreage.

h. We may restrict the amount of acreage which we will insure to the amount allowed under any acreage limitation program established by the United States Department of Agriculture if we advise you of that limit prior to the time insurance attaches.

i. You must not obtain any other crop insurance under the Federal Crop Insurance

Act (Multiple Peril Crop Insurance Policy or Federal Crop Insurance Policy) on your share of the insured crop. More than one policy on your share will result in our voiding the policies and collecting the premium from you unless the violation of this provision is found by us to have been inadvertent. If we determine that the violation was inadvertent, the policy with the earliest date of application will be the one in force and all other policies will be void. Nothing in this paragraph prevents the insured from obtaining other hail and fire insurance not issued under the Act and which is subject to the provisions of section 9 hereof.

j. Although your violation of a number of federal statutes including the Federal Crop Insurance Act may cause cancellation, termination, or voidance of your insurance contract, you are specifically directed to the provisions of Title XII of the Food Security Act of 1985 (Pub. L. 99-198) and the regulations promulgated thereunder, generally referred to as the sodbuster, swampbuster, and controlled substance provisions. Your insurance policy will be cancelled if you are determined to be in violation of these provisions. We will recover any and all monies paid to you or received by you and your premium will be refunded.

3. Report of acreage, share, and practice (acreage report).

You must report on our form:

- a. All insured and uninsured acreage of the crop in the county in which you have a share;
- b. The practice; and
- c. Your share at the time insurance attaches.

The insurable practices are contained in the actuarial table. You must designate separately any acreage which is not insurable. The report must indicate if you do not have a share of the insured crop in the county. This report must be submitted each year on or before the acreage reporting date for the crop for the county. This report may be used as the basis to determine your premium and indemnity or we may compute premiums and indemnities on the acreage, share, and practice which is determined to have actually been in existence. If you do not submit this report by the reporting date, we may elect to determine, by unit, the insured acreage, share, and practice or we may deny liability on any unit. Because underreporting of acreage and share would have the effect of reducing your premium and any indemnity which may be due, you may not revise your report after the reporting date except with our approval. Errors in reporting units may be corrected by us to conform to applicable guidelines at the time of adjusting a loss.

4. Production guarantees, coverage levels or amounts of insurance, and prices for computing indemnities.

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

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

c. You may change the amount of insurance or coverage level and price election on or before the sales closing date for the crop year.

d. You must report production to us for the previous crop year by the earlier of the

acreage reporting date or 45 days after the sales closing date for the current crop year (See section 21).

If you do not provide the required production report, we will assign a yield for the previous crop year. The yield assigned by us will not be more than 75% of the yield used by us to determine your guarantee for the previous crop year. The production report or assigned yield will be used to compute your production history for the purpose of determining your guarantee for the current crop year. If you have filed a claim for any crop year, the production used to determine the indemnity payment will be the production report for that year.

5. Annual premium.

a. The annual premium is earned and payable at the time insurance attaches.

b. If you are eligible for a premium reduction based on your experience under previous crop policies, you may retain that experience under certain conditions as set out in the crop endorsement.

c. Your premium payment, plus any accrued interest, will be considered delinquent if any amount due us is not paid on or before the termination date specified in the crop endorsement.

6. Amounts due us.

a. Interest will accrue at the rate of one and one-fourth percent (1¼%) simple interest per calendar month, or any part thereof, on any unpaid premium balance due us. For the purpose of premium amounts due us, the interest will start on the first day of the month following the first premium billing date.

b. For the purpose of any other amounts due us, such as repayment of indemnities found not to have been earned, interest will start on the date that notice is issued to you for the collection of the unearned amount. Interest and penalties will be charged in accordance with 31 U.S.C. 3717 and 4 CFR 102.13. The penalty for accounts more than 90 days past due (31 U.S.C. 3717(e)(2)) is six percent (6%) per annum. Interest on any amount due us found to have been received by you because of fraud, misrepresentation or presentation by you of a false claim will start on the date you received the amount with the 6% penalty beginning 90 days after the notice of amount due is issued to you. This interest is in addition to any other amount found to be due under any other federal criminal or civil statute.

c. All amounts paid will be applied first to reduction of accrued interest, then to reduction of the principal balance.

d. If we determine that it is necessary to contract with a collection agency or to employ an attorney to assist in collection, you agree to pay all of the expenses of collection. Those expenses will be paid before the application of any amounts to interest or principal.

e. Any amount due us may be deducted from any indemnity payment due you or from any replanting payment, or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies and from any amounts due you from any other United States Government Agency.

7. Insurance period.

Insurance attaches on each unit or part of a unit when the insured crop is planted or on the calendar date for the beginning of the insurance period if specified in the crop endorsement, and ends at the earliest of:

(a) Total destruction of the insured crop on the unit;

(b) Harvest of the unit;

(c) Final adjustment of a loss on a unit; or

(d) The calendar date for the end of the insurance period contained in the crop endorsement.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant the insured crop damaged by an insured cause of loss;

(b) During the period before harvest the insured crop on a unit is damaged by an insured cause of loss and you decide not to further care for or harvest any part of it;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage due to an insured cause of loss occurs.

Insured acreage may not be put to another use until we have appraised the insured crop and given written consent. We will not consent to another use if the insured crop can be replanted. You must notify us when such acreage is replanted or put to another use.

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

(3) If a loss is anticipated by you on any unit within 15 days of or during harvest, notice of probable loss must be given to us within 72 hours of your discovery. A representative sample of the unharvested insured crop, as required by the crop endorsement, must remain unharvested for a period of 15 days from the date of notice unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you intend to claim an indemnity on any unit, a notice of loss must be given not later than 10 days after the earliest of:

(a) Total destruction of the insured crop on the unit;

(b) Harvest of the unit; or

(c) The calendar date for the end of the insurance period.

b. You may not destroy and replant any of the insured crop on which you intend to claim a replanting payment, until we give written consent.

c. You must obtain written consent from us before you destroy any of the insured crop which is not harvested.

9. Claim for indemnity.

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

(1) Total destruction of the insured crop on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We will not pay any indemnity unless you:

(1) Establish the total production and, if applicable, the value received for the insured crop on the unit and that any loss of production or value has been directly caused by one or more of the insured causes during the insurance period; and

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

c. The indemnity will be determined on each unit in accordance with the applicable crop endorsement and the actuarial table.

d. If the information reported by you on the acreage report results in a lower premium than the premium determined to be due on the basis of the share, acreage, practice or type determined to actually exist, the guarantee on the unit will be computed on the information contained in the acreage report but all production from insurable acreage, whether or not reported as insurable, will count against the guarantee.

e. The total production to be counted for a unit will include all production determined in accordance with the crop endorsement.

f. The amount of production of any unharvested insured crop may be determined on the basis of our field appraisals conducted after the end of the insurance period.

g. If you elect to exclude hail and fire as insured causes of loss and the insured crop is damaged by hail or fire, appraisals will be made in accordance with the applicable Form FCI-78 or FCI-78-A, "Request To Exclude Hail and Fire."

h. If allowed by the crop endorsement, a replanting payment may be made on an insured crop replanted after we have given consent and the acreage replanted is at least the lesser of 20 acres or 20 percent of the insured acreage for the unit (as determined on the final planting date).

(1) No replanting payment will be made on acreage:

(a) On which our appraisal establishes that production will exceed the level set by the crop endorsement;

(b) Initially planted prior to the date established by the actuarial table; or

(c) On which one replanting payment has already been allowed for the crop year.

(2) The replanting payment per acre will be your actual cost for replanting, but will not exceed the amount determined in accordance with the crop endorsement.

If the information reported by you on the acreage report results in a lower premium than the premium determined to be due based on the acreage, share, practice or type determined actually to have existed, the replanting payment will be reduced proportionately.

i. You must not abandon any acreage to us.

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

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

l. Under no circumstances will we be liable for the payment of damages (compensatory, punitive, or other), attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. (State and local laws to the contrary are not applicable to this

insurance contract.) We will pay simple interest computed on the net indemnity ultimately found to be due by us or by the final judgment of a court of competent jurisdiction, from and including the 61st day after the date you sign, date and submit to us the properly completed FCIC claim form. Interest will be paid only if the reason for our failure to timely pay is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the Federal Register semiannually on or about January 1 and July 1 of each year and will vary with each publication.

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

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

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

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance. (For the purpose of this subsection, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.)

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

If you transfer any part of your share during the crop year, you may transfer your right to the applicable indemnity. The transfer must be on our form and approved by us. Both you and the person to whom you transfer your interest are jointly and severally liable for the payment of the premium. The transferee has all rights and responsibilities under the contract consistent with the transferee's interest.

12. Assignment of indemnity.

You may assign to another party your right to an indemnity for the crop year. The assignment must be on our form and will not be effective until approved in writing by us. The assignee may submit all notices and forms required to protect the insurance contract and to claim an indemnity.

13. Subrogation. (Recovery of loss from a third party.)

Because you may be able to recover all or a part of your loss from someone other than us,

you must do all you can to preserve any such right. If we pay you for your loss, then your right of recovery will at our option belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

14. Records and access to farm.

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

15. Contract term, cancellation, and termination.

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

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

c. This contract will terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. If the amount is paid by deduction from an indemnity or other U.S. Department of Agriculture payment, the date of payment:

(1) If deducted from an indemnity, will be the date you sign the properly completed claim form; or

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

d. The cancellation and termination dates are contained in the crop endorsement.

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election or amount of insurance at which

indemnities are computed is no longer offered, the actuarial table will provide the price election or amount of insurance which you are conclusively presumed to have elected unless you elect a different price election or amount of insurance prior to the sales closing date. All contract changes will be available at your service office by the contract change date contained in the crop endorsement. Acceptance of changes will be conclusively presumed in the absence of notice from you to cancel the contract.

17. Meaning of terms.

For the purposes of the crop insurance contract:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance or production guarantees, coverage levels or amounts of insurance, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding crop insurance in the county.

b. "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

c. "ASCS farm serial number" means the number assigned to the farm by the ASCS County Office Committee.

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

e. "Crop endorsement" means the endorsement to the policy contained in this part which sets forth the terms and conditions of insurance applicable to the named crop.

f. "Crop year" means the period within which the crop is normally grown and will be designated by the calendar year in which the insured crop is normally harvested.

g. "Harvest" (Defined in the crop endorsement).

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

i. "Insured" means the person who submitted the application accepted by us and does not extend to any other person having a share or interest in the crop such as a partnership, landlord, or any other person unless specifically indicated on the application and accepted by us.

j. "Insured crop" means the crop insured under the provisions of the applicable crop endorsement.

k. "Loss ratio" means the ratio of indemnity to premium.

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

m. "Production report" means previous year yield information including planted acreage and harvested production, reported by you, that is supportable by written verifiable records from a buyer of the insured crop or by measurement of farm stored production.

n. "Section" means a unit of measure under the rectangular survey system describing a

tract of land usually one mile square and generally containing approximately 640 acres.

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

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

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

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

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

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the insured crop on such land will be considered as owned by the lessee. Land which would otherwise be one unit may, in certain instances, be divided according to guidelines contained in the applicable crop endorsement or by written agreement with us. Units will be determined when the acreage is reported but may be adjusted to reflect the actual unit structure when adjusting a loss; however, no further division may be made at loss adjustment time. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

r. "Verifiable records" mean documents indicating a quantity of production or acreage determined by us, other government agencies, buyers, processors, packers, storage facilities or other third parties acceptable to us. The documents must include the name of the producer and entity making the measurement, the date of the measurement, and the crop type, class, or variety.

18. Descriptive Headings.

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

19. Determinations

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

20. Notices

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

21. Dates, Reports, and Notices

To preserve your rights under this insurance contract you are required to file a number of reports and notices with us by certain dates. The actual content requirements and time limits of those reports

and notices are set out elsewhere in this contract and you must refer to those sections for those requirements.

As a convenience to you and without limitation on our rights under this contract, a short description of most of the dates, reports and notices have been compiled in this section. Omission of any date, report or notice, or any of the requirements thereof, from this section does not relieve you of the requirement to comply with the terms of this contract. (Note that certain specific crops may require other notices and reports because of their individual characteristics. You are referred to the crop endorsement for any such requirements.)

a. "Acreage report"—A report required by section 3 of this contract. This report contains, in addition to other information, the report of the insured's share of all acreage of an insured crop in the county whether insurable or uninsurable and must be filed prior to the final acreage reporting date contained in the actuarial table for the county for the crop insured.

b. "Another use, Notice of"—The written notice required when an insured wishes to put acreage to another use (See: Section 8).

c. "Application"—A form required by Subpart D of Part 400 of 7 CFR and each individual program regulation. The application for insurance form must be completed and filed in the service office prior to the sales closing date (contained in the actuarial table) of the initial insurance year for each crop year for which an insurance endorsement is requested by the insured.

d. "Assignment of indemnity"—A transfer of contract rights, made on our form, and effective when approved by us. It is the arrangement whereby you assign your right to an indemnity payment to any party of your choice for the crop year.

e. "Billing date"—The first date upon which an insured is billed for insurance coverage and which generally falls at or near harvest time. Interest accruing on any unpaid premium balance attaches 30 days after the billing date.

f. "Cancellation date"—The date on or before which the insured or the Corporation may cancel the insurance policy for the subsequent crop year by giving written notice.

g. "Claim for indemnity" (See: Section 9)—A claim made by the insured for damage or loss to an insured crop and submitted to the Corporation not later than 60 days after the earliest of:

(1) Total destruction of the insured crop on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

h. "Claim for indemnity, Notice of"—The loss notice required to be given by the insured not later than 10 days after certain occurrences (See: Section 8).

i. "Contract change date"—The date by which FCIC makes any contract changes available for inspection in the service office (See: Section 16).

j. "Damage, notice of"—See: Probable loss, Notice of.

k. "Earliest planting date"—The earliest date established for planting the insured crop and qualifying for a replant payment (See: Actuarial Table and Section 9.h.(1)(b)).

l. "End of insurance period, Date of"—The date upon which the insured's crop insurance coverage ceases (See: Section 7).

m. "Insurance attaches, Date"—The date insurances attaches on the crop, generally after planting is completed or the calendar date in the crop endorsement (See: Section 7).

n. "Intent to abandon, Notice of"—The written notice to the Corporation by the insured indicating that because of damage from an insured cause, the insured has decided to no longer care for or harvest any part of the crop.

o. "Late planting agreement"—Available on selected crops. An amendment to the insurance contract which allows an insured whose planting has been delayed, to insure a crop planted after the final planting date in exchange for a reduction in coverage.

p. "Probable loss, notice of"—A written notice required to be filed in the service office whenever an insured believes that the insured crop has been damaged to the extent that a loss is probable (See: Section 8).

q. "Production report"—A written record showing the insured's annual production and used to determine the yield guarantee. (See: Section 4). The report contains previous year yield information including planted acreage and harvested production. This report must be supported by written records from a warehouseman or buyer of the insured crop or by measurement of farm stored production.

r. "Replanting, Notice of completion"—The notice required to be given by the insured to the Corporation when replanting is completed (See: Section 8).

s. "Reporting date"—The acreage reporting date (contained in the Actuarial Table) by which you are required to report all your insurable and uninsurable acreage in the county in which you have a share and your share at the time insurance attaches.

t. "Sales closing date"—The date contained in the actuarial table on file in the respective service office which sets out the final date when an application for insurance may be filed.

u. "Termination date"—The date upon which the Corporation may cancel the insurance policy for non-payment of premium.

§ 401.9-401.100 [Reserved]

§ 401.101 Wheat Endorsement.

The provisions of the Wheat Crop Insurance Endorsement for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Wheat Endorsement

1. Insured Crop

a. The crop insured will be wheat planted for harvest as grain.

b. In addition to the wheat not insurable in section 2 of the general crop insurance policy, we do not insure any wheat:

(1) If the seed has not been mechanically incorporated into the soil;

(2) If the seed is planted where an established grass or legume exists unless we agree, in writing, to insure such wheat; or

(3) Destroyed or put to another use in order to comply with other U.S. Department of Agriculture programs.

c. A late planting agreement will be available for all spring-planted wheat and for fall-planted wheat only where insurance is not offered for spring-planted wheat.

2. Causes of Loss

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

- Adverse weather conditions;
- Fire;
- Insects;
- Plant disease;
- Wildlife;
- Earthquake;
- Volcanic eruption; or
- If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting; unless those causes are excepted, excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

3. Annual Premium

a. The annual premium amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the wheat policy for the 1985 crop year, you will continue to receive the benefit of the reduction subject to the following conditions:

- No premium reduction will be retained after the 1990 crop year;
- The premium reduction will not increase because of favorable experience;
- The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;
- Once the loss ratio exceeds .80, no further premium reduction will apply; and
- Participation must be continuous.

4. Insurance Period

In lieu of the provisions in section 7 of the general crop insurance policy the following will apply:

a. Insurance attaches on each unit or part of a unit when the wheat is planted except that:

(1) In counties with an April 15 cancellation date, insurance will attach on fall-planted wheat on April 16 following planting if it is determined that there is an adequate stand on this date to produce a normal crop;

(2) If you have optional winter coverage in effect, or if optional winter coverage is provided in the county and you purchase such coverage before the winter wheat sales closing date, insurance will attach at the time of planting; or

(3) If optional winter coverage is provided in the county and you fail to purchase such

coverage and it is determined that there is an adequate stand on the spring final planting date to produce a normal crop, insurance will attach on the spring final planting date.

b. Insurance ends on each unit at the earliest of:

- Total destruction of the wheat;
- Combining, threshing, harvesting for silage or hay, or removal from the field;
- Final adjustment of a loss; or
- The following dates of the calendar year in which wheat is normally harvested:
 - Alaska, September 25;
 - All other states, October 31.

5. Unit Division

Wheat acreage that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided into more than one unit if you agree to pay additional premium as provided by the actuarial table and if for each proposed unit:

a. You maintain written, verifiable records of planted acreage and harvested production for at least the previous crop year and production reports based on those records are filed to obtain an insurance guarantee; and

b. Acreage planted to insured wheat is located in separate, legally identifiable sections (except in Florida) or, in the absence of section descriptions (and in all of Florida), the land is identified by separate ASCS Farm Serial Numbers, provided:

(1) The boundaries of the sections or ASCS Farm Serial Numbers are clearly identified and the insured acreage is easily determined; and

(2) The wheat is planted in such a manner that the planting pattern does not continue into the adjacent section or ASCS Farm Serial Number; or

c. The acreage planted to the insured wheat is located in a single section or ASCS Farm Serial Number and consists of acreage on which both an irrigated and nonirrigated practice are carried out, provided:

- Wheat planted on irrigated acreage does not continue into nonirrigated acreage in the same rows or planting pattern; and
- Planting, fertilizing and harvesting are carried out in accordance with recognized good dryland and irrigated farming practices for the area.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between optional units will cause those units to be combined.

6. Notice of Damage or Loss

a. In addition to the notices required in section 8 of the general crop insurance policy, in case of damage or probable loss you must give us written notice if you want to harvest the wheat for silage or hay. After such notice is given, we will appraise the potential grain production. If we are unable to do so before harvest, you may harvest the crop provided representative samples are left for appraisal purposes. For purposes of this section and section 8 of the general crop insurance policy the representative sample of the unharvested crop must be at least 10 feet wide and the entire length of the field.

b. A replant payment is available under this endorsement only in those counties where a Wheat Winter Coverage Option is available and only if the insured has elected the Wheat Winter Coverage Option. The replant payment will be the actual cost of replanting not to exceed the lesser of 20 percent of the production guarantee or 3 bushels multiplied by the price election multiplied by your share.

7. Claim for Indemnity

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

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

(2) Subtracting therefrom the total production of wheat to be counted (see subsection 7.b.);

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

(4) Multiplying this result by your share.

b. The total production (bushels) to be counted for a unit will include all harvested and appraised production.

(1) Mature wheat production which otherwise is not eligible for quality adjustment will be reduced .12 percent for each .1 percentage point of moisture in excess of 13.5 percent; or

(2) Mature wheat production which, due to insurable causes, has a test weight of less than 53 pounds per bushel or, as determined by a grain grader licensed by the Federal Grain Inspection Service or licensed under the United States Warehouse Act contains more than 10 percent damaged kernels, or more than 12 percent shrunken and broken kernels, or which grades garlicky, smutty or ergoty, will be adjusted by:

(a) Dividing the value per bushel of the insured wheat by the price per bushel of U.S. No. 2 wheat which does not grade garlicky, smutty, or ergoty; and

(b) Multiplying the result by the number of bushels of such wheat.

The applicable price for No. 2 wheat will be the local market price on the earlier of the day the loss is adjusted or the day the insured wheat is sold.

(3) Any harvested production from other volunteer plants growing in the wheat will be counted as wheat on a weight basis.

(4) Appraised production to be counted will include:

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

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Any unharvested production.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of wheat becomes general in the county and is reappraised by us;

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

(c) Harvested.

8. Cancellation and Termination Dates

The cancellation and termination dates are:

State and county	Cancellation date	Termination date
All Alaska Counties except those listed below; Alamosa, Conejos, Costilla, Rio Grande, and Saguache Counties, Colorado; Maine; Minnesota; Daniels, Roosevelt, Sheridan, and Valley Counties, Montana; New Hampshire; North Dakota; Corson, Walworth, Edmunds, Faulk, Spink, Beadle, Jerauld, Aurora, Douglas, and Bon Homme Counties, South Dakota and all South Dakota Counties north and east thereof; Vermont; and Trempealeau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties, Wisconsin and all Wisconsin Counties north and west thereof; Big Horn, Fremont, Hot Springs, Park, and Washakie Counties, Wyoming.	Apr. 15.....	Apr. 15.
All other Colorado Counties except those listed below; all Iowa Counties except those listed below; Kansas; Nebraska; New Mexico; Oklahoma; Texas; all other Wisconsin Counties and all other states except those listed below.	Sept. 30.....	Sept. 30.
Archuleta, Custer, Delta, Dolores, Eagle, Garfield, Grand, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, and San Miguel Counties, Colorado; Connecticut; Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Black Hawk, Buchanan, Delaware, and Dubuque Counties, Iowa and all Iowa Counties north thereof; Massachusetts; all other Montana Counties; New York; Rhode Island; all other South Dakota Counties; and all other Wyoming Counties.	Sept. 30.....	Nov. 30.
Matanuska-Susitna County, Alaska; Arizona; California; Idaho; Nevada; Oregon; Utah; and Washington.....	Oct. 31.....	Nov. 30.

9. Contract Changes

The date by which contract changes will be available in your service office is December 31 preceding the cancellation date for counties with an April 15 cancellation date and June 30 preceding the cancellation date for all other counties.

10. Meaning of Terms

a. "Adequate stand" means a sufficient population of plants to produce at least the yield used to determine the guarantee.

b. "Harvest" means combining or threshing, or cutting for hay or silage.

§ 401.102 The Winter Coverage Option for Wheat.

The Winter Coverage Option for wheat is available in the following counties and states beginning in the 1988 crop year:

South Dakota

- Bennett
- Brule
- Buffalo
- Butte
- Stanley
- Charles Mix
- Custer
- Dewey
- Fall River
- Sully
- Gregory
- Haakon
- Hand
- Harding
- Todd
- Hughes
- Hyde
- Jackson
- Jones
- Tripp
- Lawrence
- Lyman
- Meade
- Mellette
- Ziebach
- Pennington
- Perkins
- Potter
- Shannon

The provisions of the Winter Coverage Option for Wheat for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Wheat Endorsement—Winter Coverage Option

(This is a continuous Option)

Insured's Name _____
 Address _____
 Contract No. _____
 Crop Year _____
 Identification No. _____
 SSN _____
 Tax _____

In consideration of the additional premium as set by the Actuarial Table (FCI-35), the insurance provided is attached to and made part of the Wheat Endorsement subject to the following terms and conditions:

1. You must have a wheat endorsement.
2. Coverage under this option for fall-planted wheat will begin at the time of planting and will end on the spring final planting date for wheat in the county.
3. When there is not an adequate stand on the spring final planting date to produce the farm unit production guarantee, you have the option to:
 - a. Continue to provide sufficient care for the insured wheat crop through harvest;
 - b. Replant all destroyed acreage to a spring variety of wheat and receive a replanting

payment in accordance with subsection 9.h. of the general crop insurance policy and subsection 6.b. of the wheat endorsement; or

c. Accept our appraisal of the production to count, destroy the remaining crop on the acreage and be paid any indemnity due under the terms of the general crop insurance policy and the wheat endorsement.

4. In case of damage to the wheat under this option, you must provide us with written notice prior to the spring final planting date for wheat.

Insured's Signature _____
 Date _____
 Agent's Signature _____
 Date _____

§ 401.103 Barley Endorsement.

The provisions of the Barley Endorsement for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Barley Endorsement

1. Insured Crop

a. The crop insured will be barley planted for harvest as grain. A mixture of barley with either oats or wheat or both planted for harvest as grain may also be insured if provided by the actuarial table. The production from such mixture will be considered as barley on a weight basis.

b. In addition to the barley not insurable in section 2 of the general crop insurance policy, we do not insure any barley:

- (1) If the seed has not been mechanically incorporated into the soil;
- (2) If the seed is planted where an established grass or legume exists unless we agree, in writing, to insure such barley; or
- (3) Destroyed or put to another use in order to comply with other U.S. Department of Agriculture programs.

c. A late planting agreement will be available for all spring-planted barley and for fall-planted barley only where insurance is not offered for spring-planted barley.

2. Causes of Loss

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

- a. Adverse weather conditions;
- b. Fire;
- c. Insects;
- d. Plant disease;
- e. Wildlife;
- f. Earthquake;
- g. Volcanic eruption; or
- h. If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting; unless those causes are excepted, excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

3. Annual Premium

a. The annual premium amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the barley policy for the 1985 crop year, you will continue to receive the benefit of the reduction subject to the following conditions:

- (1) No premium reduction will be retained after the 1990 crop year;
- (2) The premium reduction will not increase because of favorable experience;
- (3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;
- (4) Once the loss ratio exceeds .80, no further premium reduction will apply; and
- (5) Participation must be continuous.

4. Insurance Period

In lieu of the provisions in section 7 of the general crop insurance policy the following will apply:

a. Insurance attaches on each unit or part of a unit when the barley is planted except that:

(1) In counties with an April 15 cancellation date, insurance will attach on fall-planted barley on April 16 following planting if it is determined that there is an adequate stand on this date to produce a normal crop;

(2) If you have optional winter coverage in effect, or if optional winter coverage is provided in the county and you purchase

such coverage before the winter barley sales closing date, insurance will attach at the time of planting; or

(3) If optional winter coverage is provided in the county and you fail to purchase such coverage, and it is determined that there is an adequate stand on the spring final planting date to produce a normal crop, insurance will attach on the spring final planting date.

b. Insurance ends on each unit at the earliest of:

- (1) Total destruction of the barley;
- (2) Combining, threshing, harvesting for silage or hay, or removal from the field;
- (3) Final adjustment of a loss; or
- (4) The following dates of the calendar year in which barley is normally harvested:
 - (a) Alaska, September 25;
 - (b) All other states, October 31.

5. Unit Division

Barley acreage that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided into more than one unit if you agree to pay additional premium as provided for by the actuarial table and if for each proposed unit:

a. You maintain written, verifiable records of planted acreage and harvested production for at least the previous crop year and production reports based on those records are filed to obtain an insurance guarantee; and

b. Acreage planted to insured barley is located in separate, legally identifiable sections (except in Florida) or, in the absence of section descriptions (and all of Florida), the land is identified by separate ASCS Farm Serial Numbers, provided:

(1) The boundaries of the sections or ASCS Farm Serial Numbers are clearly identified and the insured acreage is easily determined; and

(2) The barley is planted in such a manner that the planting pattern does not continue into the adjacent section or ASCS Farm Serial Number; or

c. The acreage planted to the insured barley is located in a single section or ASCS Farm Serial Number and consists of acreage on which both an irrigated and nonirrigated practice are carried out, provided:

(1) Barley planted on irrigated acreage does not continue into nonirrigated acreage in the same rows or planting pattern; and

(2) Planting, fertilizing and harvesting are carried out in accordance with recognized good dryland and irrigated farming practices for the area.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between optional units will cause those units to be combined.

6. Notice of Damage or Loss

a. In addition to the notices required in section 8 of the general crop insurance policy, in case of damage or probable loss you must give us written notice if you want to harvest the barley for silage or hay. After such notice is given, we will appraise the potential grain production. If we are unable to do so before harvest, you may harvest the crop provided representative samples are left for appraisal purposes. For the purposes of this section and

Section 8 of the general crop insurance policy, the representative sample of the unharvested crop must be at least 10 feet wide and the entire length of the field.

b. A replant payment is available under this endorsement only in those counties where a Barley Winter Coverage Option is available and only if the insured has elected the Barley Winter Coverage Option. The replant payment will be the actual cost of replanting not to exceed the lesser of 20 percent of the production guarantee or 3 bushels multiplied by the price election multiplied by your share.

7. Claim for Indemnity

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

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

(2) Subtracting therefrom the total production of barley to be counted (see subsection 7.b.);

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

(4) Multiplying this result by your share.

b. The total production (bushels) to be counted for a unit will include all harvested and appraised production.

(1) Mature barley production which otherwise is not eligible for quality adjustment will be reduced .12 percent for each .1 percentage point of moisture in excess of 14.5 percent; or

(2) Mature barley production which, due to insurable causes, has a test weight of less than 40 pounds per bushels or, as determined by a grain grader licensed by the Federal Grain Inspection Service or licensed under the United States Warehouse Act contains: less than 85 percent sound barley; more than 8 percent damaged kernels; more than 35 percent thin barley; more than 5 percent black barley; or grades smutty, garlicky, or ergoty, will be adjusted by:

(a) Dividing the value per bushel of the insured barley by the price per bushel of U.S. No. 2 barley which does not grade smutty, garlicky, or ergoty; and

(b) Multiplying the result by the number of bushels of such barley.

The applicable price for No. 2 barley will be the local market price on the earlier of the day the loss is adjusted or the day the insured barley is sold.

(3) Any harvested production from other volunteer plants growing in the barley will be counted as barley on a weight basis.

(4) Appraised production to be counted will include:

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

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Any unharvested production.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of barley becomes general in the county and is reappraised by us;

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

(c) Harvested.

8. Cancellation and Termination Dates

The cancellation and termination dates are:

State and county	Cancellation date	Termination date
Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas Counties, Colorado and all Colorado Counties south and east thereof; Connecticut; Kansas; Massachusetts; and New York	Sept. 30.....	Nov. 30.
New Mexico except Taos County; Oklahoma; Missouri; Illinois; Indiana; Ohio; Pennsylvania; New Jersey; and all states south and east thereof	Sept. 30.....	Sept. 30.
Arizona; California; Clark and Nye Counties, Nevada	Oct. 31.....	Nov. 30.
All other Colorado Counties; all other Nevada Counties; Taos County, New Mexico, and all other states	Apr. 15.....	Apr. 15.

9. Contract Changes

The date by which contract changes will be available in your service office is December 31 preceding the cancellation date for counties with an April 15 cancellation date and June 30 preceding the cancellation date for all other counties.

10. Meaning of Terms

a. "Adequate stand" means a sufficient population of plants to produce at least the yield used to determine the guarantee.

b. "Harvest" means combining, threshing, or cutting for hay or silage.

§ 401.104 Winter Coverage Option for Barley.

The Winter Coverage Option for Barley is not available in any counties for the 1988 crop year.

The provisions of the Winter Coverage Option for Barley for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Barley Endorsement—Winter Coverage Option

(This is a continuous Option)

Insured's Name _____
 Address _____
 Contract No. _____
 Crop Year _____
 Identification No. _____
 SSN _____
 Tax _____

In consideration of the additional premium as set by the Actuarial Table (FCI-35), the insurance provided is attached to and made part of the Barley Endorsement subject to the following terms and conditions:

- You must have a barley endorsement.
- Coverage under this option for fall-planted barley will begin at the time of planting and will end on the spring final planting date for barley in the county.
- When there is not an adequate stand on the spring final planting date to produce the farm unit production guarantee, you have the option to:
 - Continue to provide sufficient care for the insured barley crop through harvest;
 - Replant all destroyed acreage to a spring variety of barley and receive a replanting payment in accordance with subsection 9.h. of the general crop insurance policy, and subsection 6.b. of the Barley Endorsement; or
 - Accept our appraisal of the production to count, destroy the remaining crop on the acreage and be paid any indemnity due under the terms of the general crop insurance policy and the barley endorsement.

4. In case of damage to the barley under this option, you must provide us with written notice prior to the spring final planting date for barley.

Insured's Signature _____
 Date _____
 Agent's Signature _____
 Date _____

§ 401.105 Oat Endorsement.

The provisions of the Oat Crop Insurance Endorsement for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Oat Endorsement

1. Insured Crop

a. The crop insured will be oats planted for harvest as grain and grain mixtures in which oats are the predominant grain.

b. In addition to the oats not insurable in section 2 of the general crop insurance policy, we do not insure any oats:

- If the seed has not been mechanically incorporated into the soil;
- If the seed is planted where an established grass or legume exists unless we agree, in writing, to insure such oats; or
- Destroyed or put to another use in order to comply with other U.S. Department of Agriculture programs.

c. A late planting agreement will be available for all spring-planted oats where insurance is offered and for fall-planted oats only where insurance is not offered for spring-planted oats.

2. Causes of Loss

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

- Adverse weather conditions;
- Fire;
- Insects;
- Plant disease;
- Wildlife;
- Earthquake;
- Volcanic eruption; or
- If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting; unless those causes are excepted, excluded, or limited by the actuarial table or section 9 of the general policy.

3. Annual Premium

a. The annual premium amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the oat policy for the 1985 crop year, you will continue to receive the benefit of the reduction subject to the following conditions:

- No premium reduction will be retained after the 1990 crop year;
- The premium reduction will not increase because of favorable experience;
- The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;
- Once the loss ratio exceeds .80, no further premium reduction will apply; and
- Participation must be continuous.

4. Insurance Period

In lieu of the provisions in section 7 of the general crop insurance policy, the following will apply:

a. Insurance attaches on each unit or part of a unit when the oats are planted except that, in counties with an April 15 cancellation date, insurance on fall-planted oats attaches on April 16 following planting if it is determined that there is an adequate stand on April 16 to produce a normal crop.

b. Insurance ends on each unit at the earliest of:

- Total destruction of the oats;
- Combining, threshing, harvesting for silage or hay, or removal from the field;
- Final adjustment of a loss; or
- The following dates of the calendar year in which oats are normally harvested:
 - Alaska, September 25;
 - All other states, October 31.

5. Unit Division

Oat acreage that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided into more than one unit if you agree to pay additional premium as provided for by the actuarial table and if for each proposed unit:

- You maintain written, verifiable records of planted acreage and harvested production for at least the previous crop year and production reports based on those records are filed to obtain an insurance guarantee; and
- Acreage planted to insured oats is located in separate, legally identifiable sections (except in Florida) or, in the absence of section descriptions (and in all of Florida) the land is identified by separate ASCS Farm Serial Numbers, provided:
 - The boundaries of the sections or ASCS Farm Serial Numbers are clearly identified

and the insured acreage is easily determined; and

(2) The oats are planted in such a manner that the planting pattern does not continue into the adjacent section or ASCS Farm Serial Number; or

c. The acreage planted to the insured oats is located in a single section or ASCS Farm Serial Number and consists of acreage on which both an irrigated and a nonirrigated practice are carried out, provided:

(1) Oats planted on irrigated acreage do not continue into nonirrigated acreage in the same rows or planting pattern; and

(2) Planting, fertilizing and harvesting are carried out in accordance with recognized good dryland and irrigated farming practices for the area.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between optional units will cause those units to be combined.

6. Notice of Damage or Loss

In addition to the notices required in section 8 of the general crop insurance policy, in case of damage or probable loss you must give us written notice if you want to harvest the oats for silage or hay. After such notice is given, we will appraise the potential grain production. If we are unable to do so before harvest, you may harvest the crop provided representative samples are left for appraisal purposes. For purposes of this section and Section 8 of the general crop insurance policy the representative sample of the unharvested crop must be at least 10 feet wide and the entire length of the field.

7. Claim for Indemnity

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

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

(2) Subtracting therefrom the total production of oats to be counted (see subsection 7.b.);

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

(4) Multiplying this result by your share.

b. The total production (bushels) to be counted for a unit will include all harvested and appraised production.

(1) Mature oat production which otherwise is not eligible for quality adjustment will be reduced .12 percent for each .1 percentage point of moisture in excess of 14.0 percent; or

(2) Mature oat production which, due to insurable causes, has a test weight of less than 27 pounds per bushel or, as determined by a grain grader licensed by the Federal Grain Inspection Service or licensed under the United States Warehouse Act, contains less than 80 percent sound oats or is smutty, garlicky, or ergoty, will be adjusted by:

(a) Dividing the value per bushel of the insured oats by the price per bushel of U.S. No. 2 oats which do not grade smutty, garlicky, or ergoty; and

(b) Multiplying the result by the number of bushels of such oats. The applicable price for No. 2 oats will be the local market price on the earlier of the day the loss is adjusted or the day the insured oats are sold.

(3) Any harvested production from other volunteer plants growing in the oats will be counted as oats on a weight basis.

(4) Appraised production to be counted will include:

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

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Any unharvested production.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of oats becomes general in the county and is reappraised by us;

(b) Further damaged by an insured cause before the acreage is put to another use and is reappraised by us; or

(c) Harvested.

8. Cancellation and Termination Dates

The cancellation and termination dates are:

State and county	Cancellation and termination date
Alabama; Arkansas; Florida; Georgia; Louisiana; Mississippi; New Mexico except Taos County; North Carolina; Oklahoma; South Carolina; Tennessee; Texas; and Patrick, Franklin, Pittsylvania, Campbell, Appomattox, Fluvanna, Buckingham, Louisa, Spotsylvania, Caroline, Essex, and Westmoreland Counties, Virginia and all counties east thereof.	Sept. 30.
Arizona; California except Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Trinity Counties.	Oct. 31.
All other California counties; Taos County, New Mexico; all other Virginia counties and all other states.	Apr. 15.

9. Contract Changes

The contract change date is December 31 preceding the cancellation date for counties with an April 15 cancellation date and June 30 preceding the cancellation date for all other counties.

10. Meaning of Terms

a. "Adequate stand" means a sufficient population of plants to produce at least the yield used to determine the guarantee.

b. "Harvest" means combining, threshing or cutting for hay or silage.

§ 401.106 Rye Endorsement.

The provisions of the Rye Crop Insurance Endorsement for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Rye Endorsement

1. Insured Crop

a. The crop insured will be rye planted for harvest as grain.

b. In addition to the rye not insurable in section 2 of the general crop insurance policy, we do not insure any rye:

(1) If the seed has not been mechanically incorporated into the soil;

(2) If the seed is planted where an established grass or legume exists unless we agree, in writing, to insure such rye; or

(3) Destroyed or put to another use in order to comply with other U.S. Department of Agriculture programs.

c. A late planting agreement will be available for all spring-planted rye where insurance is offered and for fall-planted rye only where insurance is not offered for spring-planted rye.

2. Causes of Loss

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

a. Adverse weather conditions;

b. Fire;

c. Insects;

d. Plant disease;

e. Wildlife;

f. Earthquake;

g. Volcanic eruption; or

h. If applicable, failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting; unless those causes are excepted, excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

3. Annual Premium

a. The annual premium amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting.

b. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the rye policy for the 1985 crop year, you will continue to receive the benefit of that reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1990 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;

(4) Once the loss ratio exceeds .80, no further premium reduction will apply; and

(5) Participation must be continuous.

4. Insurance Period

The calendar date for the end of the insurance period is October 31 of the year in which the rye is normally harvested.

5. Unit Division

Rye acreage that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided into more than one unit if you agree to pay additional premium as provided by the actuarial table and if for each proposed unit:

a. You maintain written, verifiable records of planted acreage and harvested production for at least the previous crop year and production reports based on those records are filed to obtain an insurance guarantee; and

b. The acreage planted to insured rye is located in separate, legally identifiable sections or, in the absence of section descriptions, the land is identified by

separate ASCS Farm Serial Numbers, provided:

(1) The boundaries of the sections or ASCS Farm Serial Numbers are clearly identified and the insured acreage is easily determined; and

(2) The rye is planted in such a manner that the planting pattern does not continue into the adjacent section or ASCS Farm Serial Number; or

c. The acreage planted to the insured rye is located in a single section or ASCS Farm Serial Number and consists of acreage on which both irrigated and nonirrigated practices are carried out, provided:

(1) Rye planted on irrigated acreage does not continue into nonirrigated acreage in the same rows or planting pattern; and

(2) Planting, fertilizing and harvesting are carried out in accordance with recognized good dryland and irrigated farming practices for the area.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between optional units will cause those units to be combined.

6. Notice of Damage or Loss

In addition to the notices required in section 8 of the general crop insurance policy, in case of damage or probable loss you must give us written notice if you want to harvest the rye for silage or hay. After such notice is given, we will appraise the potential grain production.

If we are unable to do so before harvest, you may harvest the crop provided representative samples are left for appraisal purposes. For purposes of this section and section 8 of the general crop insurance policy the representative sample of the unharvested crop must be at least 10 feet wide and the entire length of the field.

7. Claim for Indemnity

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

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

(2) Subtracting therefrom the total production of rye to be counted (see subsection 7.b.);

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

(4) Multiplying this result by your share.

b. The total production (bushels) to be counted for a unit will include all harvested and appraised production.

(1) Mature rye production which otherwise is not eligible for quality adjustment will be reduced .12 percent for each .1 percentage point of moisture in excess of 16 percent; or

(2) Mature rye production which, due to insurable causes, has a test weight of less than 52 pounds per bushel or, as determined by a grain grader licensed by the Federal Grain Inspection Service or licensed under the United States Warehouse Act, contains: more than 7 percent damaged kernels; more than 25 percent thin rye; or is smutty, garlicky, or ergoty, will be adjusted by:

(a) Dividing the value per bushel of the insured rye by the price per bushel of U.S. No. 2 rye which does not grade smutty, garlicky, or ergoty; and

(b) Multiplying the result by the number of bushels of such rye. The applicable price for

No. 2 rye will be the local market price on the earlier of the day the loss is adjusted or the day the insured rye is sold.

(3) Any harvested production from other volunteer plants growing in the rye will be counted as rye on a weight basis.

(4) Appraised production to be counted will include:

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

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(c) Any unharvested production.

(5) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(a) Not put to another use before harvest of rye becomes general in the county and is reappraised by us;

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

(c) Harvested.

8. Cancellation and Termination Dates

The cancellation and termination date for all states is September 30.

9. Contract Changes

The date by which contract changes will be available in your service office is June 30 preceding the cancellation date.

10. Meaning of Terms

a. "Adequate stand" means a sufficient population of plants to produce at least the yield used to determine the guarantee.

c. "Harvest" means combining, threshing, or cutting for hay or silage.

§ 401.107 Late Planting Agreement Option.

(a) *General.* The provisions contained in the Late Planting Agreement Option, are a duplication of 7 CFR Part 400, Subpart A, with minor editorial changes to provide compatibility with the General Crop Insurance Regulations (7 CFR Part 401), and become effective when elected by producers on the crop insurance endorsements herein which are eligible for the Late Planting Agreement Option.

(b) *Availability of the Late Planting Agreement.* The Late Planting Agreement will be offered under the provisions contained in 7 CFR Part 401, within limits prescribed by and in accordance with the Federal Crop Insurance Act, as amended 9 U.S.C. 1501 *et seq.*, only on those crops identified in section 4 of this subpart. All provisions of the applicable endorsement for the insured crop apply, except those provisions which are in conflict with this subpart.

(c) *Definitions.* For the purposes of the Late Planting Agreement Option:

(1) "Final planting date" means the final planting date for the insured crop contained in the actuarial table on file in the service office.

(2) "Late Planting Agreement" means that agreement executed by the final planting date, between the FCIC and the insured whereby the insured elects, and FCIC provides, insurance on acreage planted for up to 20 days after the applicable final planting date. The production guarantee applicable on the final planting date will be reduced on the acreage planted after the final planting date by 10 percent for each 5 days that the acreage is planted after the final planting date.

(3) "Production guarantee" means the guaranteed amount of production under the provisions of the applicable endorsement for crop insurance (sometimes expressed in amounts of insurance).

(d) *Responsibilities of the insured.* The insured is solely responsible for the completion of the Late Planting Agreement Option and for the accuracy of the data provided on that Agreement. The provisions of this subpart do not relieve the insured of any responsibilities under the provisions of the insurance endorsement.

(e) *Applicability to crops insured.* The provisions of this subpart will be applicable to the provisions for insuring crops under the following FCIC endorsements:

401.101 Wheat Endorsement
401.103 Barley Endorsement
401.105 Oat Endorsement
401.106 Rye Endorsement

The Late Planting Agreement will be available in all counties in which the Corporation offers insurance on these crops (but the Late Planting Agreement is not available on fall-planted crops in all counties).

(f) The provisions of the Late Planting Agreement are as follows:

U.S. DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Late Planting Agreement

Insured's Name _____
Address _____
Contract No. _____
Crop Year _____
Crop _____

Notwithstanding the provisions of section 2 of the General Crop Insurance Regulations (7 CFR 401) regarding the insurability of crop acreage initially planted after the final planting date on file in the service office, I elect to have insurance provided on acreage planted within twenty days after such date. Upon my making this election, the production guarantee or amount of insurance, whichever is applicable, will be reduced ten percent for each five days or portion thereof that the acreage is planted after the final planting date. Each ten percent reduction will be applied to the production guarantee or

amount of insurance applicable on the final planting date.

The premium will be computed based on the guarantee or amount of insurance applicable on the final planting date; therefore, no reduction in premium will occur as a result of my election to exercise this option.

If planting continues under this Agreement after the acreage reporting date on file in the service office, the acreage reporting date will be extended to five days after the completion of planting the acreage to which insurance will attach under this Agreement.

Insured's Signature _____
Date _____
Corporation Representative's
Signature and Code Number _____
Date _____

§ 401.108 Prevented Planting Endorsement.

(a) The provisions contained in the Prevented Planting Endorsement are a duplication of 7 CFR Part 442, with minor editorial changes made to provide compatibility with the General Crop Insurance Regulations (7 CFR Part 401), and become effective when elected by producers on the crop insurance endorsements therein which are eligible for the Prevented Planting Endorsement.

(b) The provisions of the prevented planting endorsement are as follows:

Federal Crop Insurance Corporation

Prevented Planting Endorsement

A prevented planting crop insurance endorsement on the qualifying crop will be available to all insureds having a qualifying crop insurance endorsement under the provisions of this Part and who participate in the ASCS Acreage Reduction Program or Set-aside Program. This endorsement is not continuous. Application must be made annually for the prevented planting endorsement not later than the sales closing date established by the actuarial table for the applicable qualifying crop.

(THIS IS AN ANNUAL ELECTION TO BE MADE BY THE INSURED BEFORE THE DATE SPECIFIED IN SECTION 10.)

AGREEMENT TO INSURE: We will provide the insurance described in this endorsement in return for the premium and your compliance with all applicable provisions.

1. Applicable provisions.

All provisions of the qualifying crop insurance endorsement and the prevented planting crop insurance application not in conflict with this endorsement are applicable.

2. Causes of loss.

a. This insurance is against your being unavoidably prevented from planting insurable acreage to the qualifying crop or any other non-conserving crop during the insurance period. (You are required to plant to another non-conserving crop during the insurance period after you know or should have known that it is no longer feasible to plant the qualifying crop and you are not prevented from planting the other non-

conserving crop by an insurable cause.) You must be prevented from planting by drought, flood, or other natural disaster which occurs within the insurance period. Limitations, exceptions, or exclusions on the causes insured against may be contained in the actuarial table.

b. We will not insure against any prevention of planting:

(1) If your failure to plant was due to a cause other than those listed in subsection 2.a.; or

(2) If most producers in the surrounding area in similar circumstances were able to plant the qualifying crop or any other non-conserving crop.

3. Acreage and share insured.

a. The acreage insured for each crop year will be the cultivated acreage in the county intended to be planted for harvest to the qualifying crop, in which you have a share, as reported by you or as determined by us, whichever we elect, and for which a premium rate is provided by the actuarial table.

b. The insured share is your share as landlord, owner-operator or tenant in the qualifying crop if the crop had been planted at the time insurance attaches. However, only for the purpose of determining the amount of indemnity, your share will not exceed your share on the prevented planting date.

c. Unless otherwise specified by the actuarial table, we will not insure any acreage unless you have a valid crop insurance endorsement for the current crop year on the qualifying crop and the acreage is insurable under that endorsement.

d. You must participate in the ASCS acreage reduction or set-aside program for the qualifying crop in the applicable crop year on at least one farm which is part of the insured unit under this endorsement.

4. Report of acreage, share, type, and practice.

You must report on our form:

a. All the cultivated acreage intended for planting to the qualifying crop in the county in which you have a share;

b. The intended type and practice; and

c. Your share at the time of reporting.

You must designate separately any cultivated acreage that is intended for planting to the qualifying crop that is not insurable. This report must be submitted not later than the sales closing date for the qualifying crop. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report by the reporting date, we may elect to determine the insured acreage and share or we may deny liability on the unit. Any report submitted by you may be revised only upon our approval.

5. Amounts of insurance and coverage levels.

a. The amount of insurance per acre is computed by multiplying the qualifying crop yield guarantee times the price election selected for the qualifying crop, times 0.35.

b. The coverage level is the same as that selected under your crop insurance endorsement for the qualifying crop.

6. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the

amount of insurance per acre times the premium rate, times the insured acreage, times your share.

b. Interest will accrue at the same rate and terms on any unpaid premium balance as on the qualifying crop insurance endorsement.

7. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payment due you or from any replanting payment, or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its agencies, and from any amount due you from any other United States Government Agency.

8. Insurance period.

In lieu of section 7 of the general policy, prevented planting insurance attaches on the sales closing date of the qualifying crop insurance endorsement for the crop year and ends at the earlier of:

a. Planting of the insured acreage to the qualifying crop or any other non-conserving crop; or

b. The prevented planting date.

9. Notice of damage or loss and claim for indemnity.

a. If you are prevented from planting the insured acreage and expect to claim an indemnity on the unit, you must give us notice in writing not later than five days after the prevented planting date.

b. Any claim for indemnity must be submitted to us on our form prior to the time a claim is or should be filed for the qualifying crop.

c. We will not pay any indemnity unless you:

(1) Establish that any prevention of planting on insured acreage was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed; and

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

d. The indemnity will be determined for the unit by:

(1) Multiplying the insured acreage times the amount of insurance as determined in section 5 of this endorsement;

(2) Subtracting therefrom the amount obtained by multiplying the planted acreage, times the amount of insurance; and

(3) Multiplying this result by your share.

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

10. Life of contract: Cancellation and termination.

a. This endorsement will be in effect only for the crop year specified on the application and may not be canceled by you for such crop year.

b. This endorsement may be renewed for each succeeding crop year if:

(1) You apply and report your intended acreage for planting not later than the sales closing date of the qualifying crop; and

(2) The qualifying crop insurance endorsement is not cancelled or terminated for the crop year.

11. Meaning of terms.

For the purposes of prevented planting crop insurance:

a. "Cultivated acreage intended for planting" means land that was ready or, except for insured causes, could have been made ready for planting, but does not include land:

(1) On which a perennial forage crop is being grown or on which the qualifying crop or other non-conserving crop was planted prior to the prevented planting acreage reporting date; or

(2) Which was not or would not have been planted to comply with any other United States Department of Agriculture or State programs or for any other reason.

b. "Farm" means the land which is designated by ASCS under a single farm serial number.

c. "Insurable acreage" means the land classified as insurable by us for the qualifying crop and shown as such by the actuarial table.

d. "Non-conserving crop" means any crop planted for harvest as food, feed, or fiber.

e. "Planted acreage" means the insurable acreage:

(1) Planted to the qualifying crop or any non-conserving crop during the insurance period; or

(2) Which could have been planted to the qualifying crop or any non-conserving crop during the insurance period.

f. "Prevented planting date" means the latest final spring planting date established by the crop actuarial tables for any insurable crop in the county, except tobacco, plus any extended date or final planting date offered under any late planting agreement option. (In areas where there are no spring planting dates, we will use the latest final fall planting date.)

g. "Qualifying crop" means the ASCS program crop (barley, corn, cotton, ELS Cotton, grain sorghum, oats, rice, or wheat) which is also insured.

h. "Unit" means all insurable acreage in the county which you intend for planting to the qualifying crop prior to the prevented planting date for the crop year at the time insurance first attaches under this endorsement for the crop year. The unit will be determined when the acreage is reported.

i. "Yield guarantee" means the result of multiplying your yield for the qualifying crop by your coverage level for that crop.

§ 401.109 Hybrid Sorghum Seed Endorsement.

The provisions of the Hybrid Sorghum Seed Endorsement for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Hybrid Sorghum Seed Endorsement

1. Insured crop.

a. The crop insured will be female grain sorghum which is:

(1) Planted for harvest and the production is intended for use as commercial seed to produce grain sorghum, forage sorghum, or sorghum sudan; and

(2) Grown under a written contract executed with a seed company before the acreage reporting date.

b. An instrument in the form of a "lease" under which you retain control of the acreage

on which the insured crop is grown and which provides for delivery of the crop under certain conditions and at a stipulated price will be treated as a contract under which you have a share in the crop.

c. In addition to the female grain sorghum not insurable in section 2 of the general crop insurance policy, we do not insure any female grain sorghum:

(1) In rows planted with a mixture of female and male plants;

(2) Planted for any purpose other than for commercial seed;

(3) Grown under a contract with any seed company and that seed company refuses to provide us with the records we require to determine the dollar value per bushel of seed production for each hybrid variety; or

(4) Destroyed or put to another use in order to comply with other U.S. Department of Agriculture programs.

2. Causes of loss.

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

(1) Adverse weather conditions;

(2) Fire;

(3) Insects;

(4) Plant disease;

(5) Wildlife;

(6) Earthquake;

(7) Volcanic eruption; or

(8) Failure of the irrigation water supply due to an unavoidable cause occurring after the beginning of planting;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

b. In addition to the causes of loss not insured against in section 1 of the general crop insurance policy we will not insure against any loss of production due to:

(1) The use of unadapted, incompatible, or genetically deficient male or female seed;

(2) Deficiencies determined during grow-out of a sample of the insured seed crop, including inadequate purity or poor vigor;

(3) Failure to follow the grower provisions of the contract executed with the seed company;

(4) Frost or freeze after the date set by the actuarial table;

(5) Inadequate germination of the hybrid seed crop even though such inadequate germination was a direct result of an insured cause of loss unless inspected and accepted by us before harvest is completed; or

(6) Failure to plant the male seed at a time sufficient to assure adequate pollination of the female plants.

3. Report of acreage, share, type, and practice (acreage report).

In addition to the information required in section 3 of the general crop insurance policy for the acreage report, you must report the crop type.

4. Annual premium.

The annual premium amount is computed by multiplying the amount of insurance per acre times the premium rate, times the insured acreage, times your share at the time of planting.

5. Insurance period.

In addition to the provisions in section 7 of the general crop insurance policy the following will apply:

a. Insurance attaches on each unit or part of a unit when both the male plant seed and the female plant seed are completely planted in accordance with the production management practices of the seed company.

b. The calendar date for the end of the insurance period is November 30 of the crop year.

6. Unit division.

Female grain sorghum acreage that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided into more than one unit if you agree to pay additional premium if required by the actuarial table, and if for each proposed unit:

a. You maintain written, verifiable records of planted acreage and harvested production for at least the previous crop year; and

b. The acreage planted to insured female grain sorghum is located in separate legally identifiable sections, or in the absence of section descriptions, the land is identified by separate ASCS Farm Serial Numbers, provided:

(1) The boundaries of the sections or ASCS Farm Serial Numbers are clearly identified and the insured acreage is easily determined; and

(2) The female grain sorghum is planted in such a manner that the planting pattern does not continue into the adjacent section or ASCS Farm Serial Number.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between optional units will cause those units to be combined.

7. Notice of damage or loss.

In addition to the notices required in section 8 of the general crop insurance policy, in case of damage or probable loss you must give us written notice of probable loss at least 15 days before the beginning of harvest if you anticipate a germination rate of less than 80 percent on any unit. For purposes of section 8 of the general crop insurance policy the representative sample of the unharvested crop must be at least 10 feet wide and the entire length of the field.

8. Claim for indemnity.

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

(1) Multiplying the insured acreage by the amount of insurance per acre;

(2) Subtracting from this product the sum of:

(a) The dollar amount obtained by multiplying seed production to count for each type and variety by the respective dollar value per bushel determined by us; plus

(b) The dollar amount obtained by multiplying non-seed production to count by the local market price of such production on the earlier of the date the loss is adjusted or the date such production is sold; and

(c) Multiplying this result by your share.

b. The total production to be counted for a unit will include all harvested and appraised seed and all harvested and appraised non-seed production.

(1) Total seed production to be counted will include:

(a) All production delivered to and accepted by the seed company;

(b) All production with a germination rate of 80 percent or more as determined by a certified seed test conducted from a cleaned sample taken at the time of delivery to the seed company or, if the mature production is appraised, at the time of appraisal; and

(c) All harvested and appraised production which does not qualify under (a) or (b) above because of damage caused by uninsured causes or the failure to follow grower provisions of the contract executed with the seed company.

(2) Total non-seed production to be counted will include all production that does not qualify as seed production.

(3) Appraised production to be counted will include:

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

(b) Potential production lost due to failure to follow the grower provisions of the contract executed with the seed company;

(c) Not less than the dollar amount of insurance for any acreage which is abandoned or put to another use without our prior written consent or damaged solely by an uninsured cause; and

(d) Any unharvested production.

c. Any appraisal we have made on insured acreage for which we have given written consent to be put to another use will be considered production unless such acreage is:

(1) Not put to another use before harvest of hybrid sorghum seed becomes general in the county and is reappraised by us;

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

(3) harvested.

d. To determine the quantity of mature production, seed and non-seed production will be:

(1) Adjusted .12 percent for each .1 percentage point of moisture to 13.0 percent; and

(2) Measured at 56 pounds of production equaling one bushel.

e. When records of seed production provided by the seed company have been adjusted to a basis of 13.0 percent moisture and 56 pound test weight, (d) above will not apply for harvested production and the records of the seed company will be used to determine the amount of indemnity if such production records are based on the same moisture and test weight criteria used to determine the dollar value per bushel of seed production.

9. Cancellation and termination dates.

The cancellation and termination dates are April 15.

10. Contract changes.

The date by which contract changes will be available in your service office is December 31 preceding the cancellation date.

11. Production reporting.

The production reporting provision contained in section 4 of the general crop insurance policy will not be applicable to this contract.

12. Meaning of terms.

For the purposes of hybrid sorghum seed crop insurance:

a. "Adjusted Average Yield" means an expected yield level for a specific variety, in

bushels per acre, determined by us and used to establish the value of seed production for the purpose of determining the amount of indemnity.

b. "Commercial Seed" means the offspring produced by crossing two individual seeds of different genetic character. The resultant offspring is the product intended for use on a commercial basis by an agricultural producer to produce a field crop type for grain sorghum, forage sorghum, or sorghum sudan.

c. "Female Plants" mean the plants grown for the purpose of producing commercial seed and from which the commercial seed is harvested.

d. "Grow-out" means the growing of a sample of the hybrid sorghum seed crop to determine progeny characteristics.

e. "Harvest" means combining, threshing, or picking of the seed and non-seed production.

f. "Inadequate germination" means less than 80 percent of the seed produced from female plants germinated as determined by a warm test using clean seed.

g. "Male Plants" mean the plants grown for the purpose of shedding pollen on female plants.

h. "Seed Company" means a company which contracts with a grower to produce or grow plants for the production of hybrid seed.

i. "Type" means grain sorghum, forage sorghum, or sorghum sudan.

j. "Variety" means the seed produced from a pair of genetically identifiable parents.

§ 401.110 Almond Endorsement.

The provisions of the Almond Crop Insurance Endorsement for the 1988 and subsequent crop years are as follows:

Federal Crop Insurance Corporation

Almond Endorsement

1. Insured Crop.

a. The crop insured will be almonds.

b. In addition to the almonds not insured in section 2 of the general crop insurance policy, we do not insure any almonds:

(1) Which are not irrigated; or

(2) On which the trees on the sales closing date have not reached the seventh growing season after being set out unless we agree in writing to insure such acreage.

c. Insurance may attach only by written agreement with us on any acreage with less than 90 percent of a stand, based on the original planting pattern.

2. Causes of loss.

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

a. Adverse weather conditions;

b. Fire;

c. Wildlife;

d. Earthquake;

e. Volcanic eruption;

f. Direct Mediterranean Fruit Fly damage;

or

g. Failure of the irrigation water supply due to an unavoidable cause occurring after insurance attaches;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9 of the general crop insurance policy.

3. Report of acreage, share, and practice (acreage report).

The date by which you must annually submit the acreage report described in section 3 of the general crop insurance policy is January 15.

4. Annual premium.

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

b. If you are eligible for a premium reduction in excess of 5 percent based on your insuring experience through the 1984 crop year under the terms of the experience table contained in the almond policy for the 1985 crop year, you will continue to receive the benefit of the reduction subject to the following conditions:

(1) No premium reduction will be retained after the 1990 crop year;

(2) The premium reduction will not increase because of favorable experience;

(3) The premium reduction will decrease because of unfavorable experience in accordance with the terms of the policy in effect for the 1985 crop year;

(4) Once the loss ratio exceeds .80, no further premium reduction will apply; and

(5) Participation must be continuous.

5. Insurance period.

Insurance attaches for each crop year on January 1. The calendar date for the end of the insurance period is November 30 of the calendar year in which the almonds are normally harvested.

6. Unit division.

Almond acreage that would otherwise be one unit, as defined in section 17 of the general crop insurance policy, may be divided into more than one unit if you agree to pay additional premium if required by the actuarial table and if for each proposed unit:

a. You maintain written, verifiable records of acreage and harvested production for at least the previous crop year and production reports based on those records are filed to obtain an insurance guarantee; and

b. The acreage of insured almonds is located on non-contiguous land.

If you have a loss on any unit, production records for all harvested units must be provided. Production that is commingled between optional units will cause those units to be combined.

7. Claim for indemnity.

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

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

(2) Subtracting therefrom the total production of almonds to be counted (see subsection 7.b.);

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

(4) Multiplying this result by your share.

b. The total production (total meat pounds) to be counted for a unit will include all harvested and appraised production.

(1) Appraised production to be counted will include:

(a) Unharvested production on harvested acreage and potential production lost due to

uninsured causes and failure to follow recognized good almond farming practices;

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

(c) Any appraised production on unharvested acreage.

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

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

(b) Harvested.

(3) Almonds which cannot be marketed due to insurable causes will not be considered production.

8. Cancellation and termination dates.

The cancellation and termination dates are December 31.

9. Contract changes.

The date by which contract changes will be available in your service office is August 31 preceding the cancellation date.

10. Meaning of terms.

a. "Direct Mediterranean Fruit Fly damage" means the actual physical damage to the almonds which causes such almonds to be considered unmarketable and will not include unmarketability of such almonds as a result of a quarantine, boycott, or refusal to accept the almonds by any entity without regard to the actual physical damage to such almonds.

b. "Harvest" means the removal of the almonds from the orchard.

c. "Non-contiguous Land" means land which is not touching at any point, except that land which is separated by only a public or private right-of-way will be considered contiguous.

d. "Total Meat Pounds" means the total pounds of good almond meats (whole, chipped and broken, and inshell meats) and rejects, except those resulting from insurable causes as determined by us. Unshelled almonds will be converted to meat pounds.

Done in Washington, DC, on July 13, 1987.

E. Ray Fosse,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 87-17255 Filed 7-29-87; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 1065

Milk in the Nebraska-Western Iowa Marketing Area; Temporary Revision of Diversion Limitation Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes for the months of July and August 1987 the limit on how much milk not needed for fluid (bottling) use may be moved directly from farms to nonpool manufacturing plants and still be priced under the Nebraska-Western Iowa

order. The revision is made in response to a request by a cooperative association representing a substantial number of producers supplying the market in order to prevent uneconomic movements of milk.

EFFECTIVE DATE: July 30, 1987.

FOR FURTHER INFORMATION CONTACT:

Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Temporary Revision of Diversion Limitation Percentage: Issued July 7, 1987; published July 10, 1987 (52 FR 26016).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the provisions of § 1065.13(d)(4) of the Nebraska-Western Iowa order.

Notice of proposed rulemaking was published in the *Federal Register* (52 FR 26016) concerning a proposed increase in the amount of milk that may be moved directly from producer farms to nonpool manufacturing plants for the months of July and August 1987. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views and arguments by July 17, 1987. No comments opposing the proposed temporary revision were received.

Statement of Consideration

After consideration of all relevant material, including the proposal set forth in the aforesaid notice and other available information, it is hereby found and determined that the diversion limitation percentage set forth in § 1065.13(d) should be increased by 10

percentage points from the present 50 percent to 60 percent for the months of July and August 1987. The order's diversion limits were revised temporarily from 50 to 60 percent for the months of May through August 1986, from 40 to 60 percent for the months of September through December 1986, and from 40 to 55 percent for the months of January through March 1987.

Pursuant to the provisions of § 1065.13(d), the diversion limitation percentages set forth in § 1065.13(d) (2) and (3), respectively, may be increased or decreased up to 20 percentage points during any month. Such changes may be made to encourage additional needed milk shipments to pool distributing plants or to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

National Farmers Organization (NFO), a cooperative association which represents producers supplying the Nebraska-Western Iowa market, requested that for the months of July and August 1987, the percentage of allowable diversions be increased 10 percentage points.

The basis of the cooperative's request is that for the period in question, the order provisions require more milk to move through pool plants than is necessary to meet the fluid, or bottling, requirements of the market. NFO stated that a decline of approximately one percent per year in Class I sales under the Nebraska-Western Iowa order has been accompanied by a reduction in the demand of pool plants for producer milk supplies. According to the cooperative, the percentage of producer milk used in Class I under the order was only 33 percent for the month of May 1987, and can be expected to decline during the summer months, particularly in July and August. As a consequence, NFO stated, the amount of producer milk surplus to the Nebraska-Western Iowa market's Class I needs during those months can be expected to be well in excess of 60 percent of the milk pooled.

According to NFO, the milk surplus to the fluid needs of the market must be diverted to manufacturing facilities. In order to comply with the order's present diversion limits, the cooperative states that the required percentage of its members' milk must be delivered to pool plants. However, a significant amount of its members' milk is not needed at pool plants, but must be received first at a pool plant in order to qualify for pooling, then reloaded and transshipped to a nonpool plant to be used. NFO stated

that such uneconomic milk shipments would be necessary for the months of July and August 1987 if the milk of its member producers customarily pooled under the Nebraska-Western Iowa order is to continue to be priced under the order and receive the benefits of such pricing. The proposed temporary increase of the diversion limits is necessary to prevent uneconomic shipments merely for the purpose of assuring that dairy farmers historically associated with the market will continue to have their milk priced under the order.

It appears that some relaxation of the order's diversion limits would be appropriate. The percentage of producer milk used in Class I in the Nebraska-Western Iowa market during July and August 1986 averaged approximately 35 percent. Milk production would have to decline considerably from the previous year's level to justify a requirement that 50 percent of all producer milk pooled under the order be delivered to pool plants. It appears that a reasonable limit on diversions of producer milk to nonpool plants for the period in question would be 60 percent of the producer milk pooled by a handler.

Without the temporary revision, milk of some dairy farmers would first have to be received at a pool plant to qualify it for pooling rather than being shipped directly from the farm to nonpool manufacturing plants for surplus use. The order's present diversion limits would result in costly and inefficient movements of milk. It is concluded that the relaxation of the diversion limits by 10 percentage points for the months of July and August 1987 will prevent uneconomic movements of milk through pool plants merely for the purpose of qualifying it as producer milk under the order, but will assure that an adequate supply of milk will be available to pool distributing plants.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of July and August 1987;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective upon publication of this notice in the **Federal Register**.

List of Subjects in 7 CFR Part 1065

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, that in paragraphs (d) (2) and (3) of § 1065.13, the provision "50 percent" is revised to "60 percent" for the months of July and August 1987.

PART 1065—[AMENDED]

The authority citation for 7 CFR Part 1065 continues to read as follows:

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

Signed at Washington, DC, on July 27, 1987.

Edward T. Coughlin,

Director, Dairy Division.

[FR Doc. 87-17319 Filed 7-29-87; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1076

Milk in the Eastern South Dakota Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends for the months of August 1987 through February 1988 certain provisions of the Eastern South Dakota milk order. The provisions suspended relate to the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Suspension of the provisions was requested by a cooperative association representing most of the producers supplying the market. The suspension is needed to prevent uneconomic movements of milk.

EFFECTIVE DATE: July 30, 1987.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of Proposed Suspension: Issued June 26, 1987; published July 2, 1987 (52 FR 25020).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has

certified that this action will not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Eastern South Dakota marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on July 2, 1987 (52 FR 25020) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No comments opposing the proposed suspension were received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the months of August 1987 through February 1988 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1076.13, paragraphs (c) (2) and (3).

Statement of Consideration

This action removes for the months of August 1987 through February 1988 the limit on the amount of producer milk that a cooperative association or other handler may divert from pool plants to nonpool plants. The suspension was requested by Land O'Lakes, Inc. (LOL), an association of producers that handles most of the market's reserve milk supplies.

The order now provides that a cooperative association may divert up to 35 percent of its total member milk received at all pool plants or diverted therefrom during the months of August through February. Similarly, the operator of a pool plant may divert up to 35 percent of its receipts of producer milk (for which the operator of such plant is the handler during the month) during the months of August through February.

The suspension is necessary to assure the continued participation in the marketwide pool of producers

historically associated with the Eastern South Dakota market. Operation of the 35-percent diversion limit during August through February would require LOL to deliver 65 percent of its milk to pool plants. According to the cooperative's estimates, only 45 to 55 percent of its milk will be needed at distributing plants. Without suspension of the diversion limit, the balance of LOL's members' milk would have to be delivered to a supply plant, unloaded, reloaded and then shipped to other plants merely to qualify the milk for pooling. The additional handling and hauling costs would be incurred by LOL and its member producers, with no offsetting benefits to other market participants.

In comments filed in support of the proposed suspension, LOL stated that requiring the full 65 percent of its milk to be delivered to pool plants would serve no useful purpose other than demonstrating the availability of a reserve supply of milk for Class I use. The cooperative argued that because the reserve milk will not be needed for Class I use, the requirement should be suspended.

In view of these circumstances, it is concluded that the diversion limits in the Eastern South Dakota milk order should be suspended for the months of August 1987 through February 1988 to ensure the orderly marketing of milk supplies. The suspension will prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area in that without extensive unnecessary and expensive hauling and handling substantial quantities of milk from producers who regularly supply the market otherwise would be excluded from the marketwide pool, thereby causing a disruption in the orderly marketing of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were filed in opposition to this action.

Therefore, good cause exists for making this order effective upon publication in the Federal Register.

List of Subjects in 7 CFR Part 1076

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of § 1076.13 of the Eastern South Dakota order are hereby suspended for the months of August 1987 through February 1988, as follows:

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

1. The authority citation for Part 1076 continues to read as follows:

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

§ 1076.13 [Amended]

2. In § 1076.13, paragraphs (c) (2) and (3) are suspended for the months of August 1987 through February 1988.

Signed at Washington, DC on July 27, 1987.

Karen K. Darling,

Deputy Assistant Secretary, Marketing & Inspection Services.

[FR Doc. 87-17320 Filed 7-29-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 154, 375, and 382

[Docket No. RM87-3-002 et al.]

Annual Charges Under the Omnibus Budget Reconciliation Act of 1986; Granting of Rehearing for Further Consideration

Issued: July 27, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final Rule; Order Granting Rehearing Solely for the Purpose of Further Consideration.

SUMMARY: On May 29, 1987, the Federal Energy Regulatory Commission (Commission) issued a final rule amending its regulations to establish annual charges as required by Section 3401 of the Omnibus Budget Reconciliation Act of 1986. Numerous entities have filed petitions for rehearing of that final rule. In this order, the Commission grants rehearing of its decision solely for the purpose of giving further consideration to the petitions for rehearing.

EFFECTIVE DATE: July 27, 1987.

FOR FURTHER INFORMATION CONTACT: Roland M. Frye, Jr., Office of the General Counsel, Producer Regulation Division, Federal Energy Regulatory Commission, 825 North Capitol Street,

NE., Washington, DC 20426, (202) 357-8315.

SUPPLEMENTARY INFORMATION:

Order Granting Rehearing Solely for the Purpose of Further Consideration

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

On June 29, 1987, the Commission received numerous petitions for rehearing¹ of the Commission's Order No. 472 issued May 29, 1987, in this proceeding.² In that order, the Commission promulgated regulations governing the computation and assessment of annual charges as required by Section 3401 of the Omnibus Budget Reconciliation Act of 1986.³ The petitioners for rehearing raise numerous issues concerning the equitable, statutory and constitutional soundness of Order No. 472. In order to afford additional time for consideration of these issues, the Commission grants rehearing of Order No. 472 for the limited purpose of further consideration. This order is effective on the date of issuance. This action does not constitute a grant or denial of the petition on their merits, either in whole or in part. As provided in Rule 713(d) of the Commission's Rules of Practice and Procedure,⁴ the Commission will

¹ The Commission has received timely petitions for rehearing from the following entities: Eureka Pipe Line Co., National Transit Co., Columbia Gas Transmission Corp., Columbia Gulf Transmission Co., United Distribution Cos., Connecticut Natural Gas Corp., National Fuel Gas Distribution Corp., Phillips Petroleum Co., Interstate Natural Gas Assoc. of America, Consolidated Gas Transmission Corp., Texas Eastern Transmission Corp., ANR Pipeline Co., Colorado Interstate Gas Co., League of Small Pipelines, Central Illinois Public Service Co., Arizona Public Service Co., Texas Utilities Electric Co., Edison Electric Institute, Houston Lighting & Power Co., Southern Company Services, Inc. (the Southern Co.), Alabama Power Co., Georgia Power Co., Gulf Power Co., Mississippi Power Co., and Southern Electric Generating Co., Blackstone Valley Electric Co., Boston Edison Co., Central Vermont Public Service Corp., Eastern Edison Co., El Paso Electric Co., EJA Power Corp., Florida Power Corp., Montaup Electric Co., Northern States Power Co., Public Service Co. of Indiana, Inc., Public Service Co. of New Hampshire, and Wisconsin Electric Power Co.

The Commission also received a petition for rehearing filed out of time by Edison Electric Institute on June 30, 1987.

² "Annual Charges Under the Omnibus Budget Reconciliation Act of 1986," Final Rule, Order No. 472, 52 FR 21,263 (June 5, 1987), 11 FERC Stats. & Regs. ¶ 30,746, 39 FERC ¶ 61,206, clarified, Order No. 472-A, 52 FR 23,650 (June 24, 1987), 39 FERC ¶ 61,316.

³ Act of October 21, 1986, Pub. L. No. 99-509, Title III, Subtitle e, section 3401, 1986 U.S. Code Cong. & Ad. News (100 Stat.) 1874, 1890-91 (to be codified at 42 U.S.C. 7176), 1 FERC Stats. & Regs. ¶ 6253.

⁴ 18 CFR 385.713(d) (1987).

entertain no answers to the petitions for rehearing.

By the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 87-17306 Filed 7-29-87; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Parts 201, 282, 284, 292, 375, 381 and 385

[Docket No. RM87-28-000 et al.; Order No. 478]

Repeal of Incremental Pricing Regulations and Termination of Pending Incremental Pricing Dockets

Issued: July 27, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is terminating its incremental pricing program under the Natural Gas Policy Act of 1978 (NGPA). On May 21, 1987, President Reagan signed enrolled bill H.R. 1941, "[t]o repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978" (Pub. L. No. 100-42, 101 Stat. 310 (1987)). This law repealed Title II (Incremental Pricing) of the NGPA.

With the repeal of incremental pricing, the Commission revokes its regulations under Title II of the NGPA (18 CFR Part 282) and makes conforming changes to parts 201, 284, 292, 375, 381 and 385 of its regulations. Congress provided a limited continuing effect of the Commission's incremental pricing rules to permit the flowthrough of incremental surcharges that incurred before enactment. For this reason, the revocation of the Commission's incremental pricing regulations will take effect as of January 1, 1988. In addition, the Commission terminates six pending rulemaking dockets which relate to incremental pricing.

EFFECTIVE DATE: This rule will become effective July 30, 1987.

FOR FURTHER INFORMATION CONTACT: Roger E. Smith, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8530.

SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C. M. Naeve.

Repeal of Incremental Pricing Regulations, Docket No. RM87-28-000;

Petition of Process Gas Consumers Group, et al., for Rulemaking Suspending or

Reducing Incremental Pricing for Industrial Boiler Fuel Users or Exempting Such Users from the Phase I Incremental Pricing Program, Docket No. RM86-11-000;

Petition for Rulemaking by Air Products and Chemicals, Inc., et al., to Eliminate or Suspend Incremental Pricing, Docket No. RM86-4-000;

Incremental Pricing; Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky, Docket No. RM81-9-000;

Incremental Pricing; Agricultural Uses; Interim Rule under the Natural Gas Policy Act of 1978, Docket No. RM80-75-000;

Permanent Rule Defining Agricultural Uses Exempt from Incremental Pricing under the Natural Gas Policy Act of 1978, Docket No. RM80-28-000; and

Alternative Fuel Price Ceilings for Incremental Pricing under the Natural Gas Policy Act of 1978, Docket No. RM79-21-000.

Order No. 478

Issued July 27, 1987.

I. Introduction

In this final rule, the Federal Energy Regulatory Commission (Commission) revokes its incremental pricing regulations (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) as of January 1, 1988. The Commission also terminates six pending rulemaking dockets that either implemented, or proposed to implement, incremental pricing. In particular, the Commission terminates three interim rules, withdraws one notice of proposed rulemaking (NOPR) and denies two petitions for rulemaking.

II. Background

On May 21, 1987, President Reagan signed enrolled bill H.R. 1941, "[t]o repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978."¹ In addition to repealing the natural gas-burning restrictions in the Act,² this law repealed Title II (Incremental Pricing) of the Natural Gas Policy Act of 1978 (NGPA).³

The Commission was given the responsibility to implement Title II of the NGPA. Several rulemakings were undertaken, regulations were promulgated, and an incremental pricing program was implemented. Congress also provided in section 206 of the NGPA statutory exemption from incremental pricing for residences, schools, hospitals, small industrial boiler fuel users, and agricultural users. The Commission implemented these exemptions by rule, and was given the authority in section 206(d) of the NGPA

to establish other exemptions from incremental pricing.

In general, Title II (sections 201-208) of the NGPA⁴ required interstate pipelines and local distribution companies to pass through certain portions of their natural gas acquisition costs to industrial users in the form of surcharges. Section 201 of the NGPA directed that the surcharge be absorbed by large industrial facilities burning natural gas as a boiler fuel.⁵ Section 204 provided that the price that those facilities would pay for gas was equivalent to the price they would pay for fuel oil or other alternative fuels which the industrial boiler fuel facilities were capable of burning. However, the surcharges could not raise the ultimate cost of gas to the user above the cost of alternative fuels. The Commission was required by section 204(e) of the NGPA to establish ceilings on the incremental gas costs charged to incrementally priced users, based on the alternative fuel costs in each region designated by the Commission.

III. Discussion

With the repeal of Title II of the NGPA, the Commission is terminating its incremental pricing programs. However, Congress provided for a limited continuing effect of the Commission's incremental pricing rules to permit the flowthrough of incremental surcharges that incurred before enactment.⁶ For this reason, the Commission is revoking its incremental pricing regulations as of January 1, 1988. The regulations will remain in effect until January 1, 1988 to the extent necessary to allow the flowthrough of costs and surcharges which incurred before enactment. As of January 1, 1988, the Commission revokes all its regulations under Title II of the NGPA (18 CFR Part 282) and makes conforming changes to Parts 201, 284, 292, 375, 381 and 385 of its regulations. In addition, the Commission terminates three interim rules, withdraws one notice of proposed rulemaking, and denies two petitions for rulemaking.

⁴ *Id.*

⁵ 15 U.S.C. 3341(b) (1982).

⁶ Section 2 of Pub. L. No. 100-42 provides: (b) Limited Continuing Effect of Rules.—A rule promulgated by the Federal Energy Regulatory Commission, under Title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flowthrough of costs incurred before the enactment of this section, including any surcharges based on such costs.

¹ Powerplant and Industrial Fuel Use Act of 1978, Amendments, Pub. L. No. 100-42, 101 Stat. 310 (1987) (to be codified at 15 U.S.C. 3341).

² 42 U.S.C. 8301-8463 (1982).

³ 15 U.S.C. 3341-3348 (1982).

A. The Commission's Incremental Pricing Regulations (18 CFR Part 282)

The Commission's incremental pricing regulations are contained in 18 CFR Part 282. The Commission is removing Part 282 in its entirety to reflect the repeal of Title II (incremental pricing) of the NGPA by Pub. L. No. 100-42. Parts 201, 284, 292, 375, 381 and 385 of the Commission's regulations are also revised to conform to this change in law.

Part 201 contains a uniform system of accounts for natural gas companies subject to the NGPA.⁷ Accounts 191, 192 and 805.2 dealt with incremental pricing. With the repeal of incremental pricing, the determination of whether to include incremental gas costs or incremental pricing surcharges in Account 191—"Unrecovered Purchased Gas Costs" is no longer necessary. Similarly, Account 192.1—"Unrecovered Incremental Gas Costs," Account 192.2—"Unrecovered Incremental Surcharges," and Account 805.2—"Incremental Gas Cost Adjustments" are revoked as unnecessary.

Part 284 covers certain sales and transportation of natural gas under the NGPA.⁸ Subpart G of Part 284 deals with blanket certificates that authorize transportation by pipelines on behalf of others. In addition, subpart G governs services by local distribution companies. In particular, § 284.224 deals with transportation, sales and assignments by local distribution companies that are served by interstate pipelines. Section 284.224(e)(3) contains a provision relating to incremental pricing. The Commission removes § 284.224(e)(3) in its entirety.

Part 292 of the Commission's regulations⁹ contains regulations under sections 201 and 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA).¹⁰ The regulations relate to small power production and cogeneration facilities. Section 292.203 sets forth general requirements for qualification under Sections 201 and 210 of PURPA. Section 292.205 sets forth general criteria for qualifying cogeneration facilities. Section 292.203(b)(2) provides that cogeneration facilities must qualify under § 292.205(c) to be exempted from incremental pricing. Section 292.205(c) allows certain cogeneration facilities using natural gas to be exempted from incremental pricing. Since this rule is no longer necessary, the Commission is removing §§ 292.203(b)(2) and 292.205(c) from its

regulations. For the same reasons, the Commission is also removing Subpart E of Part 292 of its regulations,¹¹ which allowed certain cogeneration facilities to be exempted from incremental pricing.

Part 375 contains general provisions regarding the Commission.¹² Subpart C of Part 375 covers delegations of authority from the Commission to various staff officials. Section 375.307 concerns delegations to the Director of the Office of Pipeline and Producer Regulation (Director). Section 375.307(1) delegates to the Director the authority to compute the monthly incremental price thresholds pursuant to section 203(c) of the NGPA. It is no longer necessary to compute the monthly price thresholds and the Commission therefore removes § 375.307(1) from its regulations.

Part 381 relates to fees charged by the Commission for various services and benefits provided by the Commission. Subpart D of Part 381 concerns fees applicable to the NGPA.¹³ The Commission amends § 381.401 to reflect the repeal of incremental pricing.

Part 385 of the Commission's regulations contains rules of practice and procedure.¹⁴ Subpart K covers petitions for adjustments under the NGPA. Section 385.1101(a)(2) provides that subpart K applies to Commission proceedings held in accordance with section 206(d) of the NGPA (exemptions from incremental pricing). The Commission removes § 385.1101(a)(2) in its entirety.

B. Alternative Fuel Price Ceilings (RM79-21-000 and RM81-9-000)

The repeal of incremental pricing obviates the need for the Commission to calculate alternative fuel price ceilings each month. The publication of the price ceilings for June, 1987 will be the last publication of these ceilings. For this reason, the Commission revokes two interim rules that relate to alternative fuel price ceilings for state regions and terminates those dockets.

In particular, an interim rule that revised the methodology for calculating the monthly alternative fuel price ceilings for state regions is revoked and the docket terminated.¹⁵ This interim

rule was never made final but continued in effect and required that the alternative fuel price ceiling for each of the 48 contiguous state regions should be the lower of either the ceiling calculated for that state or the ceiling calculated for the multistate region in which the state is located.¹⁶

Similarly, an interim rule that revised the alternative fuel price ceilings for the State of Kentucky for December 1980 and January 1981 is also revoked and the docket terminated.¹⁷ The Commission notes that the interim rule in Docket No. RM81-9-000 is terminated on a prospective basis. The fuel price ceilings revised by Docket No. RM81-9-000 remain in effect with respect to the flowthrough of costs incurred before May 21, 1987, including surcharges based on such costs.

C. Agricultural Use Exemption (RM80-75-000 and RM80-28-000)

Section 206(b) of the NGPA provided an "agricultural use" exemption from incremental pricing. The Commission implemented section 206(b) by prescribing a number of rules. With the repeal of Title II of the NGPA there is no longer any need to define agricultural use or to promulgate regulations for the agricultural use exemption in section 206(b) of the NGPA. As discussed more fully below, the Commission terminates the interim rule in Docket No. RM80-75-000 and terminates that docket, and withdraws the notice of proposed rulemaking in Docket No. RM80-28-000.

1. Rule Clarifying "Agricultural Use" (RM80-75-000)

Section 282.202(a) of the Commission's regulations defined the term "agricultural use" for the purpose of the agricultural use exemption from incremental pricing in section 206(b) of the NGPA. The Commission issued an interim rule in Docket No. RM80-75-000 to clarify the scope of § 282.202(a) of its incremental pricing regulations.¹⁸

¹⁶ The collection of data, the application of the formula, and publication of the ceilings are performed by the Energy Information Administration (EIA) in accordance with Commission direction.

¹⁷ "Incremental Pricing; Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky," 46 FR 2036 (Jan. 8, 1981); FERC Stats. & Regs. [Regulations Preambles 1977-1981] § 30.221 (Dec. 24, 1980), (Docket No. RM81-9-000).

¹⁸ "Agricultural Uses Exemption; Interim Rule Amending Commission's Regulations under the Natural Gas Policy Act of 1978," 45 FR 87,276 (October 9, 1980); FERC Stats. & Regs. [Regulations Preambles 1977-1981] § 30.195 (October 8, 1980).

⁷ 18 CFR 292.501-03 (1987).

⁸ 18 CFR Part 375 (1987).

⁹ 18 CFR Part 381 (1987).

¹⁰ 18 CFR Part 385 (1987).

¹¹ "Alternative Fuel Price Ceilings for Incremental Pricing Under the Natural Gas Policy Act of 1978," 46 FR 15,498 (Mar. 8, 1981); FERC Stats. & Regs. [Regulations Preambles 1977-1981] § 30.239 (Mar. 2, 1981), (Docket No. RM79-21-000).

⁷ 18 CFR Part 201 (1987).

⁸ 18 CFR Part 284 (1987).

⁹ 18 CFR Part 292 (1987).

¹⁰ Pub. L. No. 95-617, 92 Stat. 3117 (1978).

Since a definition of "essential agricultural uses" is no longer necessary to implement incremental pricing, the Commission revokes the interim rule and terminates Docket No. RM80-75-000.

2. Proposed Rule on "Agricultural Use" (RM80-28-000)

On March 6, 1980, the Commission issued a notice of proposed rulemaking (NPR) in Docket No. RM80-28-000.¹⁹ This docket dealt with the "agricultural use" exemption in section 206 of the NGPA.

On May 7, 1980, the Commission issued a final rule relating to incremental pricing that made it unnecessary for the Commission to promulgate a final rule in RM80-28-000.²⁰ Docket No. RM80-28-000 remains an open docket. In light of the repeal of incremental pricing, the Commission is now withdrawing the NPR and terminating Docket No. RM80-28-000.

D. Petitions for Rulemaking to Suspend or Eliminate Incremental Pricing (RM86-4-000 and RM86-11-000)

On December 6, 1985, and on June 3, 1986, two industrial groups filed petitions seeking the elimination or suspension of incremental pricing under Title II of the NGPA.²¹ The Commission

¹⁹ The proposal in RM80-28-000 would have exempted an agricultural use from being incrementally priced only if the Commission determined that there was no economically practicable or reasonably available alternative fuel for the agricultural use. The proposal, however, provided no alternative fuel or feedstock test for the Commission to use in making such a determination. Thus, RM80-28-000, if adopted by itself, would have made all agricultural uses subject to incremental pricing surcharges. The Commission therefore promulgated a companion proposal, RM80-29-000, that would have provided a one-year delay in the effectiveness of the proposed rule in RM80-28-000. The combined effect of the two proposals would have been to exempt all agricultural uses from incremental pricing until May of 1981. "Permanent Rule Defining Agricultural Uses Except from Incremental Pricing under the Natural Gas Policy of 1978 and Rule Exempting Agricultural Uses from Incremental Pricing Surcharges," 45 FR 15,563 (Mar 11, 1980); FERC Stats. & Regs. [Proposed Regulations 1977-1981] § 32,059 (Mar. 6, 1980).

²⁰ See "Section 206(d) Rule Exempting Agricultural Uses from Incremental Pricing Surcharges," 45 FR 33,601 (May 20, 1980); FERC Stats. & Regs. [Regulations Preambles 1977-1981] § 30,158 (May 7, 1980).

²¹ On December 6, 1985, Air Products and Chemicals, Inc., ASARCO, Inc., Armstrong World Industries, Inc., Dow Corning Corporation, Inspiration Consolidated Copper Company, Kennecott Corporation, Magma Copper Company and Stauffer Chemical Company (Air Products, et al.) filed a petition with the Commission in Docket No. RM86-4-000 for a rulemaking to eliminate or suspend incremental pricing surcharges. On June 3, 1986, the Process Gas Consumers Group, the American Iron and Steel Institute, the Chemical Manufacturers Association, and the Association of Businesses Advocating Tariff Equity (Process Gas,

is denying these petitions for rulemaking because the Commission no longer has the authority to promulgate such rules. The legislative repeal of incremental pricing affords petitioners the relief they were seeking from the Commission administratively.

E. Prospective Application of the Final Rule and Filing Requirements

The Commission notes that this final rule has prospective application only. In repealing Title II of the NGPA, Congress provided for a limited continuing effect of the incremental pricing rules to permit completion of the flowthrough of incremental surcharges incurred before enactment. Some pipelines will have incremental costs that accrued prior to May 21, 1987 (the date on which Pub. L. No. 100-42 was enacted) which are awaiting pass through. In order to permit these costs to be properly accounted for and passed through, the Commission is revoking its incremental pricing regulations as of January 1, 1988. Upon completion of cost flowthrough of all incremental costs incurred before enactment, an affected pipeline may then eliminate the accounting practices and associated accounts applicable to Title II as described in this rule.

Natural gas companies are required to file gas "tariffs" with the Commission. The tariff is a compilation, in book form, of all the effective rate schedules of a particular natural gas company, and a copy of each form of service agreement.²² The Commission will not require the pipelines to make a separate filing to remove the incremental pricing tariff language from its tariff. Instead, the Commission will require the pipelines to remove the applicable tariff language as a part of their next scheduled PGA filing after January 1, 1988.

IV. Notice and Comment and Effective Date

The Administrative Procedure Act (APA) requires that a notice of proposed rulemaking be published in the Federal Register and that an opportunity for comment be provided when an agency promulgates regulations. Notice and comment are not required under the Administrative Procedure Act (APA) when the rulemaking involves "interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice."²³

et al.) petitioned the Commission in Docket No. RM86-11-000 for a rulemaking to suspend or reduce incremental pricing, or to exempt industrial boiler fuel users from incremental pricing surcharges.

²² 18 CFR 154.14 (1987).

²³ 5 U.S.C. 553(b)(1) (1982).

Generally, a rule becomes effective not less than 30 days after publication in the Federal Register. A rule may become effective sooner if it is an interpretative rule, a statement of policy, or if the agency finds good cause to make it effective sooner.²⁴

The Commission was responsible for implementing the incremental pricing program. Congress has repealed incremental pricing and revoked the Commission's authority to implement that program. This final rule terminates six pending rulemaking dockets related to the Commission's incremental pricing program and revokes the Commission's regulations under Title II of the NGPA. In so doing, this final rule simply sets forth and explains that which the Congressional repeal of incremental pricing requires. The revocation of the Commission's incremental pricing regulations will take effect on January 1, 1988. The termination of the rulemaking dockets will become effective upon publication in the Federal Register.

List of Subjects

18 CFR Part 201

Natural gas, Reporting and recordkeeping requirements, Uniform System of Accounts.

18 CFR Part 282

Intergovernmental relations, Natural gas, Reporting and recordkeeping requirements, Uniform System of Accounts.

18 CFR Part 284

Continental shelf, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 292

Electric power plants, Electric utilities, Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 375

Authority delegations (Government agencies), Seals and insignia, Sunshine Act.

18 CFR Part 381

Natural gas, Reporting and recordkeeping requirements.

18 CFR Part 385

Administrative practice and procedure, Pipelines, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission revokes Part 282 and amends Parts 201, 282, 284, 292, 375, 381

²⁴ 5 U.S.C. 553(d) (1982).

and 385, Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 201—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR NATURAL GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT

1. The authority citation for Part 201 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w (1982); Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

2. In Part 201, Account 191—Unrecovered purchased gas costs, is amended by revising paragraph (A) to read as follows:

A. This account shall include purchase gas costs related to Commission approved purchased gas adjustment clauses when such costs are not included in the utility's rate schedule on file with the Commission. This account shall also include such other costs as authorized by the Commission.

3. In Part 201, Account 192.1—Unrecovered incremental gas costs, is removed in its entirety.

4. In Part 201, Account 192.2—Unrecovered incremental surcharges, is removed in its entirety.

5. In Part 201, Account 805.2—Incremental gas cost adjustments, is removed in its entirety.

PART 282—[REMOVED]

6. Part 282 is removed in its entirety.

PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

7. The authority citation for Part 284 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w (1982), as amended; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432 (1982); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142.

§ 284.224 [Amended]

8. Section 284.224(e)(3) is removed in its entirety and paragraphs (4) through (6) are redesignated as paragraphs (3) through (5) respectively.

PART 292—REGULATIONS UNDER SECTIONS 201 AND 210 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 WITH REGARD TO SMALL POWER PRODUCTION AND COGENERATION

9. The authority citation for Part 292 is revised to read as follows:

Authority: Electric Consumers Protection Act of 1986, Pub. L. No. 99-495; Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Federal Power Act, 16 U.S.C. 791a-825r (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1982), as amended, unless otherwise noted.

10. Section 292.203(b)(2) is removed in its entirety and § 292.203(b) is revised to read as follows:

§ 292.203 General requirements for qualification.

(b) *Cogeneration facilities.* A cogeneration facility, including any diesel and dual-fuel cogeneration facility, is a qualifying facility if it:

- (1) Meets any applicable operating and efficiency standards specified in § 292.205 (a) and (b); and
- (2) Meets the ownership criteria specified in § 292.206.

11. Section 292.205 is amended by removing paragraph (c) in its entirety and redesignating paragraph (d) as paragraph (c); and redesignated paragraph (c) is revised to read as follows:

§ 292.205 Criteria for qualifying cogeneration facilities.

(c) *Waiver.* The Commission may waive any of the requirements of paragraphs (a) and (b) of this section upon a showing that the facility will produce significant energy savings.

Subpart E—[Removed]

12. Part 292, Subpart E, Qualification of Cogeneration Facilities for Incremental Pricing Exemption, consisting of §§ 292.501 through 292.503, is removed in its entirety.

PART 375—THE COMMISSION

13. The authority citation for Part 375 continues to read as follows:

Authority: Electric Consumers Protection Act of 1986, Pub. L. No. 99-495; Department of Energy Organization Act, 42 U.S.C. 7101-7532, E.O. 12009, 3 CFR 1978 Comp., p. 142; Administrative Procedure Act, 5 U.S.C. 553; Federal Power Act, 16 U.S.C. 791-828c, as amended; Natural Gas Act, 15 U.S.C. 717-717w, as amended; Natural Gas Policy Act of

1978, 15 U.S.C. 3301 *et seq.*; Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 *et seq.*, as amended.

14. Section 375.307 is amended by removing paragraph (l) in its entirety and redesignating paragraphs (m) through (w) as paragraphs (l) through (v).

PART 381—FEES

15. The authority citation for Part 381 is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717-717w (1982); Federal Power Act, 16 U.S.C. 791-828c (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1982); Interstate Commerce Act, 49 U.S.C. 1-27 (1976).

16. Section 381.401 is revised to read as follows:

§ 381.401 Adjustments.

The fee established for an application for adjustment under section 502(c) of the NGPA is \$3,500. Such fee must be submitted in accordance with Subpart A of this part and § 385.1104.

PART 385—RULES OF PRACTICE AND PROCEDURE

17. The authority citation for Part 385 is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Administrative Procedure Act, 5 U.S.C. 551-557 (1982); Independent Offices Appropriations Act 31 U.S.C. 9701 (1982); Federal Power Act, 16 U.S.C. 791-825r (1982); Natural Gas Act, 15 U.S.C. 717-717w (1982); Natural Gas Policy Act, 15 U.S.C. 3301-3432 (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1982); Interstate Commerce Act, 49 U.S.C. 1-27 (1976), unless otherwise noted.

18. Section 385.1101(a) is revised to read as follows:

§ 385.1101 Applicability (Rule 1101).

(a) *Proceedings to which applicable.* Except as provided in paragraph (b) of this section, this subpart applies to proceedings of the Commission held in accordance with section 502(c) of the NGPA to provide for adjustments of:

- (1) Commission rules, and
- (2) Commission orders having the applicability and effect of a rule as defined in section 551(4) of title 5 of the United States Code (5 U.S.C. 551(4)) and issued under the NGPA, except orders

issued under sections 301, 302, and 303 of the NGPA.

[FR Doc. 87-17307 Filed 7-29-87; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM80-53]

Natural Gas Policy Act; Maximum Lawful Prices and Inflation Adjustment Factors

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(k), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of August, September, and October, 1987. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: August 1, 1987.

FOR FURTHER INFORMATION CONTACT: Richard P. O'Neill, Director, OPR, (202) 357-8500.

Issued: July 24, 1987.

In the matter of publication of prescribed maximum lawful prices under the Natural Gas Policy Act of 1978.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(k) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of August, September, and October, 1987, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 105(b)(3), 106(b)(1)(B),

107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to August, 1987 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.
Richard P. O'Neill,
Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

1. The authority citation for Part 271 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 et seq.; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553.

§ 271.101 [Amended]

2. Section 271.101(a) is amended by inserting the maximum lawful prices for August, September, and October, 1987 in Tables I and II as follows:

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA §§ 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Aug. 1987	Sept. 1987	Oct. 1987
Maximum lawful price per MMBtu for deliveries in:					
B.....	102.....	New Natural Gas, Certain OCS Gas ⁴	\$4.630	\$4.660	\$4.690
C.....	103(b)(1).....	New Onshore Production Wells ⁵	3.210	3.220	3.231
E.....	105(b)(3).....	Intrastate Existing Contracts.....	4.520	4.546	4.572
F.....	106(b)(1)(B).....	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas ¹	1.837	1.843	1.849
G.....	107(c)(5).....	Gas Produced from Tight Formations ³	6.420	6.440	6.462
H.....	108.....	Stripper Gas.....	4.958	4.990	5.022
I.....	109.....	Not Otherwise covered.....	2.659	2.668	2.677

¹ Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas is deregulated. (See Part 272 of the Commission's regulations.)

² [Reserved]

³ The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See § 271.703 and § 271.704.)

⁴ Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's regulations.)

⁵ Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 is deregulated. (See Part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(A)

[Subpart D, Part 271]

Category of natural gas and type of sale or contract	Aug. 1987	Sept. 1987	Oct. 1987
<i>Maximum lawful price per MMBtu for deliveries made in:</i>			
Post-1974 gas ² , All producers	\$2.659	\$2.668	\$2.677
1973-1974 Biennium gas:			
Small producer	2.247	2.254	2.261
Large producer	1.717	1.723	1.729
Interstate Rollover gas, All producers .....	.988	.991	.994
Replacement contract gas or recompletion gas:			
Small producer	1.260	1.264	1.268
Large producer .....	.969	.972	.975
Flowing gas:			
Small producer .....	.640	.642	.644
Large producer .....	.540	.542	.544
Certain Permian Basin gas:			
Small producer .....	.750	.752	.754
Large producer .....	.666	.668	.670
Certain Rocky Mountain gas:			
Small producer .....	.750	.752	.754
Large producer .....	.640	.642	.644
Certain Appalachian Basin gas:			
North subarea contracts dated after 10-7-69 .....	.609	.611	.613
Other contracts .....	.564	.566	.568
Minimum rate gas ¹ All producers	.332	.333	.334

¹ Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.² This price may also be applicable to other categories of gas. (See §§ 271.402, 271.602)

§ 271.102 [Amended]

3. Section 271.102(c) is amended by inserting the inflation adjustment for the months of August, September, and October 1987.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1987	Factor by which price in preceding month is multiplied
August	1.00327
September	1.00327
October	1.00327

[FR Doc. 87-17214 Filed 7-29-87; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by the Upjohn Co. providing for safe and

effective use of a Type B medicated feed to make Type C feeds for chickens and swine.

EFFECTIVE DATE: July 30, 1987.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV-128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is sponsor of NADA 97-505 which provides for use of Lincomix* 20 and 50 (20- and 50-gram-per-pound lincomycin Type A articles) for manufacturing Type C medicated broiler and swine feeds. Upjohn has filed a supplement to the NADA that provides for use of a 10-gram-per-pound lincomycin Type B feed

also for the purpose of manufacturing Type C broiler and swine feeds. The Type C feeds are for use in accordance with 21 CFR 558.325(c) (1) and (2) (i) through (iv). The supplemental NADA is approved and 21 CFR 558.325(a)(1)(iv) is added to reflect the approval.

Approval of this supplement is an administrative action that did not require generation of new effectiveness or safety data. Therefore, a freedom of information summary (pursuant to 21 CFR 514.11(e)(2)(ii)) is not required.

The agency has determined under 21 CFR 25.24(d)(1)(iii) 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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 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 558.325 is amended by adding new paragraph (a)(1)(iv) to read as follows:

§ 558.325 Lincomycin.

(a) * * *

(1) * * *

(iv) 10 grams per pound as in paragraphs (c)(1) and (2) (i) through (iv) of this section.

* * * * *

Dated: July 17, 1987.

Richard A. Carnevale,

Acting Associate Director, Office of New Animal Drug Evaluation Center for Veterinary Medicine.

[FR Doc. 87-17264 Filed 7-29-87; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the new animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Pennfield Chemical Corp. providing for making of Type A medicated articles containing 5, 10, 20, or 40 grams per pound each of tylosin and sulfamethazine. The Type A medicated articles are for making Type B and C medicated feeds for use in swine.

EFFECTIVE DATE: July 30, 1987.

FOR FURTHER INFORMATION CONTACT:

Benjamin A. Payot, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION:

Pennfield Chemical Corp., 14040

Industrial Rd., Omaha, NE 68137, is the sponsor of NADA 140-681 submitted on its behalf of Elanco Products Co. The NADA provides for the manufacture of Type A medicated articles containing 5, 10, 20, or 40 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine to make Type B and C medicated feeds for use in swine. The Type B medicated feeds are to make Type C medicated feeds. The resulting Type C medicated feeds are for use in maintaining weight gains and feed efficiency in the presence of atrophic rhinitis, lowering the incidence and severity of *Bordetella bronchiseptica* rhinitis, prevention of swine dysentery (vibriotic), and control of swine pneumonias caused by bacterial pathogens (*Pasteurella multocida* and/or *Corynebacterium pyogenes*). The NADA is approved and 21 CFR 558.630(b)(10) is amended to reflect the approval. The basis for approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) 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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

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

§ 558.630 [Amended]

2. Section 558.630 *Tylosin and sulfamethazine* is amended in paragraph (b)(10) by inserting numerically the number "053389."

Dated: July 23, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 87-17266 Filed 7-29-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 204, 213, 220, 221, 222, 226, 227, 234, 235, 237, and 240

[Docket No. R-87-1294; FR-1928]

Single Family Mortgage Insurance on Hawaiian Home Lands

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

ACTION: Notice of effective date.

SUMMARY: On March 16, 1987, a final rule was published (52 FR 8064) to implement section 247 of the National Housing Act, authorizing FHA insurance of mortgages executed by native Hawaiians on one- to four-family residences located on Hawaiian home lands. The effective date note in that rule indicated that the Department had to complete a number administrative steps before the rule could be made effective but that it would publish a notice in the *Federal Register* stating the actual effective date of the rule. This notice announces the effective date of that rule.

EFFECTIVE DATE: The effective date is August 1, 1987.

FOR FURTHER INFORMATION CONTACT:

John Coonts, Acting Director, Insured Single Family Housing, Department of Housing and Urban Development, Room 9266, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 755-3046. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The U.S. Department of Housing and Urban Development (HUD) has now executed a memorandum of understanding with the Department of Hawaiian Home Lands of the State of Hawaii (DHHL), covering the operation of this program of FHA mortgage insurance for residences located on Hawaiian home lands. The necessary note and mortgage instruments have been prepared, and FHA processing instructions have been issued. HUD is now prepared to work with DHHL and mortgagees to process

requests for mortgage insurance in this program.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: July 27, 1987.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 87-17351 Filed 7-29-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 132

[CGD 83-039]

Vessel Financial Responsibility for Pollution Liability; Correction

AGENCY: Coast Guard, DOT.

ACTION: Final rule; Correction.

SUMMARY: On October 11, 1983 the Coast Guard published a rule which requires vessels to prove financial responsibility in case there is a pollution incident. The appendix shows various forms, one of which, CG-5358-2 (6-83), appearing at 48 FR 46214 contains an error. This document corrects the error.

FOR FURTHER INFORMATION CONTACT: Bruce P. Novak, Deputy Executive Secretary, Marine Safety Council, U.S. Coast Guard (G-CMC/21), Washington, DC 20593 or by calling (202) 267-1477.

SUPPLEMENTARY INFORMATION: The first paragraph of Form CG-5358-2 (6-83) appearing at 48 FR 46214 reads, "The amount of liability insured herein is \$300 per gross ton or \$25,000, whichever is greater, per vessel, in any one incident." It is clear elsewhere in the rule and in the form itself that the liability amount is \$250,000, not \$25,000. This error has only recently been recognized. Accordingly, this document corrects that \$25,000 figure to read \$250,000. The figure appears on page 518 of 33 CFR Parts 1 to 199 (33 CFR Part 132) in the first column, 14 lines down in the first paragraph of the form.

In accordance with the foregoing, the following correction is made in CGD 83-039 published in the Federal Register on October 11, 1983 (48 FR 46214).

In the first full paragraph of the first column on page 46214, line 14 which reads "gross ton or \$25,000 whichever is greater, per" is revised to read as follows: "gross ton or \$250,000, whichever is greater, per".

Dated: July 24, 1987.

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 87-17356 Filed 7-29-87; 8:45 am]

BILLING CODE 4910-14-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Part 1179

Claims Collection; Salary Offset

AGENCY: National Endowment for the Humanities.

ACTION: Final regulation.

SUMMARY: These regulations implement the collection procedures of the Debt Collection Act of 1982, Pub. L. 97-365, codified in 5 U.S.C. 5514, which authorize the federal government to collect debts owed by a federal employee to the United States through salary offset.

EFFECTIVE DATE: This final rule is effective July 30, 1987.

FOR FURTHER INFORMATION CONTACT: Tracy J. Joselson, Attorney/Advisor, 1100 Pennsylvania Avenue NW., Washington, DC 20506, (202) 786-0322.

SUPPLEMENTARY INFORMATION: Under the Debt Collection Act of 1982, when the head of a federal agency determines that an employee of an agency is indebted to the United States or is notified by a head of another federal agency that an agency employee is indebted to the United States, the employee's debt may be offset against his or her salary. Certain due process rights must be afforded to an employee before salary offset deductions begin. As is required by the Debt Collection Act of 1982, this regulation is consistent with salary offset regulations issued by the Office of Personnel Management on July 3, 1984, 49 FR 27470, codified in 5 CFR Part 550, Subpart K.

On June 2, 1987, the National Endowment for the Humanities published in the Federal Register, 52 FR 20628, a proposed regulation to collect through salary offset debts that are owed by federal employees to the federal government. Public comments regarding the proposed regulation were invited. There were no comments submitted by members of the public. The National Endowment for the Humanities is therefore adopting the language in the proposed regulation. Several additions reflect the suggestions of the Office of Personnel Management. The final rule contains the additions and revisions described below:

Section 1179.5(a)(2) has been revised to permit an employee to show good cause for failing to meet the filing date to petition for a hearing before salary offset commences.

Section 1179.7(d) has been added so that unliquidated debts may be offset against any financial payment due to separated employee, including but not limited to final salary payment on leave in accordance with 31 U.S.C. 3716.

Section 1179.8(a) has been revised to state that deductions to liquidate an employee's debt will be by the method and in the amount stated in the Chairperson's notice of intention to offset as provided in section 1179.4.

Section 1179.11 has been added to provide that an involuntary payment of a debt collected under these regulations will not be construed as a waiver of any rights an employee may have by law.

Section 1179.12 has been added to charge interest, penalties, and administrative costs related to collection of the debt.

Paperwork Reduction Act

Under section 3518 of the Paperwork Reduction Act of 1980, 5 CFR 1320.3(c) the information collection provisions contained in this regulation are not subject to review and approval by the Office of Management and Budget.

Executive Order 12291

This rule has been reviewed and determined not to be a "major rule" as defined in Executive Order 12291 dated February 17, 1981 because it will not result in: (1) An annual effect on the economy of \$100 million or more; (2) A major increase in costs or prices for consumers, individuals, industries, federal, state, or local government agencies, or geographic regions; or (3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This rule applies only to individual federal employees. It will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96-354, 5 U.S.C. 605(b). Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 45 CFR Part 1179

Administrative offset, Administrative practice and procedures, Claims, Debt

collection, Government employees, Wages.

For the reasons set out in the preamble, Part 1179 of Title 45 of the Code of Federal Regulations is added as follows:

PART 1179—SALARY OFFSET

Sec.

- 1179.1 Purpose and scope.
- 1179.2 Definitions.
- 1179.3 Applicability.
- 1179.4 Notice requirements.
- 1179.5 Hearing.
- 1179.6 Written decision.
- 1179.7 Coordinating offset with another federal agency.
- 1179.8 Procedures for salary offset.
- 1179.9 Refunds.
- 1179.10 Statute of limitations.
- 1179.11 Nonwaiver of rights.
- 1179.12 Interest, penalties, and administrative costs.

Authority: 5 U.S.C. 5514, Executive Order 11809 (redesignated Executive Order 12107), and 5 CFR 550 subpart K.

§ 1179.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a federal employee's salary without his/her consent to satisfy certain debts owed to the federal government. These regulations apply to all federal employees who owe debts to the National Endowment for the Humanities (NEH) and to current employees of the National Endowment for the Humanities who owe debts to other federal agencies. This regulation does not apply when the employee consents to recovery from his/her current pay account.

(b) This regulation does not apply to debts or claims arising under:

- (1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 *et seq.*;
- (2) The Social Security Act, 42 U.S.C. 301 *et seq.*;
- (3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(c) This regulation does not apply to any adjustment to pay arising out of an employee's selection of coverage or a change in coverage under a federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(d) This regulation does not preclude the compromise, suspension, or termination of collection action where appropriate under the standards implementing the Federal Claims Collection Act 31 U.S.C. 3711 *et seq.* 4

CFR Parts 101 through 105 45 CFR Part 1177.

(e) This regulation does not preclude an employee from requesting waiver of an overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774 or 32 U.S.C. 716 or in any way questioning the amount or validity of the debt by submitting a subsequent claim to the General Accounting Office. This regulation does not preclude an employee from requesting a waiver pursuant to other statutory provisions applicable to the particular debt being collected.

(f) Matters not addressed in these regulations should be reviewed in accordance with the Federal Claims Collection Standards at 4 CFR 101.1 *et seq.*

§ 1179.2 Definitions.

For the purposes of the part the following definitions will apply:

"Agency" means an executive agency as is defined at 5 U.S.C. 105 including the U.S. Postal Service, the U.S. Postal Commission, a military department as defined at 5 U.S.C. 102, an agency or court in the judicial branch, an agency of the legislative branch including the U.S. Senate and House of Representatives and other independent establishments that are entities of the Federal government.

"Chairperson" means the Chairperson of the National Endowment for the Humanities or the Chairperson's designee.

"Creditor agency" means the agency to which the debt is owed.

"Debt" means an amount owed to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales or real or personal property, overpayments, penalties, damages, interests, fines, forfeitures, (except those arising under the Uniform Code of Military Justice) and all other similar sources.

"Disposable pay" means the amount that remains from an employee's federal pay after required deductions for social security, federal, state or local income tax, health insurance premiums, retirement contributions, life insurance premiums, federal employment taxes, and any other deductions that are required to be withheld by law.

"Hearing official" means an individual responsible for conducting any hearing with respect to the existence or amount of a debt claimed, and who renders a decision on the basis of such hearing. A hearing official may not be under the supervision or control of the Chairperson of the National Endowment for the Humanities.

"Paying Agency" means the agency that employs the individual who owes the debt and authorizes the payment of his/her current pay.

"Salary offset" means an administrative offset to collect a debt pursuant to 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his/her consent.

§ 1179.3 Applicability.

(a) These regulations are to be followed when:

(1) The National Endowment for the Humanities is owed a debt by an individual currently employed by another federal agency;

(2) The National Endowment for the Humanities is owed a debt by an individual who is a current employee of the National Endowment for the Humanities; or

(3) The National Endowment for the Humanities employs an individual who owes a debt to another federal agency.

§ 1179.4 Notice requirements.

(a) Deductions shall not be made unless the employee is provided with written notice signed by the Chairperson of the debt at least 30 days before salary offset commences.

(b) The written notice shall contain:

- (1) A statement that the debt is owed and an explanation of its nature, and amount;

(2) The agency's intention to collect the debt by deducting from the employee's current disposable pay account;

(3) The amount, frequency proposed beginning date, and duration of the intended deduction(s);

(4) An explanation of interest, penalties, and administrative charges, including a statement that such charges will be assessed unless excused in accordance with the Federal Claims Collections Standards at 4 CFR 101.1 *et seq.*;

(5) The employee's right to inspect, request, or receive a copy of government records relating to the debt;

(6) The opportunity to establish a written schedule for the voluntary repayment of the debt;

(7) The right to a hearing conducted by an impartial hearing official;

(8) The methods and time period for petitioning for hearings;

(9) A statement that the timely filing of a petition for a hearing will stay the commencement of collection proceedings;

(10) A statement that a final decision on the hearing will be issued not later

than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(11) A statement that knowingly false or frivolous statements, representations, or evidence may subject the employee to appropriate disciplinary procedures;

(12) A statement of other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made; and

(13) Unless there are contractual or statutory provisions to the contrary, a statement that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee.

§ 1179.5 Hearing.

(a) Request for hearing (1) An employee must file a petition for a hearing in accordance with the instructions outlined in the agency's notice to offset. (2) A hearing may be requested by filing a written petition addressed to the Chairperson of the National Endowment for the Humanities stating why the employee disputes the existence or amount of the debt. The petition for a hearing must be received by the Chairperson no later than fifteen (15) calendar days after the date of the notice to offset unless the employee can show good cause for failing to meet the deadline date.

(b) Hearing procedures. (1) The hearing will be presided over by an impartial hearing official. (2) The hearing shall conform to procedures contained in the Federal Claims Collection Standards 4 CFR 102.3(c). The burden shall be on the employee to demonstrate that the existence or the amount of the debt is in error.

§ 1179.6 Written decision.

(a) The hearing official shall issue a written opinion no later than 60 days after the hearing.

(b) The written opinion will include: a statement of the facts presented to demonstrate the nature and origin of the alleged debt; the hearing official's analysis, findings and conclusions; the amount and validity of the debt, and the repayment schedule.

§ 1179.7 Coordinating offset with another Federal agency.

(a) The Endowment as the creditor agency. (1) When the Chairperson determines that an employee of a federal agency owes a delinquent debt to the National Endowment for the

Humanities, the Chairperson shall as appropriate:

(i) Arrange for a hearing upon the proper petitioning by the employee;

(ii) Certify in writing that the employee owes the debt, the amount and basis of the debt, the date on which payment is due, the date the Government's right to collect the debt accrued, and that Endowment regulations for salary offset have been approved by the Office of Personnel Management;

(iii) If collection must be made in installments, the Chairperson must advise the paying agency of the amount or percentage of disposable pay to be collected in each installment;

(iv) Advise the paying agency of the actions taken under 5 U.S.C. 5514(b) and provide the dates on which action was taken unless the employee has consented to salary offset in writing or signed a statement acknowledging receipt of procedures required by law. The written consent or acknowledgment must be sent to the paying agency;

(v) If the employee is in the process of separating, the Endowment must submit its debt claim to the paying agency as provided in this part. The paying agency must certify any amounts already collected, notify the employee, and send a copy of the certification and notice of the employee's separation to the creditor agency. If the paying agency is aware that the employee is entitled to Civil Service Retirement and Disability Fund or similar payments, it must certify to the agency responsible for making such payments the amount of the debt and that the provisions of this part have been followed; and

(vi) If the employee has already separated and all payments due from the paying agency have been paid, the Chairperson may request unless otherwise prohibited, that money payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be collected by administrative offset.

(b) The Endowment as the paying agency. (1) Upon receipt of a properly certified debt claim from another agency, deductions will be scheduled to begin at the next established pay interval. The employee must receive written notice that the National Endowment for the Humanities has received a certified debt claim from the creditor agency, the amount of the debt, the date salary offset will begin, and the amount of the deduction(s). The National Endowment for the Humanities shall not review the merits of the creditor agency's determination of the validity or the amount of the certified claim. (2) If the employee transfers to

another agency after the creditor agency has submitted its debt claim to the National Endowment for the Humanities and before the debt is collected completely, the National Endowment for the Humanities must certify the total amount collected. One copy of the certification must be furnished to the employee. A copy must be furnished the creditor agency with notice of the employee's transfer.

§ 1179.8 Procedures for salary offset.

(a) Deductions to liquidate an employee's debt will be by the method and in the amount stated in the Chairperson's notice of intention to offset as provided in § 1179.4. Debts will be collected in one lump sum where possible. If the employee is financially unable to pay in one lump sum, collection must be made in installments.

(b) Debts will be collected by deduction at officially established pay intervals from an employee's current pay account unless alternative arrangements for repayment are made.

(c) Installment deductions will be made over a period not greater than the anticipated period of employment. The size of installment deductions must bear a reasonable relationship to the size of the debt and the employee's ability to pay. The deduction for the pay intervals for any period must not exceed 15% of disposable pay unless the employee has agreed in writing to a deduction of a greater amount.

(d) Unliquidated debts may be offset against any financial payment due to a separated employee including but not limited to final salary payment or leave in accordance with 31 U.S.C. 3716.

§ 1179.9 Refunds.

(a) The National Endowment for the Humanities will refund promptly any amounts deducted to satisfy debts owed to the NEH when the debt is waived, found not owed to the NEH, or when directed by an administrative or judicial order.

(b) The creditor agency will promptly return any amounts deducted by NEH to satisfy debts owed to the creditor agency when the debt is waived, found not owed, or when directed by an administrative or judicial order.

(c) Unless required by law, refunds under this subsection shall not bear interest.

§ 1179.10 Statute of Limitations.

If a debt has been outstanding for more than 10 years after the agency's right to collect the debt first accrued, the agency may not collect by salary offset unless facts material to the

Government's right to collect were not known and could not reasonably have been known by the official or officials who were charged with the responsibility for discovery and collection of such debts.

§ 1179.11 Non-waiver of rights.

An employee's involuntary payment of all or any part of a debt collected under these regulations will not be construed as a waiver of any rights that employee may have under 5 U.S.C. 5514 or any other provision of contract law unless there are statutes or contract(s) to the contrary.

§ 1179.12 Interest, penalties, and administrative costs.

Charges may be assessed for interest, penalties, and administrative costs in accordance with the Federal Claims Collection Standards, 4 CFR 102.13.

Dated: July 24, 1987.

Lynne V. Cheney,

Chairman, National Endowment for the Humanities.

[FR Doc. 87-17293 Filed 7-29-87; 8:45 am]

BILLING CODE 7536-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1042

[Ex Parte No. MC-65 (Sub-7)]

Passenger Motor Carrier Superhighway and Deviation Rules

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rules.

SUMMARY: The Commission removes rules in Subpart A of 49 CFR Part 1042, setting forth special procedures for obtaining motorbus superhighway and deviation operating authority. The rules allowed certificated regular-route motorbus operators to conduct operations between authorized points over alternative (or deviation) routes. The rules are now unnecessary in view of liberalized passenger application standards.

EFFECTIVE DATE: August 29, 1987.

FOR FURTHER INFORMATION CONTACT:

Richard R. Hartley, (202) 275-7786

or

Andrew L. Lyon, (202) 275-7691.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To obtain a copy of the decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357.

Environmental and Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

The Commission certifies that the elimination of the Passenger Motor Carrier Superhighway and Deviation Rules, Subpart A of 49 CFR Part 1042, will not have a significant economic impact on a substantial number of small entities because carriers currently can obtain the same type of authority expeditiously through the standard application procedures.

List of Subjects in 49 CFR Part 1042

Buses, Motor carriers.

Decided: July 20, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

Final Rules

Part 1042 of Title 49 of CFR is amended as follows:

1. The authority citation for Subpart B of Part 1042 is removed and a new authority citation for Part 1042 is added to read as follows:

Authority: 49 U.S.C. 10101, 10321, and 10922, and 5 U.S.C. 553.

2. The heading of Part 1042 is revised to read as follows:

PART 1042—MOTOR CARRIERS OF PROPERTY ROUTING REGULATIONS

Subpart A—[Removed]

3. Subpart A—Motor Carriers of Passengers is removed in its entirety.

Subpart B—[Amended]

4. The heading of Subpart B—Motor Carriers of Property, is removed.

[FR Doc. 87-17304 Filed 7-29-87; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1043

[Ex Parte No. MC-5 (Sub-No. 8)]

Property Broker Security for the Protection of the Public

AGENCY: Interstate Commerce Commission.

ACTION: Correction to interim rules and request for comment.

SUMMARY: At 52 FR 27351, July 21, 1987, the Commission adopted procedures for

property brokers to file other evidence of security as an alternative to filing a surety bond, Form BMC-84. This permits a broker to file evidence of financial responsibility in the form of an acceptable trust agreement or other security in the amount required under 49 CFR 1043.4. The interim rules contained errors which this notice corrects by reprinting § 1043.4 in full.

FOR FURTHER INFORMATION CONTACT:

Alice K. Ramsay, (202) 275-0854

Heber P. Hardy, (202) 275-7148

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission decision. To obtain a copy of the full decision, write to the Office of the Secretary, Room 2215, 12th & Constitution Avenue, NW., Washington, DC 20423, or call (202) 275-7428.

Noreta R. McGee,
Secretary.

The notice printed at 52 FR 27351, July 21, 1987, is corrected by correctly revising § 1043.4 to read as follows:

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

§ 1043.4 Property broker surety bond or other security.

(a) *Security.* A property broker must have a surety bond or other security in effect for \$10,000. The Commission will not issue a property broker license until a surety bond or other security for the full limits of liability prescribed herein is in effect. The broker license shall remain in effect only as long as a surety bond or other security remains in effect and shall ensure the financial responsibility of the broker.

(b) *Evidence of security.* Evidence of a surety bond must be filed using the Commission's prescribed Form BMC-84. Other security may be evidenced by the filing of an agreement with a financial institution, licensed or qualified to do business in a state or the District of Columbia, establishing a trust fund in the amount of \$10,000. The surety bond or the trust fund shall ensure the financial responsibility of the broker by providing for payments to shippers or motor carriers if the broker fails to carry out its contracts, agreements, or arrangements for the supplying of transportation by authorized motor carriers.

(c) *Trust fund agreement provisions.* The trust fund agreement must include, but not be limited to, the following provisions:

(1) The names and addresses of all trustees and the nature of any

relationship to the broker must be disclosed;

(2) Payments from the trust fund must be made up to the limit of protection (\$10,000), regardless of financial responsibility or lack thereof or insolvency or bankruptcy of the broker;

(3) Payments must be made exclusively and directly to shippers or motor carriers that are parties to contracts, agreements, or arrangements for authorized motor carrier service arranged by the broker;

(4) Protection afforded shippers and motor carriers must continue until all

legally cognizable claims have been settled or until the fund has been exhausted, whichever comes first; and

(5) If the trust fund is drawn upon, the broker must, within 30 days, replenish the fund up to \$10,000, and the trustee (trustees) must give written notice forthwith to the Commission of all lawsuits filed, judgments rendered, and payments made under the trust agreement and, of any failure by the broker to replenish the fund is required.

(d) *Cancellation.* The trust fund agreement filed with the Commission will remain in effect until cancelled. It

may be cancelled as evidence of other security as contemplated in § 1043.4(a) above only upon 30 days' written notice by the trustee (trustees) to the Commission. The notice period commences upon receipt of the notice at the Commission's Washington, DC office. The notice must state that the trust fund agreement is cancelled as other security, without qualification, on a specified date at least 30 days after the notice is received at the Commission's office.

[FR Doc. 87-17080 Filed 7-29-87; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register

Vol. 52, No. 146

Thursday, July 30, 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.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-326; RM-5323, RM-5588, RM-5592]

Television Broadcasting Services; Utica, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document makes a preliminary finding that VHF Television Channel 4 should be allocated to Utica, New York as that community's fourth local service in response to a petition for rule making filed by Mohawk Valley Telecasters, Inc. In addition, this document determines that a counterproposal filed by Mohawk Valley Broadcasters, Inc., to allocate that channel to Ilion, New York and a counterproposal filed by Mohawk-Hudson Council on Educational

Television to allocate that channel to Albany, New York and to reserve it for noncommercial educational use should be denied. The Utica allotment is contingent on the outcome of orders directed to Buffalo Broadcasting Company, Inc., and to Group W Television, Inc. to show cause why the authorizations or co-channel Television Stations WIVB, Buffalo, New York, and WBZ, Boston, Massachusetts, should not be modified to reflect offset changes required by the allotment to Utica.

DATES: Comments must be filed on or before September 8, 1987 and reply comments on or before September 23, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: James R. Meehan, President, Mohawk Valley Telecasters, Inc., P.O. Box 327 (Stanley Road), Cazenovia, NY 13035 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Joel Rosenberg, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order to Show Cause, MM Docket No. 86-326, adopted June 26, 1987, and released July 17, 1987. The full text of this Commission decision is available for inspection and

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

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

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

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

List of Subjects in 47 CFR Part 74 Television broadcasting.

Federal Communications Commission
Bradley P. Holmes,
Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-17175 Filed 7-29-87; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 52, No. 146

Thursday July 30, 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

National Commission on Dairy Policy; Advisory Committee Meeting

Pursuant to provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), a notice is hereby given of the following committee meeting.

Name: National Commission on Dairy Policy.

Time and Place: Monday, August 3: Howard Johnson Motor Lodge, White River Junction, VT; Tuesday, August 4: Radisson Hotel, 60 Battery St., Burlington, VT 05401.

Status: Open.

Matters To Be Considered

On August 3, the Commission will hold a public hearing to receive testimony on the dairy price support program, new dairy technologies, and the influence of the program and technologies on the family farm. The meeting on August 4 is expected to review the public hearing, discuss Commission matters with the Executive Director, and discuss background materials related to the dairy industry.

Written Statements May Be Filed Before or After the Meeting With

Contact person named below.

Contact Person for More Information

Mr. Jeffrey Lyon, Assistant Director, National Commission on Dairy Policy, 1401 New York Avenue NW., Suite 1100, Washington, DC 20005, (202) 638-6222.

Signed at Washington, DC, this 20th day of July 1987.

David R. Dyer,

Executive Director, National Commission on Dairy Policy.

[FR Doc. 87-17278 Filed 7-29-87; 8:45 am]

BILLING CODE 3410-05-M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Texas Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Texas Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn at 5:00 p.m., on August 14, 1987, at the Houston Marriott by the Galleria, 1750 West Loop South, Houston, Texas 77027. The purpose of the meeting is to obtain information on civil rights issues relating to the employer sanctions provisions of the new immigration reform law in Texas.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson, Adolfo Canales or Philip Montez, Director of the Western Regional Division (213) 894-3437 (TDD 213/894-0508). Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, July 24, 1987.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 87-17279 Filed 7-29-87; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Ronald Lafferty From an Objection by the New Jersey Department of Environmental Protection

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Dismissal of appeal.

On October 17, 1986, Ronald Lafferty filed a Notice of Appeal with the Secretary of Commerce under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended,

16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H. The appeal was taken from an objection by the New Jersey Department of Environmental Protection (NJDEP) to Mr. Lafferty's construction of a bulkhead and dumping of fill material in a wetland in Avalon, New Jersey, without a Corps of Engineers permit.

By letter dated May 28, 1987, counsel for Mr. Lafferty informed the Secretary that NJDEP and Mr. Lafferty had resolved the matter and Mr. Lafferty was accordingly withdrawing his appeal. In light of receipt of this letter, the Secretary has dismissed the appeal for good cause pursuant to 15 CFR 930.128. Mr. Lafferty is barred from filing another appeal from the State's objection to the aforementioned activities.

FOR FURTHER INFORMATION CONTACT: Stephanie S. Campbell, Attorney/Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue NW., Washington, DC 20235, 202/673-5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Administration)

Dated: July 24, 1987.

James W. Brennan,

Acting General Counsel.

[FR Doc. 87-17303 Filed 7-29-87; 8:45 am]

BILLING CODE 3510-08-M

Revisions to the Rhode Island Coastal Management Program Under Coastal Zone Management Act

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management, Commerce.

ACTION: Notice of approval of amendment.

SUMMARY: Notice is hereby given that on May 2, 1986, the Director of the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA) approved Amendment No. 2 to the federally-approved Rhode Island Coastal Area

Management Program (RICMP). The change incorporates: (1) The State of Rhode Island Coastal Resources Management Program (RICRMP) amended June 28, 1983 and amended December 13, 1984. This document will replace Chapters 1-5 of the original Rhode Island Coastal Management Program which received Federal approval May 12, 1978. (2) Relevant sections of the State Guide Plan Overview adopted by the State Planning Council September 13, 1984. (3) The Salt Pond Region Special Area Management Plan adopted December 1984. The amendment necessitates a revised description of the Coastal Boundary which was in section 3 of Appendix C to the original Rhode Island Coastal Management Program. This approval was made pursuant to Section 306 of the Coastal Zone Management Act of 1972 (CZMA), as amended (16 U.S.C. 1451 et seq.), and NOAA regulations on Amendments to Approved State Management Programs, 15 CFR 923.80-923.82 (March 28, 1979).

Notice of the Director's preliminary decision to approve the amendment was published on March 28, 1986 in the *Federal Register*. A 30-day comment period was provided, and one response was received which provided no objection. A copy of the findings made by the Director that this Amendment meets the requirements of the CZMA may be obtained from the Office of Ocean and Coastal Resource Management. Inquiries regarding the RICMP and the findings should be addressed to: James P. Burgess, Chief, Coastal Programs Division, Universal South Building, Room 724, 1825 Connecticut Avenue NW., Washington, DC 20235, (202) 673-5158.

In accordance with section 307 of the CZMA, Federal agencies are required to conduct their activities in the coastal zone consistent to the maximum extent practicable with the RICMP, as amended, as of the time of the Director's approval. The Federal consistency requirements are fully explained at 15 CFR Part 930 (June 25, 1979). To determine how these requirements are applied in Rhode Island, Federal agencies should contact Grover Fugate, Executive Director, Coastal Resources Management Council, Stedman Office Building, Tower Hill Road, Wakefield, R.I. 02879, (401) 277-2476.

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

Dated: July 24, 1987.

James P. Blizzard,
Acting Director, Office of Ocean and Coastal
Resources Management.

[FR Doc. 87-17295 Filed 7-29-87; 8:45 am]

BILLING CODE 3510-08-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

Douglas J. Campion,
Patent Licensing Specialist, Office of Federal
Patent Licensing, National Technical
Information Service, U.S. Department of
Commerce.

Department of Agriculture

- SN 6-683,284 (4,670,384)
Diagnostic Reagent for Swine
Trichinosis
- SN 6-861,770 (4,671,114)
Acoustical Detection of Hidden
Insects
- SN 7-042,033
Trap Gun
- SN 7-042,920
Persistent Attractants for the
Mediterranean Fruit Fly, the
Method of Preparation and Method
of Use
- SN 7-050,450
Acetate Selected *Bacillus*
thuringiensis and the Method of Use
- SN 7-050,451
Monoclonal Antibodies to Crystal
Protein of *Bacillus thuringiensis*
subspecies *israelensis*
- SN 7-054,562
Partially Deamidated Oilseed Proteins
and Process for the Preparation
Thereof

Department of Commerce

- SN 6-868,483 (4,672,851)
Acoustic Evaluation of Thermal
Insulation

- SN 6-879,543 (4,675,132)
Polyunsaturated Fatty Acids From
Fish Oils
- SN 7-044,021
Confocal Scanning Laser Microscope
Having No Moving Parts
- SN 7-048,848
Inclined Contact Recirculating Roller
Bearing

Department of Health and Human Services

- SN E-121-87
Chemical Differentiating Agents
- SN E-191-87
Diagnostic Test For Creutzfeldt-Jakob
Disease
- SN 6-630,578 (4,677,678)
Active Hearing Protectors
- SN 6-672,451 (4,670,394)
Isolation and Culture of Adrenal
Medullary Endothelial Cells
Producing Blood Clotting Factor
VIII: C
- SN 6-792,836 (4,670,467)
A Method of Controlling Graft Versus
Host Reaction
- SN 6-889,501 (4,673,678)
Water Soluble Derivatives of
Fredericamycin A
- SN 7-004,008
Method of Treating Psychotic Illness
- SN 7-018,999
Method For Identifying Carriers Of An
Extra Dosage of Amyloid Gene
Associated With Alzheimer's
Disease
- SN 7-019,000
Malarial Immunogen
- SN 7-019,001
A cDNA Clone Encoding Brain
Amyloid of Alzheimer's Disease
- SN 7-030,528
Binary Drugs Derived From
Functionalized Congeners
- SN 7-043,827
3'-Cyano-2',3'-Dideoxythymidine as a
Therapeutic Composition
- SN 7-044,346
Dielectric Phantom Material
- SN 7-048,148
Small Peptides Which Inhibit Binding
To T-4 Receptors and Act As
Immunogens
- SN 7-048,537
Cultivation of Functionally Intact Hair
Follicles
- SN 7-051,313
One-Step Tray Test for Release of
Soluble Mediators and Apparatus
Therefore
- SN 7-055,008
Immunotherapeutic Method of
Treating Respiratory Disease
- SN 7-058,381
Autocrine Motility Factors in Cancer
Diagnosis and Management
- SN 7-058,387

Recombinant Vaccinia Virus Encoding
Cytochromes P-450

Department of Interior

SN 6-809,651 (4,663,893)
End Deflector for Abrasive Water Jet
Slot Cutter

Department of the Air Force

SN 6-025,603 (4,654,469)
Special Purpose Bellows Assembly
SN 6-615,503 (4,651,298)
Selection of Data From Busses for
Test
SN 6-645,389 (4,649,085)
Cryogenic Glass-to-Metal Seal
SN 6-719,792 (4,648,124)
Apparatus for Locating Passive
Intermodulation Interference
Sources
SN 6-738,817 (4,649,059)
Photoionization Technique for Growth
of Metallic Films
SN 6-742,826 (4,654,586)
Digital Phase Meter Apparatus
SN 6-745,970 (4,653,062)
Chemical Oxygen-Iodine Laser
SN 6-746,900 (4,651,957)
Large Capacity Tow/Release
Apparatus
SN 6-749,368 (4,652,896)
Modulation Doped GaAs/AlGaAs
Field Effect Transistor
SN 6-751,393 (4,653,509)
Guided Trepine Samples for Skeletal
Bone Studies
SN 6-752,767 (4,654,582)
Transient Test of Suspension
Electronics for Gyroscope
SN 6-779,401
A Process for Making Bulk Heavy
Metal Fluoride Glasses
SN 6-782,335 (4,647,330)
Hybrid Single Crystal Optic Fibers by
Growth Solution
SN 6-791,959 (4,648,397)
Electronically Compensated Pressure
Dilution Demand Regulator
SN 6-792,099 (4,650,733)
Low Impedance Filter Battery With
Effective Electrolyte Seal
SN 6-792,373 (4,647,759)
Fire Control Apparatus for a Laser
Weapon
SN 6-793,812 (4,653,909)
Sinusoidal Determination of Limiting
Optical Resolution
SN 6-796,125 (4,650,416)
NF₃ Combustor for Cylindrical Laser
SN 6-822,946 (4,654,661)
Two Fault Tolerant Transmitter
Activator
SN 6-824,998 (4,651,114)
Pulse Repetition Modulator Apparatus
SN 6-825,107 (4,654,608)
Double Sideband Generation with
Serrodyne Modulators
SN 6-831,908 (4,652,339)
CCD Gate Definition Process

SN 6-866,807
Separable Hinge With Self Retaining
Hinge Pin
SN 6-903,361
Brush and Commutator Segment
Torquer Motor
SN 6-927,021
Variable Analog Delay Line
SN 6-936,679
A Method To Produce Metal Matrix
Composite Articles From Alpha-
Beta Titanium Alloys
SN 6-947,574
Miniature High Voltage Solid State
Relay
SN 7-013,819
Wire Container
SN 7-017,399
Wire Container
SN 7-018,246
Silicon Nitride Whisker Reinforced
Glass Matrix Composites
SN 7-024,489
Ventable Survivable Heat Pipe Vapor
Chamber Spacecraft Radiator
SN 7-024,490
Compressor Blade Clearance
Measurement System

Department of the Army

SN 6-294,661 (4,659,708)
Anti-Leishmanial Lepidine
Derivatives
SN 6-364,085 (4,665,173)
2-Acetyl- and 2-Propionylpyridine
Selenosemicarbazones
SN 7-000,693
Modified Hepatitis A Virus

[FR Doc. 87-17280 Filed 7-29-87; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission of Public Information
Collection Requirement to OBM for
Review

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

- (1) Type of submission;
- (2) Title of Information Collection and applicable OMB Control Number and Form Number;
- (3) Abstract statement of the need for and the uses to be made of the information collected;
- (4) Type of Respondent;
- (5) An estimate of the number of responses;
- (6) An estimate of the total number of hours needed to provide the information;

(7) To whom comments regarding the information collection are to be forwarded; and

(8) The point of contact from whom a copy of the proposed information collection may be obtained.

This information collection is as follows:

- (1) Revising an approved collection.
- (2) "Statutory Compensation Prohibitions and Reporting Requirements Relating to Certain Former DoD Employees", 0704 0277, and DD Form 1787, when forwarded by Contractor letter.
- (3) Part 3 of the DoD FAR Supplement (DFARS) and the clause at DFARS 52.203-7002, Statutory Compensation Prohibitions and Reporting Requirements Relating to Certain Former Department of Defense (DoD) Employees, require contractors to report annually concerning compensation provided to former DoD employees and are made subject to a liquidated damages assessment in the event compensation is knowingly provided to certain former officials in violation of law. This coverage implements a statutory prohibition that a major defense contractor (i.e., one awarded contracts aggregating \$10 million or more during the previous government fiscal year) may not offer or provide compensation either directly or indirectly to certain former DoD officials who, within two years prior to their separation from DoD, had certain procurement responsibilities with respect to the contractor.

- (4) Business Firms.
- (5) Responses of 1,000.
- (6) Burden hours of 100,000.

ADDRESSES: (7) Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202)746-0933.

FOR FURTHER INFORMATION CONTACT: (8) A copy of the information collection proposal may be obtained from Mr. Vitiello, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202)746-0933.

Linda M. Lawson,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

July 24, 1987.

[FR Doc. 87-17273 Filed 7-29-87; 8:45 am]

BILLING CODE 3810-01-M

Submission of Public Information Collection Requirement to OMB for Review

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

- (1) Type of submission;
- (2) Title of Information Collection and applicable OMB Control Number and Form Number;
- (3) Abstract statement of the need for and the uses to be made of the information collected;
- (4) Type of Respondent;
- (5) An estimate of the number of responses;
- (6) An estimate of the total number of hours needed to provide the information;
- (7) To whom comments regarding the information collection are to be forwarded; and
- (8) The point of contact from whom a copy of the proposed information collection may be obtained.

This information collection is as follows:

- (1) Reinstatement of a previously approved collection for which approval has expired.
- (2) "Acquisition of Computer Resources" 0704-0254.
- (3) The required reporting requirements from the clauses at 252.270 are required for the acquisition of computer resources.
- (4) Business Firms.
- (5) Responses of 6,362.
- (6) Burden hours of 127,240.

ADDRESSES: (7) Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503, and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

FOR FURTHER INFORMATION CONTACT:

(8) A copy of the information collection proposal may be obtained from Mr. Vitiello, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, telephone (202) 746-0933.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 24, 1987.

[FR Doc. 87-17274 Filed 7-29-87; 8:45 am]

BILLING CODE 3810-01-M

Meeting of the Defense Science Board Task Force on Defense Mapping Agency

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Defense Mapping Agency will meet in closed session on September 10-11, October 27-28, and December 2-3, 1987 at DMA Hydrographic/ Topographic Center, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will study the Defense Mapping Agency and ascertain whether or not the mechanisms exist within DMA to meet the needs of weapons systems developers and operators with respect to resources, capabilities, and procedures.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 24, 1987.

[FR Doc. 87-17275 Filed 7-29-87; 8:45 am]

BILLING CODE 3810-01-M

Meeting of the Defense Science Board Task Force on Image Recognition Systems

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Image Recognition Systems will meet in closed session on September 2-3, 1987 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will study the current status and probable near- to medium-term development of computer-based image recognition systems with emphasis on the potential for further development in "smart weapons," especially those for attacking ground vehicles.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. II (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

July 27, 1987.

[FR Doc. 87-17276 Filed 7-29-87; 8:45 am]

BILLING CODE 3810-01-M

Performance Review Board; Membership Appointments

AGENCY: Defense Mobilization Systems Planning Activity, DOD.

ACTION: Announce membership of Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Mobilization Systems Planning Activity. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Director.

DATE: August 1, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Oppenheimer, Resource Management and Support Services, Defense Mobilization Systems Planning Activity, c/o OASD (FM&P), Correspondence & Control Division, The Pentagon, Room 3E-759, Washington, DC 20301, (703) 756-2249.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following register constitutes members of the Defense Mobilization Systems Planning Activity PRB who will serve one-year renewable terms effective August 1, 1987: Mr. Kenneth E. deGraffenreid; Brigadier General Paul A. Maye; Dr. Michael L. Ioffredo; Dr. William T. Marquitz; Mr. Keven C. Moody; Mr. John W. Beach.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 27, 1987.

[FR Doc. 87-17272 Filed 7-29-87; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force**USAF Scientific Advisory Board; Meeting**

July 24, 1987.

The USAF Scientific Advisory Board Ad Hoc Committee on Minuteman III Penetration Aids will conduct closed meetings at the Pentagon, Washington DC on August 17, 18 and 19, 1987 from 8:00 a.m. to 5:00 p.m. each day.

The purpose of these meetings is to review, discuss and evaluate the effectiveness of penetration aids being developed for the Minuteman III.

These meetings concern matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 87-17281 Filed 7-29-87; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army**Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Lower Creek Flood Control Project, Caldwell County, NC****AGENCY:** Army Corps of Engineers, DOD.**ACTION:** Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: 1. The proposed project is authorized under section 205 of the 1948 Flood Control Act, as amended. The proposed project consists of a 7-foot-bottom-width channel beginning on Lower Creek at Complex Street and extending upstream to Virginia Street (4,300 feet), a 60-foot-bottom-width channel from Virginia Street upstream to Harrisburg Drive (2,600 feet), and a 50-foot-bottom-width channel from Harrisburg Drive to the confluence of Zacks Fork Creek (5,500 feet). The bottom width of Zacks Fork Creek would be widened to 40 feet from its mouth upstream to Hickory Boulevard, a distance of 3,900 feet. The excavation would be riprapped from the C&NW Railroad upstream, for distance of 4,800 feet.

Only channel widening alternatives are economically feasible. Because of concern for environmental impacts, bench channel alternatives are receiving primary consideration. In areas where constrictions from buildings or rock

occur, trapezoidal channels may be necessary. Alternatives to the proposed project which will be analyzed include different channel configurations and different channel widths and lengths. 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 initiation of detailed project studies and are invited to comment at this time. The scoping process for the project is being initiated and will involve all known interested parties.

3b. The significant issues to be analyzed in the DEIS are as follows: (1) Impacts to aquatic resources and water quality of Lower Creek; (2) impacts to wildlife and vegetation in the riparian zone; (3) impacts to the aesthetics of the project area; (4) impacts to cultural resources; (5) impacts to endangered species; (6) impacts to recreation in the project area; and (7) impacts on the future economic growth of the project area.

3c. The lead agency for this study is the U.S. Army Engineer District, Wilmington. The study is being cost shared through direct payment and in-kind services by the State of North Carolina and the city of Lenoir.

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 will be sent to all known interested parties. No formal scoping meetings are currently planned; however, the identification of any significant issues relating to the project by others will result in coordination with appropriate interests as needed.

5. The Draft Environmental Impact Statement for the project is currently scheduled for distribution to the public in March 1989.

ADDRESS: Questions about the proposed action and reports should be directed to Mr. William Adams, Environmental Resources Branch, U.S. Army Engineer District, Wilmington, Post Office Box 1890, Wilmington, North Carolina 28402-1890, telephone: (919) 343-4748 or FTS 671-4748.

Dated: July 20, 1987.

Paul W. Woodbury,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 87-17325 Filed 7-29-87; 8:45 am]

BILLING CODE 3710-GN-M

DEPARTMENT OF ENERGY**Economic Regulatory Administration**

[Docket No. PP-84]

Extension of Comment Period; Central Maine Power Co.'s Application for a Presidential Permit**AGENCY:** Economic Regulatory Administration, DOE.

ACTION: Extension of comment period on application by Central Maine Power Co. for a permit to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Canada.

SUMMARY: On July 6, 1987, the Economic Regulatory Administration (ERA) published a notice in the *Federal Register* (52 FR 25291) announcing receipt of an application by Central Maine Power Co. for a Presidential permit to construct electric transmission facilities at the international border between the United States and Canada. Because of possible confusion caused by misprinting of the applicant's name in the index of the *Federal Register* on that day, the period for public comment on this application is being extended.

FOR FURTHER INFORMATION CONTACT:

Anthony J. Como, Economic Regulatory Administration (RG-22), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-5935

Lise Courtney M. Howe, Office of General Counsel (GC-41), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-2900.

SUPPLEMENTARY INFORMATION: On June 8, 1987, Central Maine Power Co. applied to the ERA, pursuant to Executive Order 10485, for a Presidential permit to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Canada. This application was noticed in the *Federal Register* on July 6, 1987 (52 FR 25291). Because of an error in printing, the *Federal Register* index for that item incorrectly listed the applicant as Central Mining Power Co.

The original notice announced a 30-day comment period ending on August 5, 1987. The ERA is concerned that this error in the index entry may have been a source of confusion to potentially interested parties. Therefore, the period for comment, protest and intervention on this application is being extended.

Any person desiring to be heard or to protest this application for a Presidential permit should file a petition to intervene or protest with the ERA, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed on or before August 31, 1987. Protests will be considered by ERA in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application will be made available, upon request, for public inspection and copying at the Department of Energy's Freedom of Information Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Issued in Washington, DC on July 23, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-17324 Filed 7-29-87; 8:45 am]

BILLING CODE 1505-02-M

FEDERAL COMMUNICATIONS COMMISSION

Petitions for Clarification and Reconsideration of 1985 Annual Access Tariff and Terms and Conditions Order Filed; Consolidated Pleading Cycle Established

July 13, 1987.

On March 9, 1987, the Commission released a Memorandum Opinion and Order, In the Matter of Annual 1985 Access Tariff Filings, CC Docket No. 86-125, Phase II, FCC 87-50 (*Terms and Conditions Order*). A summary of the *Terms and Conditions Order* was published in the *Federal Register* on May 5, 1987. See 52 FR 16388 (May 5, 1987).

On April 8, 1987, MCI Telecommunications Corporation (MCI) initially filed its petition for clarification or, in the alternative, reconsideration of part of that *Order*. MCI re-filed its petition on June 4, 1987. On April 9, 1987 the GTE Service Corporation (GTE) filed a petition for partial reconsideration of the *Terms and Conditions Order*, while on June 5, New York Telephone Company and New England Telephone and Telegraph

Company (NYNEX) filed a petition for reconsideration of the *Order*.

In its petition, MCI requests clarification or, in the alternative, reconsideration of the Commission's decision to permit local exchange carriers (LECs) to participate in an Order and Billing Forum, which includes industry representatives, in order to comply with the Commission's requirement that LECs provide adequate and appropriate billing information to interexchange carriers.

The GTEs seek reconsideration of the requirement that LECs refund presubscription change charges and minimum monthly usage charges (MMUCs) found unlawful in the *Terms and Conditions Order*. Specifically, the GTEs contend that, in the absence of an accounting order, the Commission is not authorized to require LECs to refund these charges. NYNEX makes this same argument with respect to the MMUC refund requirement.

Issues raised in the above-referenced petitions will be considered in a consolidated proceeding. Copies of these petitions are available for inspection in the Commission's Tariff Division, 1919 M Street, Room 518, and may be obtained from the Commission's contract copier, International Transcription Service, Inc., Suite 140, 2100 M Street, NW., Washington, DC 20036. Parties wishing to file oppositions to the petitions for reconsideration must make such filings within 15 days after this public notice is published in the *Federal Register*. Replies to those oppositions are due 10 days after the deadline for filing oppositions.

For further information, contact Jacqueline E. Holmes, Tariff Division, Common Carrier Bureau at (202) 632-6917.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-17177 Filed 7-29-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

Appointment of Receiver; Freedom Savings and Loan Association, Tampa, FL

Notice is hereby given that pursuant to the authority contained in section 406(c)(2) of the National Housing Act, as amended, 12 U.S.C. section 1729(c)(2) (1982), the Federal Home Loan Bank Board duly appointed the Federal Savings and Loan Insurance Corporation as sole receiver for Freedom Savings and Loan Association, Tampa, Florida on July 23, 1987.

Dated: July 24, 1987.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 87-17342 Filed 7-29-87; 8:45 am]

BILLING CODE 6720-01-M

Acceptance of Appointment of Receiver; Freedom Savings and Loan Association, Tampa, FL

Notice is hereby given that the Circuit Court of the State of Florida for the County of Hillsborough has confirmed the appointment by the Comptroller of the State of Florida ("Comptroller") of a receiver for Freedom Savings and Loan Association, Tampa, Florida ("Association"), and that, pursuant to the authority contained in section 406(c)(1) of the National Housing Act, as amended, 12 U.S.C. section 1729(c)(1) (1982), and as directed by the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation accepted the tender of the Comptroller, pursuant to § 722.474 of the Florida Revised Statutes, of appointment as receiver for the Association for the purpose of liquidation, effective July 23, 1987.

Dated: July 24, 1987.

By the Federal Home Loan Bank Board

John M. Buckley, Jr.,

Secretary.

[FR Doc. 87-17343 Filed 7-29-87; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-641]

Final Action; Approval of Conversion Application; First Federal Savings Bank and Trust, Pontiac, MI

Date: July 24, 1987.

Notice is hereby given that on June 30, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of First Federal Savings Bank and Trust, Pontiac, Michigan, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent, at the Federal Home Loan Bank of Indianapolis, 1350 Merchants Plaza, South Tower, 115 West Washington Street, Indianapolis, Indiana 46204.

By the Federal Home Loan Bank Board
John F. Ghizzoni,
Assistant Secretary.
 [FR Doc. 87-17336 Filed 7-29-87; 8:45 am]
 BILLING CODE 6720-01-M

[No. AC-643]

Final Action; Approval of Conversion Application; Inter Federal Savings Bank Chattanooga, TN

Date: July 24, 1987.

Notice is hereby given that on July 13, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Inter Federal Savings Bank, Chattanooga, Tennessee, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Cincinnati, 2000 Atrium Two, Cincinnati, Ohio 45202.

By the Federal Home Loan Bank Board
John F. Ghizzoni,
Assistant Secretary.
 [FR Doc. 87-17337 Filed 7-29-87; 8:45 am]
 BILLING CODE 6720-01-M

[No. AC-644]

Final Action; Approval of Conversion Application; Morsemere Federal Savings and Loan Association, Fort Lee, NJ

Date: July 24, 1987.

Notice is hereby given that on July 17, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Morsemere Federal Savings and Loan Association, Fort Lee, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board
John F. Ghizzoni,
Assistant Secretary.
 [FR Doc. 87-17338 Filed 7-29-87; 8:45 am]
 BILLING CODE 6720-01-M

[No. AC-639]

Final Action; Approval of Conversion Application; Newton Savings and Loan Association, Newton, NJ

Date: July 29, 1987.

Notice is hereby given that on July 9, 1987, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Newton Savings and Loan Association ("Newton") New Jersey, for permission to convert to the stock form of organization pursuant to a voluntary supervisory conversion.

By the Federal Home Loan Bank Board
John F. Ghizzoni,
Assistant Secretary.
 [FR Doc. 87-17339 Filed 7-29-87; 8:45 am]
 BILLING CODE 6720-01-M

[No. AC-640]

Final Action; Approval of Conversion Application; Southeast Federal Savings Bank, Rossville, GA

Date: July 20, 1987.

Notice is hereby given that on July 30, 1987, the General Counsel of the Director of the Office of Regulatory Policy, Oversight and Supervision, and the Director of the Office of District Banks, or their respective designees, acting pursuant to delegated authority, approved the application of Southeast Federal Savings Bank, Rossville, Georgia ("Southeast"), for permission to convert to the stock form of organization pursuant to a voluntary supervisory conversion, the application of Bankers First Corporation, Augusta, Georgia to acquire Southeast by merger with Interim Southeast Federal Savings Bank, Rossville, Georgia, and various applications related thereto.

By the Federal Home Loan Bank Board
John F. Ghizzoni,
Assistant Secretary.
 [FR Doc. 87-17340 Filed 7-29-87; 8:45 am]
 BILLING CODE 6720-01-M

[No. AC-642]

Final Action; Approval of Conversion Application; Yardley Savings Association, Yardley, PA

Date: July 24, 1987.

Notice is hereby given that on July 15, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Yardley Savings Association, Yardley, Pennsylvania, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552 and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Pittsburgh, One Riverfront Center, Twenty Stanwix Street, Pittsburgh, Pennsylvania 15222-4893.

By the Federal Home Loan Bank Board
John F. Ghizzoni,
Assistant Secretary.
 [FR Doc. 87-17341 Filed 7-29-87; 8:45 am]
 BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Application To Engage de Novo in Permissible Nonbanking Activities; Bank of New England 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) of 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 their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that

outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

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 21, 1987.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank of New England Corporation*, Boston, Massachusetts; to engage *de novo* through its subsidiary CBT Acceptance Corporation, New York, New York, in provision of floor plan and other asset based financing to automobile dealers pursuant to § 225.25(b)(1)(iv) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17260 Filed 7-29-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisitions of Companies Engaged in Permissible Nonbanking Activities; BTB Corp. et al.

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

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 on the

question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than August 21, 1987.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *BTB Corporation*, Boston, Massachusetts; to acquire Raymond C. Green and Company, Inc., Boston, Massachusetts; and thereby engage in directly making, acquiring or servicing loans or other extensions of credit for its own account or for the account of others, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

B. Federal Reserve Bank of Chicago
(David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Marshall & Ilsley Corporation*, Milwaukee, Wisconsin; to acquire Software Development Corporation, Fort Lauderdale, Florida; and thereby engage in data processing activities, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17261 Filed 7-29-87; 8:45 am]

BILLING CODE 6210-01-M

Formation of, Acquisition by, or Merger of Bank Holding Companies; SB&T Corp.

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) 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)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than August 21, 1987.

A. Federal Reserve Bank of Atlanta
(Robert A. Heck, Vice President), 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *SB&T Corporation*, Smyrna, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Smyrna Bank and Trust Company, Smyrna, Georgia.

Board of Governors of the Federal Reserve System, July 24, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17262 Filed 7-29-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 87N-0248]

Drug Export; Antibody to Hepatitis B Surface Antigen (Mouse-Monoclonal) VIRGO™ (HBSAG) ELISA Test Kit

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Electro-Nucleonics, Inc., has filed an application requesting approval for the export of the biological product Antibody to Hepatitis B Surface Antigen (Mouse-Monoclonal) VIRGO™ (HBsAg) ELISA Test Kit to the Netherlands, Belgium, Switzerland, New Zealand,

Australia, Canada, West Germany, and the United Kingdom.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs and biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Rudolf Apodaca, Center for Drugs and Biologics (HFN-310), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8063.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs and biological products that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the *Federal Register* within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Electro-Nucleonics Inc., 7101 Riverwood Dr., Columbia, MD 21046-1297, has filed an application requesting approval for the export of the biological product Antibody to Hepatitis B Surface Antigen (Mouse-Monoclonal) VIRGO™ (HBsAg) ELISA Test Kit to the Netherlands, Belgium, Switzerland, New Zealand, Australia, Canada, West Germany, and the United Kingdom. This product is intended to detect Hepatitis B Surface Antigen. The application was received and filed in the Center for Drugs and Biologics on June 15, 1987, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading

of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by August 10, 1987, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drugs and Biologics (21 CFR 5.44).

Dated: July 17, 1987.

Daniel L. Michels,
*Director, Office of Compliance, Center for
Drugs and Biologics.*

[FR Doc. 87-17265 Filed 7-29-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

July 23, 1987.

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7340.

Title: Training Progress Report, 25 CFR Part 276.

Abstract: Native Americans and vocational education individuals participating in the adult vocational training program are required to make satisfactory progress in training. Failure to meet this requirement due to reasons within the individual's control may result in termination from the training program.

Bureau Form Number: BIA-8242.

Frequency: Exception Reporting.
Description of Respondents: Adult Vocational Training Programs/Institutions.

Annual Responses: 1,075.

Annual Burden Hours: 89.

Bureau clearance officer: Cathie Martin, 202-343-3577.

Hazel E. Elbert,

Deputy to the Assistant Secretary, Indian Affairs (Tribal Services).

[FR Doc. 87-17283 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-02-M

Advisory Committee for Exceptional Children; Meeting

This notice is published in accordance of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 94-142, as amended by section 5(a) of Pub. L. 94-142, Education of the Handicapped Act, the Bureau of Indian Affairs, Advisory Committee for Exceptional Children will meet August 13-15, 1987 in Tulsa, Oklahoma at the Sheraton Kensington, 1902 E. 21st Street, 8:30 A.M.-5:00 P.M.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian children, to discuss the application process for the Bureau of Indian Affairs' Special Education Program, review the Bureau of Indian Affairs' State Plan for Special Education. Discuss Education of the Handicapped Amendments of 1986 (Pub. L. 99-457). Discuss proposed rule for Federal Advisory Committees, install new members, elect officers and to plan for the next fiscal year.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed with the Bureau of Indian Affairs, Branch of Exceptional Education, 1951 Constitution Avenue, NW., Room 4659, Code 523, Washington DC 20245, within 30 days after the meeting.

Any additional information about the meeting can be obtained from Ms. Marie J. Emery, Bureau of Indian Affairs, Main Interior Building, Room 4644, telephone number (202) 343-6875.

Ronal D. Eden,

Deputy to the Assistant Secretary/Director—Indian Affairs (Indian Education Programs).

[FR Doc. 87-17296 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[CA-060-07-4333-10]

**California; El Centro Resource Area
Notice of Plan Approval, Imperial Sand
Dunes Recreation Area Management
Plan****AGENCY:** Bureau of Land Management,
Interior.**ACTION:** Approval of the Imperial Sand
Dunes Recreation Area Management
Plan, California Desert District, El
Centro Resource Area, Imperial County,
California.**SUMMARY:** Notice is hereby given that
the final Imperial Sand Dunes
Recreation Area Management Plan and
Environmental Assessment has been
approved by the Bureau of Land
Management (BLM). The plan outlines
BLM's management program through the
year 2000 for the 184,000-acre recreation
area, located in east-central Imperial
County, California.Approval of the plan culminates a 2½
year planning process which began with
public issue identification workshops
held in Yuma, Arizona and El Centro,
San Diego, and Riverside, California in
April 1985. A planning workbook was
distributed to the public in May 1985.
Workshop and workbook comments
were utilized in development of a draft
plan and environmental assessment
which was released for 60 days of public
review in October 1986. A total of 28
letters of comment were received on the
draft plan. These comments were
considered in development of the final
plan.The plan outlines over 200 specific
recreation management prescription for
the Imperial Sand Dunes. Key features
of the plan (not necessarily listed in
order of priority) include:

1. A coordinated funding strategy
organized around five funding levels.
2. Linkage of major development
actions with actual use levels and
monitored resource condition.
3. Phased acquisition and
development of access to allow optimum
utilization of available California Desert
Plan Multiple Use Class I (intensive use)
areas for off-highway vehicle (OHV)
recreation as demand increases.
4. Phased development of basic
sanitation (toilets and trash) and
parking facilities in zones of
concentrated camping use (Class I).
5. Adoption of supplementary rules
and an educational program to promote
public safety.
6. A public education program to
increase appreciation of sensitive
resources.

7. Phased implementation of a
sensitive species baseline study and
monitoring program, in conjunction with
a habitat management plan to be
completed in 1987.8. Development of an OHV access
corridor to link portions of the Buttercup
Valley Open Area bisected by the All-
American Canal and Interstate Highway
8. The connection will link the Grays
Well and Gordons Well Class I areas.9. Phased increases in staffing for
operation, maintenance, and patrol,
linked to the level of development and
use.10. Implementation of measures to
protect the wilderness suitability of two
wilderness study areas.11. Acquisition of undeveloped state
and private inholdings to improve
manageability and protect sensitive
resources.12. Adoption of management
prescriptions to insure compatibility of
recreation and other uses.The plan proposes adoption of an
amendment to the California Desert Plan
to change the multiple-use classification
of Sec. 6, T. 12 S., R. 16 E., SBM, from
"Unclassified" to "Class L" west of the
Coachella Canal and to "Class I" east of
the Coachella Canal. This section (880
acres) is located in the Mammoth Wash
area. The proposed class changes reflect
existing use and are consistent with
designation of adjacent public lands.A draft plan proposal to change the
OHV designation of 4,300 acres of sand
dunes in the South Ogilby area (south of
Interstate 8 and east of the All-
American Canal) from "Limited to
Existing Routes" to "Open" has been
deleted from the final plan. The proposal
was deleted because of information on
sensitive resources and public concerns
expressed in comments on the draft
plan.**DATE:** The decision to approve the plan
and environmental assessment is
effective on the date of publication of
this notice.**FOR FURTHER INFORMATION CONTACT:**
Copies of the final Imperial Sand Dunes
Recreation Area Management Plan and
Environmental Assessment are
available from the Bureau of Land
Management, El Centro Resource Area,
333 South Waterman Avenue, El Centro,
California 92243, 619-352-5842. Hours:
7:45 a.m. to 4:30 p.m., Monday through
Friday. Specific questions concerning
the plan and environmental assessment
should be directed to Steve Nelson,
Outdoor Recreation Planner.

Dated: July 21, 1987.

H.W. Riecken,
Acting District Manager.
[FR Doc. 87-17289 Filed 7-29-87; 8:45 am]
BILLING CODE 4310-40-M

[CO-070-07-4341-01]

**Grand Junction District Multiple Use
Advisory Council Meeting****AGENCY:** Bureau of Land Management,
Interior.**ACTION:** Grand Junction District Multiple
Use Advisory Council Meeting.**SUMMARY:** Notice is hereby given in
accordance with Pub. L. 94-579 that a
meeting of the Grand Junction District
Advisory Council will be held on
Wednesday, September 9, 1987 and
Thursday, September 10, 1987.**SUPPLEMENTARY INFORMATION:** The
meeting on Wednesday, September 9,
will be held at the Grand Junction
District Office, 764 Horizon Drive, Grand
Junction, Colorado 81506 from 1-5 p.m.
A public comment period is scheduled
for 4 p.m.On Wednesday, September 10,
beginning at 8 a.m., the Council will tour
several sites in the Grand Junction
Resource AreaThe full-day field trip is open to the
public; however, transportation will only
be provided for Council members.Bruce Conrad,
District Manager, Grand Junction District.
[FR Doc. 87-17326 Filed 7-29-87; 8:45 am]
BILLING CODE 4310-JB-M

[OR-050-4322-02; GP7-256]

**District Grazing Advisory Board
Meeting; Prineville District Office****ACTION:** Correction of the date of the
District Grazing Advisory Board
MeetingThe meeting will begin at 10:00 a.m.
on August 12, 1987, instead of August 13,
1987. The location remains the same.Ronald W. Van Domelen,
Acting District Manager.
July 24, 1987.
[FR Doc. 87-17335 Filed 7-29-87; 8:45 am]
BILLING CODE 4310-33-M

[NM-060-07-4341-02]

**Roswell District Grazing Advisory
Board Meeting.****AGENCY:** Bureau of Land Management,
Interior.

ACTION: Roswell District Grazing Advisory Board Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Roswell District Grazing Advisory Board.

DATE: Wednesday, August 26, 1987, beginning at 10 a.m. A public comment period will be held following the last agenda item.

Location: BLM Roswell District Office, 1717 West Second St., Roswell, NM 88201

FOR FURTHER INFORMATION CONTACT: David L. Mari, Associate District Manager, or Terry Keim, Acting Public Affairs Specialist, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201, (505) 622-9042.

SUPPLEMENTARY INFORMATION: The proposed agenda will include: (1) Pilot Productivity Program; (2) Proposed Changes in Grazing Regulations; (3) Sage Ram Proposal; (4) Road Policy; (5) Sikes Act; (6) FY 88 Range Improvement Projects. The meeting is open to the public. Interested persons may make oral statements to the Council during the public comment period or may file written statements. Anyone wishing to make an oral statement should notify the Associate District Manager by August 17, 1987. Summary minutes will be maintained in the District Office and will be available for public inspection during regular business hours within 30 days following the meeting. Copies will be available for the cost of duplication.

David L. Mari,

Associate District Manager.

[FR Doc. 87-17285 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-FB-M

[ID-040-4322-02]

Salmon District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting of the Salmon District Grazing Advisory Board.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATE: The meeting will be held on Wednesday, September 9, 1987, at the Salmon District Office, Bureau of Land Management, Conference Room, Highway 93 South, Salmon, Idaho 83467. The meeting will begin at 10:00 a.m.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Pub.

L. 92-463. The meeting is open to the public; public comments on agenda items will be accepted from 1:00 to 1:30 p.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467, by September 3, 1987.

The agenda items are: (1) Discussion of the use of 8100 funds, (2) Review the process for ordering, storing and using Advisory Board materials, (3) Advisory Board checking account, (4) Advisory Board/District Manager policy on cost sharing of new projects, (5) Rangeland Monitoring Update, and (6) Project prioritization and planning.

Summary minutes of the meeting will be kept in the District Office and will be available for public inspection and reproduction during business hours (7:45 a.m. to 4:30 p.m.) within 30 days after the meeting.

For further information, contact: Jerry W. Goodman, District Manager, Bureau of Land Management, Salmon District Office, P.O. Box 430, Salmon, ID 83467.

Dated: July 20, 1987.

Robert W. Heidemann,

Associate District Manager.

[FR Doc. 87-17286 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-22-M

Proposed Reinstatement of a Terminated Oil and Gas Lease; Alaska State Office

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97-451), a petition for reinstatement of oil and gas lease AA-48228-AS has been received covering the following lands:

Fairbanks Meridian, Alaska

T. 18 S., R. 2 W.,

Sec. 27 SE $\frac{1}{4}$ NW $\frac{1}{4}$.

(40 acres)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5 per acre per year, and royalty increased to 16 $\frac{2}{3}$ percent. The \$500 administrative fee and the cost of publishing this Notice have been paid. The required rentals and royalties accruing from November 1, 1986, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA-48228-AS as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposed to reinstate the lease, effective November 1, 1986, subject to the terms and conditions cited above.

Dated: July 24, 1987

Kay F. Kletka,

Chief, Branch of Mineral Adjudication.

[FR Doc. 87-17327 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-JB-M

[WY-920-07-4111-15; W-80543-A]

Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W-80543-A for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessees have agreed to the amended lease terms for rentals and royalties at rates of \$5 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessees have paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessees have met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-80543-A effective October 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,

Chief, Leasing Section.

[FR Doc. 87-17328 Filed 7-29-84; 8:45 am]

BILLING CODE 4310-22-M

[WY-920-07-4111-15; W-78782]

Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3(a) and (b)(1), a petition for reinstatement of oil and gas lease W-78782 for lands in Crook County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$5 per acre, or fraction thereof, per year and 16 $\frac{2}{3}$ percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice.

The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-78782 effective September 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,
Chief, Leasing Section.

[FR Doc. 87-17329 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-22-M

[WY-060-07-4212-14; W-88738]

Realty Action; Competitive Sale of Public Lands in Goshen County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Competitive Sale of Land Parcels in Goshen County, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) has determined that the lands described below are suitable for public sale. BLM is required to receive fair market value for the land sold and any bid for less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if the sale would not be consistent with FLPMA or other applicable law. This disposal action is consistent with the Platte River Resource Area's Resource Management Plan. These lands were never classified pursuant to the Classification and Multiple Use Act.

Detailed bidding instructions and other sale details are available on request at the BLM, Platte River Resource Area Office, P.O. Box 2420, Mills, Wyoming 82644 (phone (307) 261-5008). Failure to submit a bid in accordance with these detailed instructions may result in rejection of the bid.

Parcels:

Serial No.	Legal description	Acreage	Appraised value
W-88738.....	T. 21 N., R. 61 W., 6th P.M. Section 1: Lot 2	40.31	\$2,300

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The sale, to be held on September 23, 1987 will be conducted by competitive bidding, and each parcel will be offered

by a sealed bid process. If any parcels fail to sell, the land will continue to be reoffered for sale under the competitive bidding process. Reappraisals of the parcels will be made periodically to reflect the current market value. If the value of the parcel(s) change(s), it/they will be published and the land will remain open for competitive bidding. A more detailed description of the competitive bidding process is available from the Platte River Resource Area Office.

A bid will also constitute an application for conveyance of those mineral interests offered for conveyance in the sale. The mineral interests being offered have no known mineral values. At the time of the sale, the purchaser will be required to pay a \$50.00 nonreturnable filing fee (in addition to their bid) for all unreserved mineral interests.

The patent for all parcels will include reservations for ditches and canals, coal, oil and gas to the United States. All parcels will be subject to valid existing rights to include existing oil and gas leases. A detailed description of these reservations is available from the above address.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments on the sale to the District Manager, Casper District Office, 1701 East "E" Street, Casper, Wyoming 82601. Any adverse comments to the sale will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of adverse comments or in the absence of any action by the State Director, this realty action will become final.

Date: July 23, 1987.

Leslie A. Olver,
Acting Casper District Manager.

[FR Doc. 87-17330 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-22-M

[WY-060-07-4212-14]

Realty Action; Modified Competitive Sale of Public Lands in Goshen County, WY.

AGENCY: Bureau of Land Management, Interior.

ACTION: Modified Competitive Sale of Land Parcels in Goshen County, Wyoming.

SUMMARY: The Bureau of Land Management (BLM) has determined that the lands described below are suitable for public sale. BLM is required to

receive fair market value for the land sold and any bid for less than fair market value will be rejected. The BLM may accept or reject any and all offers, or withdraw any land or interest in the land for sale if the sale would not be consistent with FLPMA or other applicable law. This disposal action is consistent with the Platte River Resource Area's Resources Management Plan. These lands were never classified pursuant to the Classification and Multiple Use Act.

Detailed bidding instructions and other sale details are available on request at the BLM, Platte River Resource Area Office, P.O. Box 2420, Mills Wyoming 82644 (phone (307) 261-5008). Failure to submit a bid in accordance with these detailed instructions may result in rejection of the bid.

Parcels

Serial No.	Legal description	Acreage	Appraised value
W-88722.....	T. 23 N., R. 62 W., 6th P.M. Section 29: W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 32: NE $\frac{1}{4}$.	240	\$33,125
W-88728.....	T. 24 N., R. 64 W., 6th P.M. Section 27: SE $\frac{1}{4}$ NW $\frac{1}{4}$.	40	1,300
W-88742.....	T. 23 N., R. 63 W., 6th P.M. Section 7: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.	160	9,050

The lands described are hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action.

The sale, to be held on September 23, 1987 will be conducted by modified competitive bidding, and each parcel will be offered by a sealed bid process to adjoining landowners. The apparent high bidder will be required to submit evidence of adjoining landownership before the high bid can be accepted or terminated. If any parcels fail to sell, the land will be reoffered for sale under a competitive bidding process.

Reappraisals of the parcels will be made periodically to reflect the current market value. If the value of the parcel(s) change(s), it/they will be published and the land will remain open for competitive bidding. A more detailed description of the competitive bidding process is available from the Platte River Resource Area Office.

A bid will also constitute an application for conveyance of those mineral interests offered for conveyance in the sale. The mineral interests being offered have on known mineral values. At the time of the sale, the purchaser

will be required to pay a \$50.00 nonreturnable filing fee (in addition to their bid) for all unreserved mineral interests.

The patent for all parcels will include reservations for ditches and canals, coal, oil and gas to the United States. All parcels will be subject to valid existing rights to include existing oil and gas leases. A detailed description of these reservations is available from the above address.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this Notice in the *Federal Register*, interested parties may submit comments on the sale of the District Manager, Casper District Office, 1701 East "E" Street, Casper, Wyoming 82601. Any adverse comments to the sale 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 adverse comments or in the absence of action by the State Director, this realty action will become final.

Dated: July 23, 1987.

Leslie A. Olver,

Acting Casper District Manager.

[FR Doc. 87-17331 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-22-M

[UT-060-07-4410-12]

Final Decision on Plan Amendment: Grand Resource Area, Utah

July 21, 1987

AGENCY: Bureau of Land Management, Moab, Utah, Interior.

ACTION: Final Decision on Plan Amendment for Grand Resource Area Resource Management Plan.

SUMMARY: Notice is given to the public that the Bureau of Land Management has made a final decision to amend the Grand Resource Area Resource Management Plan. The plan amendment changes the management actions found at page 20 by the addition of the following statement:

"Allow changes in kind of livestock on those allotments which would be suitable for either or both kinds of livestock (sheep or cattle) or where resources would benefit by changing to a kind of livestock not currently authorized."

DATES: Protests on the plan amendment may be filed within 30 days of this date. This decision will become final 60 days from this date, allowing for consistency review by the Governor of Utah, provided protests are not received or inconsistencies identified by the Governor.

ADDRESSES: Protests on the plan amendment shall be sent to Director, Bureau of Land Management, 18th and C Street NW., Washington, DC 20240. The environmental assessment prepared for the plan amendment is available at the Grand Resource Area, P.O. Box M, Moab, Utah 84532.

FOR FURTHER INFORMATION CONTACT: Colin P. Christensen, Grand Resource Area Manager, (801) 259-8193.

Lee C. Chamberlain,

Acting District Manager.

[FR Doc. 87-17290 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-DQ-M

[AA-220-07-4322-02; FR Doc. 86-18167]

Livestock Grazing Environmental Impact Statements—Fiscal Year 1988

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: As required by the Court Order in *Natural Resources Defense Council, Inc., et al., v. Morton, et al.*, Civil Action No. 1983-73, this notice identifies five Resource Management Plans (RMP) and associated environmental impact statements (EIS's) covering the effects of livestock grazing which are scheduled for completion by the Bureau of Land Management during Fiscal Year 1988.

FOR FURTHER INFORMATION CONTACT: Billy Templeton, Chief, Division of Rangeland Resources, Bureau of Land Management, 18 & C Street NW., (Premier Building, Room 909) Washington, DC 20240 [202/653-9193].

SUPPLEMENTARY INFORMATION: In accordance with the Court Order in *Natural Resources Defense Council Inc., et al., v. Morton et al.*, Civil Action No. 1983-73, the following described EIS's involving 4,042,000 acres of public lands are scheduled for completion during Fiscal Year 1988.

RESOURCE MANAGEMENT PLANS/GRAZING EIS's

[Public Land in Thousands of Acres]

EIS name	Acres	Description
Socorro RMP (Jornada)	114	An area in south-central New Mexico within the Las Cruces District and the Socorro Resource Area.
San Rafael	1,536	An area in south-central Utah within the Moab District and San Rafael Resource Area.
Pony Express RMP Utah county part.	110	An area in north-western Utah within the Salt Lake District and Pony Express Resource Area.

RESOURCE MANAGEMENT PLANS/GRAZING EIS's—Continued

[Public Land in Thousands of Acres]

EIS name	Acres	Description
Cody	1,013	An area in north-western Wyoming within the Worland District and Cody Resource Area.
Medicine Bow	1,269	An area in south-eastern Wyoming within the Rawlins District and Medicine Bow Resource Area.

Dated: July 27, 1987.

Guy E. Baier,

Assistant Director, Land and Renewable Resources.

[FR Doc. 87-17263 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-84-M

[AA-630-07-4111-02]

Information Collection Submitted for OMB Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20505, telephone 202-395-7340.

Title: Sundry Notices and Reports on Wells

Abstract: Data submitted by oil and gas lessees and operators is used for agency approval of modifications of an existing well

Bureau Form Number: 3160-5

Frequency: On occasion

Description of Respondents: Oil and Gas lessees and operators

Annual Responses: 4,000

Annual Burden Hours: 1,666

Bureau Clearance Officer: Rick Iovaine
202-653-8853.

Date: July 17, 1987.

George F. Brown,

Deputy Assistant Director, Energy and Mineral Resources.

[FR Doc. 87-17284 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-84-M

[WY-920-07-4111-15; W-96695]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

Pursuant to the provisions of Pub. L. 97-451, 96 Stat. 2462-2466, and Regulation 43 CFR 3108.2-3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W-96695 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of \$7 per acre, or fraction thereof, per year and 16% percent, respectively.

The lessee has paid the required \$500 administrative fee and \$125 to reimburse the Department for the cost of this Federal Register notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W-96695 effective November 1, 1986, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Andrew L. Tarshis,
Chief, Leasing Section.

[FR Doc. 87-17287 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-22-M

[AZ-020-07-4212-13; A-22764]

Public Land Exchange; Mohave County, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction of Notice of Realty Action.

SUMMARY: The Notice of Realty Action published for private exchange A-22764 and appearing in the Federal Register on June 10, 1987 on page 22005, Volume 52, No. 111, is hereby amended to correct the legal description of private lands to be acquired from James E. and Lois M. Briggs. The correct description is as follows:

Gila and Salt River Meridian, Arizona

T. 22 N., R. 19 W.,

Sec. 5, lots 1-4;

Sec. 7, lots 1-4, N½NE¼, E½W½;

Sec. 17, all.

T. 22 N., R. 20 W.,

Sec. 13, SE¼;

Sec. 25, all.

T. 23 N., R. 19 W.,

Sec. 29, all;

Sec. 31, all;

Sec. 33, all.

Containing 3,959.68 acres, more or less.

FOR FURTHER INFORMATION CONTACT: Mike Berch of the Bureau of Land Management, Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401; Telephone 602/757-3161.

Date: July 23, 1987.

Henri R. Bisson,

District Manager.

[FR Doc. 87-17288 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-32-M

Minerals Management Service**Development Operations Coordination Document**

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2181, Blocks 56 (portion) and 57 (portion), South Pass 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 Harvey and Venice, Louisiana.

DATE: The subject DOCD was deemed submitted on July 23, 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 sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 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.

Dated: July 24, 1987.

J. Rogers Percy,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-17333 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Forest Oil Corporation has submitted a DOCD describing the activities it proposes of conduct on Lease OCS-G 8434, Block 190, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 23, 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

Mexco 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 4487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert, Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit, Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purposes of this Notice is to inform the public, pursuant to sec. 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, the 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.

Dated: July 24, 1987.

J. Rogers Pearcy,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-17334 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-MR-M

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Gulf of Mexico Outer Continental Shelf (OCS)

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the availability of environmental documents prepared for

OCS mineral proposals on the Gulf of Mexico OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal Regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-

related Environmental Assessments (EAs) and Findings of No Significant Impact (FONSIs), prepared by the MMS for the following oil and gas activities proposed on the Gulf of Mexico OCS. This listing includes all proposals for which FONSIs were prepared by the Gulf of Mexico in the 3-month period preceding this Notice.

Activity/operator	Location	Date
Shell Offshore Inc., thirteen exploratory wells; SEA No. N-2673.	Destin Dome Area, Blocks 22, 66, and 199; Leases OCS-G 8324, 8329, and 8343, respectively; 54 miles southwest of Panama City, Florida.	May 6, 1987.
Chevron U.S.A. Inc.; structure removal; SEA No. ES/SR 87-007.	Ship Shoal Area, Block 108; Lease OCS 0814; 17 miles south of Terrebonne Parish, Louisiana.	May 13, 1987.
Tenneco Oil Company; revision of two exploratory wells; SEA No. R-1791.	Pensacola Area, Block 948; Lease OCS-G 6391; 24 miles south of the Florida coast.	May 27, 1987.
Chevron U.S.A. Inc.; revision of one exploratory well; SEA No. R-1802.	Destin Dome Area, Block 56; Lease OCS-G 6406; 26 miles south of Santa Rosa Island, Florida.	June 4, 1987.
Tenneco Oil Exploration and Production; Platform A removal; SEA No. ES/SR 87-003.	South Timbalier Area, Block 59; Lease OCS-G 2927; 17 miles south of Lafourche Parish, Louisiana.	June 19, 1987.

Persons interested in reviewing environmental documents for the proposals listed above or obtaining information about EAs and FONSIs prepared for activities on the Gulf of Mexico OCS are encouraged to contact the MMS office in the Gulf of Mexico OCS Region.

FOR FURTHER INFORMATION CONTACT: Public Information Unit, Information Services Section, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, Telephone (504) 736-2519.

SUPPLEMENTARY INFORMATION: The MMS prepares EAs and FONSIs for proposals which relate to exploration for and the development/production of oil and gas resources on the Gulf of Mexico OCS. The EAs examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. Environmental Assessments are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102(2)(C). A FONSI is prepared in those instances where the MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA. This notice constitutes the public notice of availability of environmental documents required under the NEPA Regulations.

Dated: July 23, 1987.

J. Rogers Pearcy,
Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-17332 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination; Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Sonat Exploration Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 2038, Block 231, Lease OCS-G 3537, Block 232, and Lease OCS-G 4100, Block 239, East 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 Intracoastal City, Louisiana.

DATE: The subject DOCD was deemed submitted on July 22, 1987.

ADDRESS: 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).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Mineral 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.

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.

Dated: July 22, 1987.

J. Rogers Percy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-17291 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7340.

Title: State Reclamation Grants 30 CFR Part 886.

Abstract: States and Indian tribes participating in the Abandoned Mined Lands Reclamation Program are required to assist in the development of the annual submission of projects by providing the information required by section 405(f) of the Surface Mining Control and Reclamation Act. This information is used in the preparation of requests for appropriation of monies for State reclamation grants. Bureau Form Number: None.

Frequency: Annually.

Description of Respondents: State Regulatory Authorities and Indian Tribes.

Annual Responses: 28.

Annual Burden Hours: 1,120.

Bureau clearance officer: Darlene Grose-Boyd (202) 343-5447.

Dated: July 15, 1987.

Carson W. Culp,

Assistant Director, Budget and Administration.

[FR Doc. 87-17292 Filed 7-29-87; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on September 14 and 15, 1988 at the Pan American Health Organization Building, 525 23rd Street, NW., Washington, DC, Conference Room 'C'. The Committee will discuss policy issues in the areas of nutrition, safeguards for biotechnology activities in agriculture projects, and health research in the Science and Technology Bureau.

The meeting will begin at 9:00 a.m. each day and will adjourn at 5:30 p.m. on September 14 and 12:00 p.m. on September 15. The meeting is open to the public. Any interested persons may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee and to the extent the time available for the meeting permits. Dr. Curtis R. Jackson, Director, Office of Research and University Relations, Bureau for Science and Technology, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Jackson, 1601 N. Kent Street, Arlington, Virginia 22209 or call area code (703) 235-8929.

Date: July 20, 1987.

Curtis R. Jackson,

A.I.D. Representative, Research Advisory Committee.

[FR Doc. 87-17282 Filed 7-29-87; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31082]

Exemption Acquisition and Operation, Certain Lines of Burlington Northern Railroad Co.; Kiamichi Railroad Co., Inc.

Kiamichi Railroad Company, Inc. (KRR) has filed a notice of exemption to acquire and operate Burlington Northern Railroad Company's lines between Lakeside, OK (milepost 620.25) and Hope, AK (milepost 805.87) including branch lines between Antlers, OK (milepost 540.32) and Paris, TX (milepost 585.05), and incidental trackage rights between Lakeside, OK (milepost 620.25) and Madill, OK (milepost 604.74).¹ Comments must be filed with the Commission and served on: Deborah A. Phillips; Weiner, McCaffrey, Brodsky & Kaplan, P.C., Suite 800, 1350 New York Avenue, NW., Washington, DC 20005-4797, (202) 628-2000 and Lawrence M. Stroik; Burlington Northern Railroad Company, 3800 Continental Plaza, 777 Main Street, Fort Worth, Texas 76102, (817) 878-2370. This transaction will also involve the issuance of securities by KRR which will be a Class III carrier. The issuance of these securities is an exempt transaction under 49 U.S.C. 1175.1 (51 FR 4928 (February 10, 1986)).

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.²

Decided: July 23, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-17192 Filed 7-29-87; 8:45 am]

BILLING CODE 7035-01-M

¹ The Railway Labor Executives' Association filed an unsupported request for labor protection, claiming that this transaction is subject to the mandatory labor protection provisions of 49 U.S.C. 11347. Since this transaction involves an exemption from 49 U.S.C. 10901, only a showing of exceptional circumstances will justify the imposition of labor protective conditions. The request is denied, because the requisite showing has not been made. See *Class Exemption—Acq. & Oper. of R. Lines under 49 U.S.C. 10901*, 1 I.C.C.2d 810 (1985).

² By decision served July 22, 1987, the Commission denied several petitions to stay the effective date of this exemption.

[Finance Docket No. 27590 (Sub-No. 1)]

Approval of the Pooling of Car Service With Respect to Flat Cars; Trailer Train Co., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Institution of proceeding.

SUMMARY: The Commission is instituting a proceeding to consider the application of Trailer Train Company (Trailer Train) and certain railroads under 49 U.S.C. 11342 to amend the Pooling Agreement and Form A Car Contract approved by the Commission in *American Rail Box Car Co.—Pooling*, 347 I.C.C. 862 (1974).

DATES: Verified statements supporting or opposing the application must be filed by August 31, 1987. Verified replies must be filed by September 14, 1987.

ADDRESSES: Send pleadings, referring to Finance Docket No. 27590 (Sub-No. 1) to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
 - (2) Applicants' representatives: Paul R. Duke, Covington & Burling, 1201 Pennsylvania Avenue, NW, P.O. Box 7566, Washington, DC 20044
- Robert J. Williams, William A. Callison, Trailer Train Company, 101 North Wacker Drive, Chicago, IL 60606

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245.

SUPPLEMENTARY INFORMATION: The following railroads are applicants in this proceeding: The Atchison, Topeka and Santa Fe Railway Company; Burlington Northern Railroad Company; Chicago and North Western Transportation Company; Consolidated Rail Corporation; CSX Transportation, Inc.; The Denver and Rio Grande Western Railroad Company; Florida East Coast Railway Company; Grand Trunk Western Railroad Company; Illinois Central Gulf Railroad Company; The Kansas City Southern Railway Company; Missouri-Kansas-Texas Railroad Company; Missouri Pacific Railroad Company; Norfolk and Western Railway Company; Richmond, Fredericksburg and Potomac Railroad Company; St. Louis Southwestern Railway Company; Soo Line Railroad Company; Southern Railway Company; and Union Pacific Railroad Company.

The railroad applicants and Trailer Train are seeking approval of, and authorization from, the Commission for a fifteen-year extension of the arrangement for the pooling of flatcar service approved by the Commission in 1974. The extension, which has been assented to by all of the participants in the pooling, is part of an agreement

among the railroad applicants and Trailer Train for a realignment of the ownership interests in Trailer Train held by the various railroads. Applicants allege that the extension is required to ensure the continuation of Trailer Train's operations for the foreseeable future.

Interested persons may submit verified statements by the dates set forth above. Copies of the application and the supporting verified statements can be examined in the Commission's Public Docket File, Room 1221, in Washington, DC. Copies may also be obtained from applicants' representatives.

Applicants assert that the requested Commission action will not significantly affect either the quality of the human environment or energy conservation. Any opposing statement may include a statement indicating the presence or absence of any impact of the requested Commission action on energy conservation, energy efficiency, or the environment. If any such impacts are alleged, the statement must be accompanied by supporting data, indicating the nature and degree of the anticipated impact.

Decided: July 24, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceeding.

Noreta R. McGee,
Secretary.

[FR Doc. 87-17193 Filed 7-29-87; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 291), Docket No. AB-8 (Sub-No. 18), Docket No. AB-52 (Sub-No. 53)]

Burlington Northern Railroad Co., The Denver & Rio Grande Western Railroad Co., and the Atchison, Topeka and Santa Fe Railway Co., Abandonment in Denver and Jefferson Counties, CO; Findings

The Commission has found that the public convenience and necessity permit the abandonment by Burlington Northern Railroad Company, The Denver & Rio Grande Western Railroad Company, and The Atchison, Topeka and Santa Fe Railway Company of a jointly-owned line of railroad, known as the REMACO line, between milepost 0.00 near Denver and milepost 6.52 near Lakewood, a distance of 6.52 miles in Denver and Jefferson Counties, Co.

An abandonment certificate will be issued authorizing this abandonment unless, within 10 days after this publication, 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 applicants no later than 10 days from publication of this Notice. The following notation must 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 Part CFR 1152.

Decided: July 13, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Andre concurred. Vice Chairman Lamboley dissented with a separate expression.

Noreta R. McGee,
Secretary.

[FR Doc. 87-17305 Filed 7-29-87; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Evaluation of Candidate Lubricants for Use With Fluorocarbon-134a as Refrigerant in Mobile Air Conditioning Systems; Motor Vehicle Manufacturers Assoc. of the United States; Inc.

Notice is hereby given that, pursuant to section 6(a) to the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.*, written notice has been filed by the Motor Vehicle Manufacturers Association of the United States, Inc. ("MVMA") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the joint venture and (2) the nature and objectives of the joint venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the joint venture, and its general area of planned activities, are given below.

The parties to the venture are the members of MVMA (American Motors Corporation, Chrysler Corporation, Ford Motor Company, General Motors Corporation, Honda of America Mfg., Inc., M.A.N. Truck & Bus Corporation, Navistar International Transportation Corp., PACCAR Inc., Volkswagen of

America, Inc., and Volvo North America Corporation) and the United States Environmental Protection Agency.

The United States Environmental Protection Agency is considering regulation of refrigerants currently employed in mobile air conditioning (A/C) systems because of the possibility that these refrigerants may damage stratospheric ozone.

One of the most promising substitutes for CFC-12 used in A/C systems is a substance containing no chlorine, known as FC-134a (tetrafluoroethane). This refrigerant has been made available only in laboratory quantities to date, but appears to have the proper physical and thermodynamic properties to allow its substitution in present A/C systems with some engineering adjustments. Its chemical properties also appear favorable, indicating a reactivity in the lower atmosphere that makes it much less likely to present a danger to the stratospheric ozone.

The objective of the research program is to identify one or more lubricants which are soluble in FC-134a, or other compounds with closely similar properties to FC-134a, and which will function according to predetermined performance standards in a mobile A/C system under typical operating conditions.

A list of desirable properties for candidate lubricants will be compiled with special consideration of:

- Solubility as a function of temperature;
- Refrigerant/lubricant viscosity and lubricity;
- Chemical stability/metals compatibility;
- Copper plating potential;
- Elastomer/plastic compatibility;
- Desiccant compatibility/performance;
- Cost and ease of production.

Lubricants satisfying the screening criteria will be identified and made available to potential users in quantities sufficient for further testing under actual vehicle use conditions.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 87-17321 Filed 7-29-87; 8:45 am]

BILLING CODE 4410-01-M

Identification and Evaluation of Elastomers for Hose Connections in a Mobile Air Conditioning System Using CFC-22 or Similar Substances as Refrigerant; Motor Vehicle Manufacturers of the United States, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National

Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.*, written notice has been filed by the Motor Vehicle Manufacturers Association of the United States, Inc. ("MVMA") simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the joint venture and (2) the nature and objectives of the joint venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the joint venture, and its general area of planned activities, are given below.

The parties to the venture are the members of MVMA (American Motors Corporation, Chrysler Corporation, Ford Motor Company, General Motors Corporation, Honda of America Mfg., Inc., M.A.N. Truck & Bus Corporation, Navistar International Transportation Corp., PACCAR Inc., Volkswagen of America, Inc., and Volvo North America Corporation) and the United States Environmental Protection Agency.

The United States Environmental Protection Agency is considering regulation of refrigerants currently employed in mobile air conditioning (A/C) systems because of the possibility that these refrigerants may damage stratospheric ozone.

A potential alternative refrigerant, CFC-22 (chlorodifluoromethane), would require a complete redesign of the A/C system because of its higher vapor pressure and different thermodynamic operating range. It would also require development of a new lubricant and a new hose material, because elastomers presently in use are known to be quite permeable to CFC-22, leading to its unacceptably rapid loss from the system through connecting hoses.

The objective of the research project is the identification of hose materials that would be suitable for use with CFC-22, or other substitutes for CFC-12 with similar properties, as the refrigerant in an automotive A/C system.

The materials should be chemically compatible with CFC-22, capable of withstanding operating conditions of high pressure and temperature in a system using CFC-22, and minimize losses of refrigerant and prevent absorption of water into the system. Samples of candidate elastomeric hose materials will be obtained and subjected to a number of qualification tests. Physical and chemical tests of hose samples first will be carried out with a baseline system, using CFC-22 and current elastomers and with several

CFC-22/lubricant mixtures. Once these baseline responses have been established, testing will be performed, including:

- Elastomer slab testing for chemical compatibility (swelling, shrinkage, solvent action, plasticizer extraction, hardness, etc.);
- Behavior under pressure (burst/yield pressures);
- High and low temperature behavior;
- Aging effects;
- Flexibility characteristics;
- Permeation of refrigerant and moisture;
- Ease of fastening onto metal tubing and durability of such a connection.

To the extent possible, lubricant manufacturing cost and feasibility will be assessed. Materials that respond favorably to chemical and physical screening will be provided in adequate quantities for further testing under actual vehicle use conditions.

Joseph H. Widmar,

Director of Operation, Antitrust Division.

[FR Doc. 87-17323 Filed 7-29-87; 8:45 am]

BILLING CODE 4410-01-M

NAHB Research Foundation; Smart House Project

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the NAHB Research Foundation, Inc. ("NAHB") has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission on June 30, 1987 disclosing (1) the identities of additional parties to the Smart House Project and (2) the nature and objectives of the Smart House Project. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to single damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of current and additional parties to the Smart House Project, and its general areas of planned activity, are given below.

The Smart House Project is a joint venture project that will be implemented in a series of stages by separate agreements at each stage. The following parties have signed agreements to fund or otherwise participate in the first stage organizational activities:

AMP, Incorporated
Apple Computer, Inc.
Arco Solar, Inc.
AT&T Technologies, Inc.
Bell Northern Research Ltd.

Bose Corporation
 BrinTec Corporation
 Broan Mfg. Co., Inc.
 Burndy Corporation
 Carrier Corporation
 Challenger Electrical Equipment Corp.
 Dukane Corporation
 E.I. DuPont de Nemours & Company (Inc.)
 Emerson Electric Co.
 Gas Research Institute
 General Electric Company
 Honeywell Inc.
 Johnson Controls
 Kohler Company
 Landis & Gyr Metering, Inc.
 Lennox Industries Inc.
 NAHB Research Foundation, Inc.
 National Semiconductor Corporation
 NOMA Incorporated
 North American Philips Consumer Electronics Corp., on its own behalf and on behalf of Signetics Corporation
 Onan Corporation
 Pass & Seymour Incorporated
 Robertshaw Controls Company
 Schlage Lock Company
 Scott Instruments Corporation
 Scovill Inc.
 Shell Development Company (Division of Shell Oil Company)
 Siemens-Allis, Inc.
 Slater Electric, Inc.
 Smart House Development Venture, Inc.
 Smart House, L.P.
 Sola Basic Industries, Inc.
 Southwire Company
 Square D Company
 Systems Control, Inc.
 Whirlpool Corporation
 The Wiremold Company

The following entities are serving as advisors to the venture:

AgipPetroli
 American Gas Association
 Baltimore Gas & Electric Company
 Bell Canada
 Bell Communications Research, Inc.
 The Bell Telephone Company of Pennsylvania
 Boston Edison Company
 Copper Development Association Inc.
 The Dayton Power and Light Company
 Detroit Edison Company
 Duke Power Company
 Electric Power Research Institute
 Gas Research Institute
 Home Builders Institute
 Hydro Quebec
 National Association of Home Builders
 Oklahoma Gas & Electric Company
 Ontario Hydro
 Potomac Electric Power Company
 Professional Builder
 Southern California Edison Company
 Southwestern Bell Telephone Company
 U.S. Dept. of Housing & Urban Dev.
 Virginia Electric and Power Company

Washington Gas Light Company
 Wisconsin Electric Power Company

The Smart House Project will engage in activities the purpose of which will be to develop a coordinated home control and energy distribution system containing integral telecommunications and advanced safety features. The project is intended to design and develop a set of compatible products, including integrated power and signal cabling to tie home electrical products into a single power and communications network; communications-capable appliances, heating and cooling equipment, utility meters and home electrical and electronic products; electric power conditioning and conversion equipment; controllers and software to make logical decisions, issue control instructions, and regulate the distribution of energy, information and instructions throughout the network; monitoring and control devices to detect and neutralize malfunctions in energy distribution within the home; telephone and CATV interfaces to allow information to be passed to and from the home over telephone and CATV lines; and input and output devices with which users can control and receive information from the network and the devices attached to it.

On June 14, 1985 NAHB filed its original notification pursuant to section 6(a) of the Act. On September 13, 1985, January 9, 1986, April 25, 1986, July 30, 1986, December 16, 1986, and April 3, 1987, NAHB filed additional written notifications. The Department of Justice published notices in the *Federal Register* in response to these additional notifications on October 10, 1985 (50 FR 41426), on January 28, 1986 (51 FR 3520), on May 16, 1986 (51 FR 18049), on August 28, 1986 (51 FR 30724), January 15, 1987 (52 FR 1673), and on May 8, 1987 (52 FR 17490), respectively.

The principal business address of the Smart House Project is P.O. Box 1627, Rockville, Maryland 20850.

Joseph H. Widmar,
 Director of Operations, Antitrust Division.
 [FR Doc. 87-17322 Filed 7-29-87; 8:45 am]
 BILLING CODE 4410-01-M

LEGAL SERVICES CORPORATION

Grant Awards for Expansion and Development of Law School Civil Clinical Programs; St. Louis University, et al.

AGENCY: Legal Services Corporation.
ACTION: Announcement of grant awards.

SUMMARY: The Legal Services Corporation (LSC) hereby announces its

intention to award grants to twenty-five (25) law school clinical programs to assist LSC-eligible clients with their civil legal cases. Pursuant to the Corporation's announcement of funding availability in Volume 52, No. 90, page 17649, of the *Federal Register* of May 11, 1987, a total of \$1,107,157 will be awarded to the following schools:

Name of school	Amount
1. St. Louis University	\$50,000
2. University of Nebraska	49,892
3. University of North Dakota	39,850
4. University of North Carolina	43,350
5. University of Maine	50,000
6. University of Michigan	30,000
7. SUNY/ Buffalo	50,000
8. McGeorge School of Law	50,000
9. William Mitchell College of Law	50,000
10. Southern Illinois University	48,600
11. Yeshiva University	50,000
12. Loyola University	28,000
13. Lewis & Clark College	50,000
14. Texas Southern University	32,000
15. Yale University	46,324
16. Villanova University	50,000
17. Thomas M. Cooley Law School	43,638
18. University of Denver	50,000
19. Stetson University	35,000
20. Catholic University of America	49,888
21. Brooklyn Law School	50,000
22. Valparaiso University	25,615
23. Gonzaga University	50,000
24. University of Utah	50,000
25. Willamette University	35,000
Total	1,107,157

These one-year grants are awarded pursuant to authority conferred by sections 1006(a)(1)(B) and 1006(a)(3) of the Legal Services Corporation Act of 1974, as amended. This public notice is issued pursuant to section 1007(F) of this Act, with a request for comments and recommendations within a period of thirty (30) days from date of publication of this notice. Grant awards will not become effective and grant funds will not be distributed prior to expiration of this thirty-day period.

DATE: All comments and recommendations must be received by the Program Development and Substantive Support Division of the Legal Services Corporation within thirty (30) calendar days of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Charles T. Moses III, Legal Services Corporation, Program Development and Substantive Support, 400 Virginia Avenue SW., Washington, DC 20024-2751, (202) 863-1837.

SUPPLEMENTARY INFORMATION: The purpose of these grants is to augment existing direct service delivery provided to LSC eligible clients. By helping to develop and expand law school clinics, the Corporation educates law students to the problems of poor persons. These clinics encourage future lawyers to become interested in the provision of

legal services to poor persons, acting either as legal aid attorneys or through *pro bono* or reduced fee efforts as members of the private bar.

Charles W. Jarvis,
Vice-President.

[FR Doc. 87-17350 Filed 7-29-87; 8:45 am]
BILLING CODE 6820-35-M

NATIONAL SCIENCE FOUNDATION

Forms Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting this notice of information collection that will affect the public.

Agency Clearance Officer: Herman G. Fleming, (202) 357-9520

OMB Desk Officer: Vartkes Broussalian, (202) 395-3084

Title: Fellowship Application and Grant Forms

Affected Public: Individuals

Number of Responses: 7,000 responses; total of 84,000 burdens hours.

Abstract: The National Science Foundation Act, Section 10, states that, "The Foundation is authorized to award scholarships and fellowships for scientific study." These applications provide information used to identify some of the Nation's most talented science personnel for award or support for further study.

Dated: July 24, 1987.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 87-17312 Filed 7-29-87; 8:45 am]
BILLING CODE 7555-01-M

Committee Management; Establishment

The Deputy Director of the National Science Foundation has determined that the establishment of the Advisory Committee for Science and Technology Centers Development is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Advisory Committee for Science and Technology Centers Development

Purpose: To provide advice, recommendations and oversight concerning support for research, research-related activities and the

development of science and technology research centers.

M. Rebecca Winkler,
Committee Management Officer.

July 27, 1987.

[FR Doc. 87-17310 Filed 7-29-87; 8:45 am]
BILLING CODE 7555-01-M

Committee Management; Establishment

The Assistant Director for Geosciences has determined that the establishment of the United States Antarctic Program Safety Review Panel is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF) and other applicable law. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: United States Antarctic Program (USAP) Safety Review Panel

Purpose: In response to concerns expressed by the Director of the National Science Foundation. The Panel is being established to review the adequacy of the Foundation's programmatic direction and management of safety in the U.S. Antarctic Program.

M. Rebecca Winkler,
Committee Management Officer.

July 27, 1987

[FR Doc. 87-17311 Filed 7-29-87; 8:45 am]
BILLING CODE 7555-01-M

Division of Ocean Sciences; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Ocean Sciences Research.

Date and Time: August 17-21, 1987

Place: The Mayflower Hotel (8/18-20), 1127 Connecticut Avenue NW., Washington, DC 20036, Rooms: South Carolina, North Carolina, New Jersey, Marilyn, and National Science Foundation (8/17/21), Rooms: #642 on 8/17, #643 on 8/21.

Type of Meeting: Closed.

Contact Person: Dr. Michael R. Reeve, Head Ocean Sciences Research Section, Room 611, National Science Foundation, Washington, DC 20550, Telephone (202) 357-9600.

Summary Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for research in oceanography.

Agenda: Closed—To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary

or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,
Committee Management Officer.

July 27, 1987.

[FR Doc. 87-17313 Filed 7-29-87; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

Issuance of Amendment to Provisional Operating License; Consumers Power Co.

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 105 to Provisional Operating License No. DPR-20, issued to Consumers Power Company (the licensee), which revised the license for operation of the Palisades Plant (the facility) located in Van Buren County, Michigan. The amendment is effective as of the date of its issuance.

The license amendment provides Technical Specifications applicable to an expanded storage capability for spent fuel at Palisades Plant. This expansion is to be accomplished by installing new storage racks in approximately one-half of the spent fuel pool. The modification will increase the spent fuel storage capacity of Palisades from 798 to 892 fuel assemblies, thus allowing a full core discharge capability for two fuel cycles (Cycle 8 and Cycle 9), longer than with existing racks. The spent fuel storage pool will be divided into two regions. Region I contains the existing storage racks which have a nominal center-to-center spacing of 10.25 inches and is designed to accommodate non-irradiated, fuel. Region II will contain the new racks which have a nominal center-to-center spacing of 9.17 inches. Placement of fuel in Region II is restricted by burnup and enrichment limits.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Prior

Hearing in connection with this action was published in the *Federal Register* on November 18, 1986, 51 FR 41711. No request for a hearing or petition for leave to intervene was filed following this notice.

Also, in connection with this action, the Commission prepared an Environmental Assessment dated July 24, 1987, and Notice of Environmental Assessment and Finding of No Significant Impact was published in the *Federal Register* on July 20, 1987 (52 FR 27267).

For further details with respect to this action, see (1) the application for amendment dated February 20, 1986, supplemented by submittals dated April 16 and 24, July 24, October 16 and December 19, 1986, and April 23, 1987, (2) Amendment No. 105 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC 20555, and at the Van Zoeren Library, Hope College, Holland, Michigan 49423. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects—III, IV, V and Special Projects.

Dated at Bethesda, Maryland, this 24th day of July, 1987.

Thomas V. Wambach,

Project Manager, Project Directorate III-1, Division of Reactor Projects—III, IV, V & Special Projects.

[FR Doc. 87-17314 Filed 7-29-87; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI. Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Leesa Martin, (202) 632-6817.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on June 23, 1987 (52 FR 23617).

Individual authorities established or revoked under Schedule A, B, or C between June 1, 1987, and June 30, 1987, appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception was revoked:

Department of the Air Force

Schedule A authority for one position of chief of engineering, GM-855-13, in Detachment 2, 2762 Logistics Squadron (Special), Air Force Logistics Command (AFLC) in Greenville, Texas. Authority is revoked because it is no longer needed. Effective June 10, 1987.

Schedule B

No Schedule B exceptions were established or revoked during June.

Schedule C

The following exceptions were established:

Department of Agriculture

One Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective June 4, 1987.

One Executive Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective June 5, 1987.

One Private Secretary to the Deputy Under Secretary for Small Community and Rural Development. Effective June 30, 1987.

Department of Commerce

One Congressional Liaison Specialist to the Director of Congressional Affairs, International Trade Administration. Effective June 5, 1987.

One Director of Congressional Affairs to the Assistant Secretary and Commissioner of Patents and Trademarks. Effective June 5, 1987.

One Special Assistant to the Deputy Assistant Secretary for Congressional Affairs. Effective June 19, 1987.

One Confidential Assistant to the Assistant Secretary for Tourism Marketing. Effective June 29, 1987.

Department of Defense

One Special Assistant for SDI to the Assistant Secretary of Defense (Legislative Affairs). Effective June 5, 1987.

One Special Assistant to the Assistant Secretary of Defense (Legislative Affairs). Effective June 19, 1987.

Department of Education

One Director, Interagency Operations Staff, to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective June 4, 1987.

One Confidential Assistant to the Chief of Staff, Counselor to the Secretary. Effective June 9, 1987.

One Confidential Assistant to the Director, Office of Bilingual Education and Minority Languages Affairs. Effective June 15, 1987.

One Director, Legislative Liaison Staff to the Deputy Assistant Secretary for Legislation. Effective June 17, 1987.

One Director, Student and Family Education Rights and Privacy Staff, to the Deputy Under Secretary for Management. Effective June 18, 1987.

One Special Assistant to the Assistant Secretary for Postsecondary Education. Effective June 18, 1987.

One Special Assistant to the Assistant Secretary for Special Education and Rehabilitative Services. Effective June 22, 1987.

One Special Assistant to the Assistant Secretary for Vocational and Adult Education. Effective June 22, 1987.

One Confidential Assistant to the Deputy Assistant Secretary for Policy and Planning, Office of Educational Research and Improvement. Effective June 22, 1987.

One Special Assistant to the Deputy Assistant Secretary for Legislation. Effective June 22, 1987.

One Staff Assistant to the Deputy Under Secretary for Management. Effective June 23, 1987.

One Special Assistant to the Director, Intergovernmental Affairs. Effective June 29, 1987.

Department of Energy

One Confidential Assistant (Secretary) to the Assistant Secretary for Fossil Energy. Effective June 4, 1987.

One Staff Assistant to the Deputy Assistant Secretary for Energy Emergencies. Effective June 15, 1987.

One Staff Assistant to the Under Secretary. Effective June 22, 1987.

One Confidential Assistant (Secretary) to the Assistant Secretary for Fossil Energy. Effective June 24, 1987.

Department of Health and Human Services

One Special Assistant to the Director, Office of Public Affairs, Office of Human Development Services. Effective June 29, 1987.

One Special Assistant to the Assistant Secretary for Human Development Services. Effective June 29, 1987.

Department of Housing and Urban Development

One Executive Assistant to the General Counsel. Effective June 1, 1987.

Department of the Interior

One Confidential Assistant to the Secretary. Effective June 15, 1987.

One Assistant to the Director, and Deputy Director, Office of External Affairs. Effective June 18, 1987.

Department of Justice

One Confidential Assistant to the Director, Asylum Policy and Review Unit, Office of Legal Policy. Effective June 4, 1987.

One Attorney-Advisor (Senior Special Assistant) to the Assistant Attorney General, Civil Division. Effective June 9, 1987.

One Confidential Assistant to the Director, Office of Liaison Services. Effective June 17, 1987.

One Confidential Assistant to the Assistant Attorney General, Office of Justice Programs. Effective June 18, 1987.

Department of Labor

One Special Assistant to the Assistant Secretary for Occupational Safety and Health. Effective June 10, 1987.

One Staff Assistant to the Associate Deputy Under Secretary for Intergovernmental Affairs. Effective June 18, 1987.

One Executive Assistant to the Assistant Secretary, Employment Standards Administration. Effective June 29, 1987.

One Assistant to the Secretary's Regional Representative. Effective June 29, 1987.

One Special Assistant to the Administrator, Wage and Hour Division, Employment Standards Administration. Effective June 30, 1987.

Department of State

One Secretary (Typing) to the U.S. Permanent Representative to the Organization of American States. Effective June 17, 1987.

One Staff Assistant to the Ambassador and U.S. Negotiator on Strategic Nuclear Arms. Effective June 19, 1987.

Department of Transportation

One Special Assistant to the Assistant Secretary for Public Affairs. Effective June 12, 1987.

One Congressional Liaison Officer to the Director, Office of Congressional Affairs. Effective June 15, 1987.

Department of the Treasury

One Assistant Director, Travel and Special Event Services, to the Director,

Special Operations Division. Effective June 5, 1987.

One Director of Scheduling to the Assistant Secretary for Public Affairs and Public Liaison. Effective June 9, 1987.

One Executive Assistant to the Deputy Secretary of the Treasury. Effective June 15, 1987.

ACTION

One Staff Assistant to the Associate Director for Legislative, Public, and Intergovernmental Affairs. Effective June 23, 1987.

Administrative Conference of the United States

One Senior Special Assistant to the Chairman. Effective June 22, 1987.

Administrative Office of the U.S. Courts

One Public Information Officer to the Legislative and Public Affairs Officer. Effective June 5, 1987.

One Supervisory Attorney-Advisor (Legislative)/Deputy Legislative and Public Affairs Officer to the Legislative and Public Affairs Officer. Effective June 5, 1987.

Arms Control and Disarmament Agency

One Secretary (Steno) to the United States Representative to the Conference on Disarmament. Effective June 1, 1987.

One Secretary (Steno) to the Director. Effective June 19, 1987.

One Secretary (Typing) to the Director. Effective June 26, 1987.

Commission on Civil Rights

One Special Assistant to a Commissioner. Effective June 9, 1987.

One Deputy General Counsel to the General Counsel. Effective June 15, 1987.

One Special Assistant to a Commissioner. Effective June 26, 1987.

Environmental Protection Agency

One Special Assistant to the Assistant Administrator for Research and Development. Effective June 4, 1987.

Equal Employment Opportunity Commission

One Legislative Affairs Specialist to the Director of Communications and Legislative Affairs. Effective June 19, 1987.

One Media Contact Specialist (Bilingual) to the Director of Communications and Legislative Affairs. Effective June 29, 1987.

Federal Communications Commission

One Confidential Staff Assistant to the Chief, Office of Plans and Policy. Effective June 22, 1987.

Federal Mediation and Conciliation Service

One Executive Assistant to the Director. Effective June 8, 1987.

One Staff Assistant to the Director. Effective June 10, 1987.

Federal Trade Commission

One Director, Office of Congressional Relations, to the Chairman. Effective June 22, 1987.

General Services Administration

One Executive Assistant to the Assistant Administrator for Operations. Effective June 5, 1987.

Government Printing Office

One Administrative Assistant to the Public Printer. Effective June 22, 1987.

National Transportation Safety Board

One Special Assistant to a Member. Effective June 9, 1987.

Office of Management and Budget

One Legislative Assistant to the Associate Director for Legislative Affairs. Effective June 17, 1987.

One Secretary to the Associate Director. Effective June 30, 1987.

Office of Science and Technology Policy

One Confidential Secretary to the Director. Effective June 4, 1987.

Small Business Administration

One Confidential Assistant to the Chief of Staff. Effective June 4, 1987.

One Confidential Assistant to the Administrator. Effective June 4, 1987.

United States Tax Court

Four Trial Clerks to Judges. Effective June 23, 1987.

Authority: 5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., P. 218.

U.S. Office of Personnel Management.

James E. Colvard,

Deputy Director.

[FR Doc. 87-17259 Filed 7-29-87; 8:45 am]

BILLING CODE 6325-01-M

PANAMA CANAL COMMISSION**Privacy Act of 1974; Systems of Records**

AGENCY: Panama Canal Commission.

ACTION: New Systems of Records.

SUMMARY: The Panama Canal Commission is maintaining nine new systems of records called: PCC/AE-1, Executive Personnel Financial Disclosure Reports; PCC/AMTE-2, Equity Adjustment; PCC/FMAC-10, Estate Files; PCC/FMAP-2, Payroll

Deduction System for Court Ordered Wage Garnishments; PCC/FMCL-1, Travel and Transportation Claims; PCC/GCCL-1, Marine Accident/Miscellaneous General Claims; PCC/MRNP-1, Pilot Training Program; PCC/PRAA-1, Adverse Actions Files; and PCC/PRCL-1, Injury Claims. Descriptions of these systems are published below.

DATES: Written comments by any member of the public concerning the intended routine uses of the information in the new systems are invited. To be considered, comments must be received by August 31, 1987. If no comments requiring modification of the routine uses are received, the routine uses will become effective August 31, 1987.

ADDRESS: Comments should be addressed to Thomas C. Duty, Agency Records Officer, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000. Mark all comments by the intended symbol of the particular system (PCC/___).

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Fuller, Assistant to the Secretary for Commission Affairs, Panama Canal Commission, 2000 L Street NW., Washington, DC 20036 (Telephone: 202-634-6441).

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the Panama Canal Act of 1979, Pub. L. 96-70, 93 Stat. 452, and the Panama Canal Treaty of 1977, the Canal Zone Government was disestablished and the Panama Canal Company was replaced by the Panama Canal Commission on October 1, 1979. The treaty and its mandated functions brought about the creation of new systems of records. On January 7, 1983, this agency last published in the *Federal Register* the complete Privacy Act Systems of Records. Due to continuing reorganization and the introduction of new functions to the agency, nine new systems of records have come into existence since that last publication. Notice of the existence and character of the systems has been given to Office of Management and Budget.

The Claims Branch of this agency, which was formerly covered under PCC/FMAK-1, was disestablished in 1984 and that Branch's functions were transferred to various offices within the Commission. This resulted in four Privacy Act Systems of records (PCC/FMCL-1, Travel and Transportation Claims; PCC/GCCL-1, Marine Accident/Miscellaneous General Claims; PCC/FMAC-19, Estate Files; and PCC/PRCL-1, Injury Claims).

The Adverse Actions unit was transferred to the Office of Personnel Administration. The result is a new system of record, PRAA-1.

The other four new systems of records (PCC/AE-1, Executive Personnel Financial Disclosure Reports; PCC/AMTE-2, Equity Adjustment; PCC/FMAP-2, Payroll Deduction System for Court Ordered Wage Garnishments; and PCC/MRNP-1, Pilot Training Program) were created as a result of the introduction of new functions to the agency.

The text of the new systems of records maintained by the Panama Canal Commission appears below preceded by the prefatory statement of general routine uses applicable to all systems.

Dated: July 16, 1987.

Thomas C. Duty,
Chief, Administrative Services Division,
Agency Records Officer, Panama Canal
Commission.

1. The prefatory statement has been modified by incorporating nonsubstantive editorial changes to 35 CFR Part 10, Appendix A (1), (3), (4), (6), as suggested by the Office of Information and Regulatory Affairs, Office of Management and Budget.

The Prefatory Statement of General Routine Uses (35 CFR Part 10, Appendix A)

Information about an individual which is maintained in any system of records under the control of the Panama Canal Commission is subject to disclosure, as a routine use of such information, to any of the following persons or agencies under the circumstances described:

1. Information indicating a violation or potential violation of law (whether civil, criminal, or regulatory in nature, and whether involving a statute or regulation or a rule, or order issued pursuant thereto) may be referred to an appropriate federal, state, local or foreign agency responsible for investigating, prosecuting, enforcing or implementing a statute, rule, regulation or order, where there is an indication of a violation or potential violation of the statute, rule, regulation or order and the information disclosed is relevant to the matter.

2. Information which has a bearing on matters which may be in dispute may be disclosed in the course of presenting evidence or argument to a court or administrative tribunal, a judicial official, or counsel for a party in connection with litigation or administrative proceedings in which the agency, or its officers or employees, are or may become involved.

3. Information may be provided to persons or agencies from whom information is solicited, to the extent necessary to elicit facts which may be relevant to a financial audit or an agency decision to hire or retain an employee, issue a security clearance, award a contract, grant a license, or other benefits.

4. Information may be disclosed to a federal agency, in response to its request in a particular case or in a category of cases, in connection with that agency's (a) decision in a personnel matter; (b) financial audits and accounting; (c) issuance of a security clearance; (d) investigation of an individual employed or formerly employed by the Panama Canal Commission (or its predecessors); or (e) decision to award a contract, grant a license, or other benefit.

5. Information may be supplied in response to an inquiry from a Member of Congress on behalf of an individual or, at any stage of the legislative coordination and clearance process, to the Office of Management and Budget in connection with the review of private relief legislation.

6. Information contained in licenses or certifications issued by the agency (including the former Panama Canal Company/Canal Zone Government) to professional employees (such as architects, canal pilots, attorneys, engineers, medical practitioners and teachers) of the agency may be released to professional licensing, certification or other regulatory boards or commissions. Disclosure pursuant to this routine use shall be limited to the names and types of license or certifications, dates of issuance, and dates of expiration, if appropriate.

7. To the extent necessary for implementation of the Panama Canal Treaty of 1977 and related agreements, information may, upon approval by the Agency Records Officer (Chief, Administrative Services Division) or that official's designee, be disclosed to officials of the Government of the Republic of Panama and to U.S. Government agencies which, under the Treaty, assumed functions formerly performed by the Panama Canal Company or the Canal Zone Government.

2. New Systems of Records.

PCC/AMTE-2

SYSTEM NAME:

Equity Adjustment Records, PCC/AMTE-2.

SYSTEM LOCATION:

Original applications and logs are maintained in the Employee and Cargo Documentation Section, Bldg. 5140, Diablo, Republic of Panama; Equity Adjustment travel related data is maintained on index cards in the Transportation Services Branch, Bldg. 5140, Diablo, Republic of Panama; Payroll related computer printouts, magnetic tapes and disks are maintained in the Payroll Branch, Bldg. 725, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Panama Canal Commission employees who have applied for Equity Adjustment package benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Determinations of employee's eligibility for, or entitlement to the Equity Adjustment. Consists of employee application showing name, I.P., citizenship, place of employment, work location, employment status, grade, title, marital status, spouse's citizenship, spouse's place of employment, employee Panama Canal Commission Service Date, military status, primary residence address, local mailing address, other supporting documents as may be required by the Panama Canal Commission to determine eligibility for equity adjustment, and endorsements from the Office of Personnel Administration, and Housing Management Branch, and the Assistant Director, Policy Development.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1206 of the Panama Canal Act of 1979 (Pub. L. 96-70, 93 Stat. 456); 5 U.S.C. 5728; 5 U.S.C. 5912; decision of the Board of Directors of July 12, 1984; and decision of the Executive Committee of the Board of Directors of September 12, 1984; Panama Canal Administration and Regulations Part 112 and Panama Canal Personnel Manual Part 572.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general routine uses paragraphs in prefatory statements or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Original Equity Adjustment application forms, logs, indexes and printouts are kept in locked file cabinets inside a secured office area. Magnetic tapes/disks and computer printouts are

maintained in secured office areas. Access to and use of these records are limited to those individuals whose official duties require such access.

RETRIEVABILITY:

Retrievable by employee's name I.P. number, control number and status code by roll and gang (agency worksite location code).

SAFEGUARDS:

Paper records are kept in locked file cabinets when not in use. Access to and use of these records are limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Original application forms to be retained ten years by the Administrative Services Division from date of application. Computer disks and magnetic tapes retained by Payroll Branch for six years.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisor, Employee and Cargo Documentation Section, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in CFR 35 Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either or addressees designated in Notification Procedure, preceding. Requests for automated records may be addressed to Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011-5000.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

PCC Application Form No. 77 (Equity Adjustment) submitted by employee, back-up correspondence, information from employee's official Personnel Folder, housing records, computer-generated documents including PCC Master payroll system, and travel/transportation related records.

PCC/AE-1**SYSTEM NAME:**

Executive Personnel Financial Disclosure Reports, PCC/AE-1.

SYSTEM LOCATION:

Office of Executive Administration, Administration Building, Balboa Heights, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission employees designated in Part C of the Employee Code of Conduct, passed by the Board of Directors of the Panama Canal Commission on July 22, 1980, and other employees described in 5 CFR Part 734, Subpart B.

CATEGORIES OF RECORDS IN THE SYSTEM:

Report by current employees and prospective candidates covering their personal financial interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Appendix 201-212; 5 CFR Part 734; 22 U.S.C. 3611, 3622; Articles III and X of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To defer conflicts of interest and identify potential conflicts of interest through a systematic review of the financial holdings of current and prospective covered employees. See general routine use paragraphs in prefatory statement or in 35 CFR Part 10 Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Papers in sealed envelopes.

RETRIEVABILITY:

Filed by name of individual.

SAFEGUARDS:

Store in file cabinet with combination lock. Access to and use of these records are limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Copies of reports are retained and are available to the public for a period of six years after receipt of the report, except in the case of an individual who filed a report as a presidential nominee and was not subsequently confirmed by the Senate, the report is retained and available to the public for a period of one year after the individual is no longer under Senate consideration. Unless needed in an ongoing investigation, reports are disposed of by burning or shredding at the end of the respective six and one year periods.

SYSTEM MANAGER(S) AND ADDRESS:

Designated Agency Ethics Official, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the Designated Agency Ethics Officer or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of the addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See procedures published at 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

From reporting employee.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None, except such reports as the President of the United States determines should not be available to the public under 5 CFR 734.603(b).

PCC/FMAC-10**SYSTEM NAME:**

Estate files, PCC/FMAC-10.

SYSTEM LOCATION:

Agents Accounts Branch, Building 725, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making or filing claims for unpaid compensation due deceased employees of the former Canal agencies and the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents needed to audit and settle claims for amounts due estates of deceased employees. The records consist of documentation giving rise to the claim, claimant's or individual's name and relationship of immediate family, address, identification number, occupation, date of birth, date of death, payroll information and other materials placed into the record to perfect the claim and relating to the actions, decisions or determinations made by the Agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in a record from this system may be furnished to the claimant and other parties of interest in connection with the audit and settlement of claims, such as the Office

of Personnel Management for furnishing information for compensation payments to beneficiaries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records maintained in file folders.

RETRIEVABILITY:

Filed numerically by claimant's number.

SAFEGUARDS:

Records maintained in lockable file cabinets in office locked when not in use. Access to and use of these records are limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Disposal not authorized. Retention period pending submission of SF 115 to National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 5 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

PCC/FMAP-2**SYSTEM NAME:**

Payroll Deduction System for Court Ordered Wage Garnishments.

SYSTEM LOCATION:

Payroll Branch, Building 725, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission employees who have been ordered by the courts to pay alimony and/or child support by wage garnishment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained by the Payroll Branch of court ordered wage garnishments for alimony and child support of Panama Canal Commission employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1103(b)(2)(A), 5 CFR Part 110 and Pub. L. 98-378.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide information regarding alimony and child support in compliance with an order of a court of competent jurisdiction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Court furnished affidavits, General Counsel rulings and deduction schedules are maintained in file folders.

RETRIEVABILITY:

Filed alphabetically by name and identification number.

SAFEGUARDS:

Stored in metal file cabinets in building locked when not in use. Access to and use of these records are limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Destroy when three years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Payroll Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to any of the addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Information obtained from court ordered affidavits and general counsel rulings.

PCC/FMCL-1**SYSTEM NAME:**

Travel and Transportation Claims, PCC/FMCL-1.

SYSTEM LOCATION:

Agents Accounts Branch, Building 725, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons making or filing claims against the former Canal agencies and the Commission for travel and transportation expenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents needed to audit and settle claims for travel and transportation expense reimbursement, and personal property loss and/or damage for shipment of household goods. The records consist of documentation of the circumstances giving rise to the claim and basis of the claim, claimant's or individual's name, names and relationship of immediate family, address, identification number, occupation, date of birth, when, where and how the loss or damage to property occurred relative to shipment of household goods, travel orders and other travel information, and various other materials placed into the record to perfect the claim and relating to the actions, decisions, or determinations made by the Agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 5581 et seq., 5701 et seq.; 22 U.S.C. 3611 and 3721; 31 U.S.C. 3701, 3711, 3717-3718, 3721; 46 U.S.C. 1300 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information or a record from this system may be furnished to and information acquired from federal, state, local or foreign agencies, the claimant and other parties of interest in connection with the audit and settlement of claims and demands by or against the former Canal agencies, and the Commission, such as the following:

1. Layers representing claimants or the agency.
2. Labor unions representing claimants.
3. Contractors who furnish services to the Panama Canal Commission such as the packing, crating, and transportation of household goods and personal effects of employees under recruitment and repatriation.
4. Consultants who furnish services to the Panama Canal Commission, i.e., doctors, engineers, management firms, etc.
5. Transportation companies such as airlines, steamship companies, railroads, buses, and car rental agencies who furnish services to the Panama Canal Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records maintained in file folders.

RETRIEVABILITY:

Filed alphabetically by name of claimant.

SAFEGUARDS:

Records are maintained in lockable file cabinets and computer and word processor system in office locked when not in use. Data is on magnetic tape which requires a restricted password to gain access. Access to use the system and its records is limited to employees whose official duties require such access. Magnetic tapes and disks are secured in a locked storage area and are only accessible to individuals engaged in adjudicating travel and transportation claims.

RETENTION AND DISPOSAL:

Disposal not authorized. Retention period pending further discussion with National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Agents Accounts Branch, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in arising from the operation of the Panama Canal or related facilities and appurtenances; loss of or damage to personal property sustained by employees incident to Government service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3761, 3771-3777, 31 U.S.C. 3721.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information or a record from this system may be disclosed to federal, state, local or foreign agencies, the claimant and other parties of interest in connection with the audit and settlement of claims and demands by or against the former Canal agencies and the Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records maintained in file folders.

RETRIEVABILITY:

Filed numerically by name of claimant.

SAFEGUARDS:

Records maintained in lockable file cabinets in office which is locked after office hours. Access to and use of these records are limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Disposal not authorized. Retention period pending submission of SF 115 to National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Supervisory General Claims Examiner, Office of General Counsel, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Claimants (Panama Canal Commission employees, third parties) attorneys representing claimants, agency administrative reports, hospital reports, insurance company reports and motor vehicle traffic reports/Court Resolutions.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material or would reveal the identity of confidential sources is exempted from certain subsections of 5 U.S.C. 552(a) and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.22.

PCC/MRNP-1**SYSTEM NAME:**

Employee Training Development Records, PCC/MRNP-1.

SYSTEM LOCATION:

Office of Assistant Marine Director for Maritime Training, Bldg. 729 and Bldg. 29-X, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Panama Canal Commission pilots in training, pilot understudies, towboat masters and towboat engineers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records on training and development of current and former employees participating in the Marine Bureau training programs for pilot, pilot understudy, towboat master and towboat engineer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 3811 (Supp III 1979); Article III of the Panama Canal Treaty of 1977; 35 CFR Part 105.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See general Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders, cards and individual forms.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Stored in metal file cabinets in building locked when not in use. Access to and use of these records are limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Paper records manually maintained. Trainee enrollment, examination records and transit/watch record logs retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Marine Director (Maritime Training), Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURE:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Employees in pilot and towboat training programs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is testing or examination material is exempted from certain subsections of 5 U.S.C. 552(a) and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.22.

PCC/PRAA-1**SYSTEM NAME:**

Adverse Action Files, PCC/PRAA-1

SYSTEM LOCATION:

Adverse Actions Unit, Quarters 779-B, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Panama Canal Commission who have received a notice of adverse action decision and non-bargaining unit PCC employees who have filed a final-stage grievance or disciplinary action appeal.

CATEGORIES OF RECORDS IN THE SYSTEM:

Log sheets of adverse actions effected; case files of appeals of adverse actions to the Administrator and to the Merit Systems Protection Board; case files of final-stage grievance or disciplinary action appeal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, Chapters 75 and 77; 5 CFR Part 752, 771, 1201; 35 CFR Subpart I: Articles III and X of Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See General Routine Use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records in file folders.

RETRIEVABILITY:

Log sheets are filed by fiscal year; case files are filed alphabetically by name of employee.

SAFEGUARDS:

Stored in lockable metal file cabinets in building locked when not in use. Access to and use of these records are

limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Log sheet files are retained permanently. Grievance and disciplinary-action appeal files are disposed of 3 years after closing of the case; adverse-action appeal files are disposed of 4 years after closing of the case. Disposal is by shredding or burning.

EXCEPTIONS: SOME CASE FILES OF THE PRECEDENTIAL NATURE ARE RETAINED BEYOND RETENTION PERIOD FOR STUDY AND REFERENCE.**SYSTEM MANAGER(S) AND ADDRESS:**

Personnel Director, Office of Personnel Administration, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Record Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

RECORD SOURCE CATEGORIES:

Individuals to whom the record pertains; officials of the Canal agencies; witnesses; official documents related to the appeal or grievance; and others involved in the grievance or appeal procedure.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material or would reveal the identity of confidential sources is exempted from certain subsections of 5 U.S.C. 552(a) and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.22.

PCC/PRCL-1**SYSTEM NAME:**

Injury Claims (FECA) Files, PCC/PRCL-1.

SYSTEM LOCATION:

Injury Claims (FECA) Office, Bldg. 780, Balboa, Republic of Panama.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees making or filing claims against the former Canal agencies and Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents needed to adjudicate claims for illness, or death resulting from the performance of duty. The records consist of documentation of the circumstances giving rise to claim and basis of the claim; claimant's or individual's name; names and relationships of immediate family; address, telephone number, identification number, occupation, date of birth; when, and how the individual was injured, the nature and extent of injury, medical treatment, diagnosis and prognosis, payroll information; investigative autopsy, accident and medical reports, and various other materials placed into the record to perfect the claim and relating to the actions, decisions or determinations made by the agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8101 et seq.; Pub. L. 96-70; Article III of the Panama Canal Treaty of 1977.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:

Information or a record from this system may be furnished to, and acquired from, federal, state, local or foreign agencies, the claimant and other parties of interest in connection with the audit and settlement of claims and demands by or against the former Canal agencies, and the Commission, such as the following:

1. Physicians and medical facilities for the purposes of medical treatment, examination, opinion and evaluation of claimants.
2. Lawyers representing claimants or the agency.
3. Labor unions representing claimants.
4. National Safety Council and Occupational Safety and Health Administration for safety purposes.
5. Department of Labor for guidance on a particular case and appeals to the Employees' Compensation Appeals Board.
6. Social Security Administration for verification of earnings record of beneficiaries under the Federal Employees' Compensation Act.
7. Office of Personnel Management for furnishing record of compensation payments to beneficiaries under the Federal Employees' Compensation Act.

Also see general routine use paragraphs in prefatory statement or in 35 CFR Part 10, Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records maintained in file folders; computer and word processor stored data.

RETRIEVABILITY:

Filed alphabetically by name of claimant, etc.

SAFEGUARDS:

Records are maintained in lockable file cabinets and computer and word processor system in office locked during other than office hours. Access to and use of these records are limited to those individuals whose official duties require such access.

RETENTION AND DISPOSAL:

Disposal not authorized. Retention period pending further discussion with National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Occupational Health Division, Panama Canal Commission, APO Miami 34011-5000.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager or the Agency Records Officer, Panama Canal Commission, APO Miami 34011-5000. Rules are published in 35 CFR Part 10.

RECORD ACCESS PROCEDURES:

Requests should be addressed to either of addressees designated in Notification Procedure, preceding.

CONTESTING RECORD PROCEDURES:

See rules published in 35 CFR Part 10.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

All information in this system which is investigatory material or would reveal the identity of confidential sources is exempt from certain subsections of 5 U.S.C. 552(a) and from the procedures for access and contest set forth in the Agency's regulations. See 35 CFR 10.22. [FR Doc. 87-17297 Filed 7-29-87; 8:45 am]

BILLING CODE 3640-04-M

PENSION BENEFIT GUARANTY CORPORATION**Request for Extension of Approval Under the Paperwork Reduction Act of Information Collection Request No. 1212-0030**

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Supplemental notice of request for OMB extension of approval.

SUMMARY: On June 11, 1987, the Pension Benefit Guaranty Corporation published a notice in the *Federal Register* (52 FR 22403) advising the public that it has requested approval by the Office of Management and Budget for an extension of the expiration date of a currently approved information collection request (1212-0030) without any change in the substance or in the method of collection. Current approval of the information collection is scheduled to expire on July 31, 1987. The information collection, which is not contained in a regulation, is a survey of insurance company rates for pricing annuity contracts that is conducted under the auspices of the American Council of Life Insurance. The effect of this document, is to provide information supplemental to that contained in the earlier notice.

ADDRESSES: All written comments on the request for extension (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 3208 New Executive Office Building, Washington, DC 20503. The request will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, 2020 K Street, NW., Washington, DC 20006, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Corporate Policy and Regulations Department (35400), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, 202-778-8850 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The title of the information collection for which extension of approval is requested is: Survey of Nonparticipating Single Premium Group Annuity Rates.

The Pension Benefit Guaranty Corporation (PBGC) has promulgated regulations prescribing actuarial valuation methods and assumptions to be used in determining the actuarial present value of benefits under single-

employer plans that terminate and under multiemployer plans that undergo mass withdrawal of contributing employers. The PBGC calculates interest rates under those regulations each month. In order that the rates may reflect current conditions in the investment and annuity markets, the PBGC gathers data from those markets that are used in setting the rates. The Survey of Nonparticipating Single Premium Group Annuity Rates is necessary to provide the PBGC with information about the annuity market so that its rates will reflect conditions in that market. The information gathered through the survey is used by the PBGC in determining those rates.

The survey is directed at member companies of the American Council of Life Insurance (ACLI) that have volunteered to participate. The survey is conducted quarterly. The PBGC estimates that the total annual burden of responding to the survey is 39 hours.

Issued at Washington, DC, this 23rd day of July 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87-17300 Filed 7-29-87; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

July 24, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following securities:

Montedison S.P.A.

American Depositary Shares (Ordinary ADS) Representing 10 Ordinary Shares of Par Value Italian Lire 1000 (File No. 7-0287)

Best Buy Co.

Common Stock, \$10 Par Value (File No. 7-0288)

Americus Trust for IBM Shares Units (File No. 7-0289)

Americus Trust for IBM Shares Primes (File No. 7-0290)

Americus Trust for IBM Shares Scores (File No. 7-0291)

Eldon Industries, Inc. (Del.)

Common Stock, \$1.00 Par Value (File No. 7-0292)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 14, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-17316 Filed 7-29-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

July 24, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stock: UniLever, N.V.

Ordinary Shares (File No. 7-0286)

This security is listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 14, 1987 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 87-17317 Filed 7-29-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24431]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

July 23, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by August 17, 1987 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified by any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Southern Co., et al. (10-7209)

The Southern Company ("Southern"), a registered holding company, and its wholly-owned, non-utility subsidiary companies, The Southern Investment Group, Inc., both located at 64 Perimeter Center East, Atlanta, Georgia 30346, and Southern Electric International, Inc. ("SEI"), 100 Ashford Center North, Suite 400, Atlanta, Georgia 30338 (collectively, the "Subsidiaries"), have filed an application-declaration under section 6(a), 7, 9(a), 10 and 12 of the Act.

Southern proposes to commit to the Subsidiaries up to \$125 million through December 31, 1996, and thereafter to the extent of any debt incurred or

guaranteed on or prior to such date, through capital contributions, purchases of capital stock, loans, and guarantees of nonaffiliate loans to the Subsidiaries, or related financial guarantees on recourse liabilities, and to act, on behalf of the Subsidiaries, as surety, guarantor or indemnitor in an aggregate amount of up to \$500 million through December 31, 1996, provided that any guarantees outstanding at that date shall continue until expiration or termination according to their terms. Until further authorized, SEI will not perform work under contracts with currently effective Southern guarantees or indemnifications of sureties in excess of \$300 million at any one time outstanding.

The Subsidiaries propose through December 31, 1996 to invest, directly or indirectly, up to \$125 million in cogeneration, qualifying facilities under the Public Utilities Regulatory Policies Act ("PURPA"), located within the United States, and other PURPA qualifying facilities, power production and energy management and recovery facilities located within the service territories of Southern's operating subsidiaries or within the service territories of the members of the Southeastern Electric Reliability Council, or within other areas hereafter allowed by law or applicable regulation. The Subsidiaries will not incur or guarantee any debt which matures more than 30 years after the date of issue, or which bears an interest rate in excess of the greater of the prime rate on the date incurred or guaranteed, plus three percentage points, or the United States Treasury securities rate for a comparable term on the date incurred or guaranteed, plus five percentage points.

The Subsidiaries request authorization for any corporation, partnership, joint venture or other business entity, in which the Subsidiary invests or through which the Subsidiary acquires an interest in a project, to itself engage in financing through project financing, short-term and long-term borrowings from third parties or from the facility's owners or sponsors, or any other means and in such amounts as may be deemed appropriate.

Pennsylvania Electric Company, et al.
(70-7404)

Pennsylvania Electric Company ("Penelec") a wholly owned subsidiary of General Public Utilities Corporation, a registered holding company, and Nineveh Water Company ("Nineveh"), a wholly-owned subsidiary of Penelec, both located at 1001 Broad Street, Johnstown, New Jersey 15907, have filed an application pursuant to section 9(a) and 10 of the Act.

Penelec proposes to lease oil and gas rights to approximately 3,737 acres, including approximately 2,124 acres held as a tenant-in-common with New York State Electric and Gas Corporation ("NYSEGC"), and Nineveh proposes to lease oil and gas rights to approximately 673 acres, all located in Western Pennsylvania, to Doran & Associates, Inc. for a term of 5 years and as long thereafter as oil and gas production is being undertaken.

The respective leases provide for the payment to the lessors of royalties, annual delay rentals until commercial production commences, annual royalties for shut-in wells, and the right of the lessors to receive 250,000 cubic feet of gas annually from each well at no cost for their own use, or for sale to lessee. Penelec and Nineveh anticipated their investment of capital or employees' time in connection with the leasing transaction will not exceed \$250,000.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-17318 Filed 7-29-87; 8:45 am]

BILLING CODE 8910-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0075]

Surrender of License; First Union Capital Corp.

Notice is hereby given that First Union Capital Corporation (FUCC), 924 B Street, North Wilkesboro, North Carolina 28674 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act). FUCC was licensed by the Small Business Administration on May 2, 1962. Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender was accepted on July 15, 1987, and accordingly, all rights, privileges, and franchises therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 22, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 87-17302 Filed 7-29-87; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5332]

Filing of an Application for an Exemption Under the Conflict of Interest Regulation; First American Capital Funding, Inc.

Notice is hereby given that First American Capital Funding, Inc. (First American), 36 Corporate Park, Suite B, Irvine, CA 92714, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed an application with the Small Business Administration (SBA) pursuant to the SBA Rules and Regulations governing small business investment companies (13 CFR 107.903(b) (1987)) for an exemption from the provisions of the cited Regulations.

Subject to SBA approval, First American proposes an equity investment in Delta Savings Bank (Delta), 8860 Bolsa Avenue, Westminster, CA 92683, of up to \$200,000. The aforementioned funds will be used to increase Delta's private capital.

The conflict of interest arises because Messrs. Kiet Van Chau, Son Hung Luu, and Luu Tran Kiem are directors of both Delta and First American. Thus, Delta is deemed to be an Associate of First American under § 107.3(f) of the Regulations. Therefore, the proposed transaction falls within the purview of § 107.903(b)(1) of the Regulations and requires prior written approval of SBA.

Notice is hereby given that any interested person may, not later than (15) days from the date of publication of this Notice, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in the Irvine, California area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 24, 1987.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 87-17301 Filed 7-29-87; 8:45 am]

BILLING CODE 8025-01-M

TENNESSEE VALLEY AUTHORITY

Information Collection Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Information collection under review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as amended by Pub. L. 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-7313.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2524.

Type of request: Regular submission.

Title of information collection: Energy Conservation Program Participant Questionnaire.

Frequency of use: On occasion.

Type of affected public: Individuals or households.

Small businesses or organizations affected: No.

Federal budget functional category code: 271.

Estimated number of annual responses: 9,660.

Estimated total annual burden hours: 542.

Need for and use of information: The purpose of this voluntary questionnaire is to collect information describing the people who participate in TVA energy conservation programs. The answers to these questions will be used by TVA to evaluate the effectiveness of existing residential energy programs and to help structure future programs.

John W. Thompson,

Manager of Corporate Services, Senior Agency Official.

[FR Doc. 87-17294 Filed 7-29-87; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 24, 1987.

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New

Form Number: 8606

Type of Review: New Collection

Title: Nondeductible IRA Contributions, IRA Basis, and Nontaxable IRA Distributions

Description: Internal Revenue Code section 408(o) allows taxpayers to elect to make nondeductible contributions to individual retirement plans. This section also requires taxpayers to report to the Service certain information regarding nondeductible contributions.

Respondents: Individuals or households

Estimated Burden: 1,531,816 hours

OMB Number: 1545-0062

Form Numbers: 3903 and 3903F

Type of Review: Revision

Title: Moving Expenses and Foreign Moving Expense

Description: Internal Revenue Code section 217 requires itemization of various allowable moving expenses. Internal Revenue Code section 274(n) limits certain meal expenses to 80%. Forms 3903 and 3903F are filed with Form 1040 by individuals who moved their personal residences to support their deductions. The data is used to help verify that the moving expense claimed is proper.

Respondents: Individuals or households

Estimated Burden: 1,167,559 hours

OMB Number: 1545-0091

Form Number: 1040X

Type of Review: Revision

Title: Amended U.S. Individual Income Tax Return

Description: Form 1040X is used by individuals to claim a refund of income taxes, pay additional income taxes, or designate a dollar to a presidential election campaign fund. The information is needed to help verify that the individual has correctly figured his or her income tax.

Respondents: Individuals or households,

Farms, Businesses or other for-profit, Small businesses or organizations

Estimated Burden: 4,276,164 hours

OMB Number: 1545-0171

Form Number: 4469

Type of Review: Extension

Title: Computation of Excess Medicare Tax Credit (Hospital Insurance Benefits Tax Credit)

Description: The maximum hospital insurance benefits that may be imposed on an employee is set by law. Form 4469 is used by railroad employee representatives and qualified U.S. Government employees to figure their credit for excess hospital insurance benefits tax. The information collected is used to verify the taxpayer is entitled to the credit.

Respondents: Individuals or households

Estimated Burden: 333 hours

OMB Number: 1545-0172

Form Number: 4562

Type of Review: Revision

Title: Depreciation and Amortization

Description: Form 4562 is used by taxpayers to claim a deduction for depreciation and/or amortization on their income tax return. The form also contains questions taxpayers are required to answer pertaining to automobiles and other "listed property" (Internal Revenue Code section 280F).

Respondents: Individuals or households,

Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations

Estimated Burden: 11,435,690 hours

OMB Number: 1545-0803

Form Number: 5074

Type of Review: Revision

Title: Allocation of Individual Income Tax to Guam or Northern Mariana Islands (NMI)

Description: Form 5074 is used by U.S. citizens or residents as an attachment to Form 1040 when they have \$50,000 income from U.S. sources and \$5,000 from Guam or Northern Mariana Islands. The data is used by IRS to allocate income tax due to Guam or NMI as required by 26 U.S.C. 7654.

Respondents: Individuals or households

Estimated Burden: 20 hours

OMB Number: 1545-0869

Form Number: None

Type of Review: Extension

Title: Federal Grants Not Includible in Income in Certain Cases

Description: The regulations relate to information needed to verify the propriety of the exclusion from gross income of those amounts received by the individual taxpayer as a scholarship or grant under a Federal program which requires the recipient to perform future service as a Federal employee.

Respondents: Individuals or households

Estimated Burden: 1,000 hours

Clearance Officer: Garrick Shear, (202) 566-8150, Internal Revenue Service,

Room 5571, 1111 Constitution Avenue
NW., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202)
395-6880, Office of Management and
Budget, Room 3208, New Executive
Office Building, Washington, DC 20305

Lois K. Holland,
Departmental Reports Management Officer.

[FR Doc. 87-17267 Filed 7-29-87; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 52, No. 146

Thursday, July 30, 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).

COMMODITY CREDIT CORPORATION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 27105, July 17, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:00 a.m., July 24, 1987.

STATUS: Open.

CHANGED TIME AND DATE OF MEETING: 2:00 p.m., July 23, 1987.

MATTERS TO BE CONSIDERED:

1. Special Meeting of November 19, 1986.
2. Memorandum re: Public Law 480 Commodity Credit Corporation Foreign Debt Exposure.
3. Memorandum re: Update of Commodity Credit Corporation (CCC)-Owned Inventory.
4. Docket BCP-137a re: Barley, Corn, Oats, Rye and Sorghum Loan and Purchase, Payment, and Production Adjustment Programs for the 1986 and Subsequent Crops.
5. Docket BCP-72a re: Cotton Loan, Payment, and Production Adjustment Programs for the 1986 and Subsequent Crops (Extra Long Staple).
6. Docket BCP-72a re: Cotton Loan, Payment, and Production Adjustment Programs for the 1986 and Subsequent Crops (Upland).
7. Docket BCP-66a re: Honey Loan and Purchase Program for the 1986 and Subsequent Crops.
8. Docket BCP-98a re: Milk Price Support Program for the 1985-86 and Subsequent Marketing Years.
9. Docket XCP-33a re: Rice Loan and Purchase, Payment, and Protection Adjustment Program for the 1985-1986 Marketing Year and Subsequent Crops.
10. Docket BCP-105 re: Soybean Loan and Purchase Program for the 1986 and Subsequent Crops.
11. Docket BCP-2a re: Wheat Loan and Purchase, Payment and Production Adjustment Program for the 1986 and Subsequent Crops.
12. Docket BCP-101a & BCP-176a re: Wool and Mohair Payment Programs for the 1986-1990 Marketing Years.
13. Resolution WCP-154a, Amendment 3 re: Ratification of Uniform Grain Storage Agreement (UGSA) Docket.
14. Resolution CZ-266, Resolution No. 24, Amendments 1 & 2 re: Ratification of Commodities Available for Pub. L. 480 During Fiscal Year 1987.
15. Resolution re: Ratification of Targeted Export Assistance—Foreign Market Development Projects for Fiscal Year 1988.
16. Resolution re: Ratification of Sale of Commodity Credit Corporation Dairy

Products for Export for Fiscal Year 1986 and 1987.

CONTACT PERSON FOR MORE

INFORMATION: James V. Hansen, Secretary, Commodity Credit Corporation, Room 3603 South Building, U.S. Department of Agriculture, Post Office Box 2415, Washington, DC 20013; telephone (202) 475-5490.

Date: July 24, 1987.

James V. Hansen,
Secretary, Commodity Credit Corporation.
[FR Doc. 87-17374 Filed 7-28-87; 11:41 am]
BILLING CODE 3410-05-M

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO.: 87-16853.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, July 30, 1987, 10:00 a.m.

CHANGE IN MEETING: The open meeting scheduled for this date was cancelled.

DATE AND TIME: Tuesday, August 4, 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, August 6, 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.
Proposed Revisions to 11 CFR 110.3-110.6.
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. 87-17408 Filed 7-28-87; 3:02 pm]
BILLING CODE 6715-01-M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m.—August 5, 1987.

PLACE: Hearing Room One—1100 L Street, NW., Washington, DC 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Docket No. 84-38—Ariel Maritime Group, Inc., et al.—Supplemental Initial Decision—Consideration of the Record.
2. Docket No. 83-2—New Orleans Steamship Association v. Plaquemines Port, Harbor and Terminal District—Motion for Clarification or Modification of Order.
3. Docket No. 86-31—New Orleans Steamship Association v. Plaquemines Port, Harbor and Terminal District—Motion to Strike Tariff.
4. Special Docket No. 1553—Application of Lykes Bros. Steamship Co., Inc. for the Benefit of World Food Programme—Initial Decision.

CONTACT PERSON FOR MORE

INFORMATION: Joseph C. Polking,
Secretary, (202) 523-5725.
[FR Doc. 87-17397 Filed 7-28-87; 1:10 pm]
BILLING CODE 6730-01-M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Thursday, July 30, 1987 at 2:00 p.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Petitions and Complaints:
Certain Electronic Chime Modules (Docket Number 1402).
2. Inv. 731-TA-342 and 346 (Final) (Tapered Roller Bearings from Italy and Yugoslavia)—briefing and vote.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth R. Mason,
Secretary, (202) 523-0161.
Stephen McLaughlin,
Acting Secretary.
July 24, 1987.
[FR Doc. 87-17368 Filed 7-28-87; 10:24 am]
BILLING CODE 7020-02-M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of August 3, 1987:

A closed meeting will be held on Tuesday, August 4, 1987, at 2:30 p.m. An open meeting will be held on Thursday,

August 6, 1987, at 10:00 a.m., in Room 1C30.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 4, 1987, at 2:30 p.m., will be:

- Formal order of investigation.
- Institution of an administrative proceeding of an enforcement nature.
- Institution of injunctive actions.
- Settlement of injunctive action.
- Regulatory matter regarding financial institution.

The subject matter of the open meeting scheduled for Thursday, August 6, 1987, at 10:00 a.m., will be:

1. Consideration of whether to issue final rules amending Regulation S-K, Form 20-F and the codification of Financial Reporting Policies governing the disclosure of the effects of inflation and other changes in prices. These amendments would delete references to Statement of Financial Accounting Standard ("SFAS") No. 33, which was superseded by SFAS No. 89. These rule amendments do not affect the current requirements in Item 303 or Regulation S-K for registrants to include, where material, a discussion in Management's Discussion and Analysis of the impact of inflation and other changes in prices on their financial statements. For further information, please contact James Bradow at (202) 272-2130.

2. Consideration of whether to propose for public comment amendments to Form N-1A, the registration form for open-end management investment companies, under the Investment Company Act of 1940 and the Securities Act of 1933 and publish related revisions to the staff guidelines for Form N-1A. The amendment would (1) require mutual funds to consolidate all expense-related information in a table located near the front of the prospectus, and (2) expand the narrative disclosure requirements regarding Rule 12b-1 plans. For further information, please contact John McGuire at (202) 272-2107.

3. Consideration of whether to propose changes in Forms 10-K and 10-Q that would require registrants, after reasonable inquiry, to provide information not filed in Form 3 and

4 reports required during the reporting period and identify any of their directors, officers, or ten percent security holders that have failed to file all of their Form 3 and 4 reports required during the reporting period in a timely manner.

Copies of the Form 3 and 4 would be required to be sent to the registrant to aid its monitoring of such filings. In addition, the Commission will consider proposing to condition the safe harbor of Rule 144 upon the seller having filed all required Forms 3 and 4 in a timely manner during the 12 months preceding filing of Form 144 and any sales pursuant to the Rule. Form 144 would be amended to include a positive representation concerning the seller's compliance with section 16(a) of the Securities Exchange Act of 1934. For further information, please contact Brian Lane at (202) 272-2589.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Douglas Michael at (202) 272-2467.

Jonathan G. Katz,

Secretary.

July 24, 1987.

[FR Doc. 87-17394 Filed 7-28-87; 12:37 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register

Vol. 52, No. 146

Thursday, July 30, 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 HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 57

Grants for Advanced Nurse Training Programs

Correction

In rule document 87-16508 beginning on page 27345 in the issue of Tuesday, July 21, 1987, make the following corrections:

1. On page 27345, under **EFFECTIVE DATE**, the reference to "§ 57.2504(c)(14) and (c)(15)" should read "§ 57.2504(c)(12) and (c)(13)".
2. On page 27346, in the first column, in item 4, in the second and third lines, "specifying Department regulations"

should read "specifying additional Department regulations".

3. On page 27346, in the second column, amendatory instruction 2 should read "The authority for Subpart Z is revised to read as follows:".

§ 57.2506 [Corrected]

4. On page 27347, in the first column, in § 57.2506(a)(1) introductory text, in the fourth line, "specialists" should read "specialties".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-040-07-4212-12; A 22435 and A 22436]

Realty Action; Exchange of Public Land in Graham, Greenlee, Cochise and Pinal Counties, AZ, and Cancellation of Segregation

Correction

In notice document 87-16227 beginning on page 27063 in the issue of Friday, July 17, 1987, make the following corrections:

1. On page 27064, in the first column, under "T. 13 S., R. 29 E.," in the first line, "25-38" should read "25-28".
2. On the same page, in the third column, under "T. 6 S., R. 24 E.," in the

second and third lines, "NW¼, SW¼" should read "NW¼SW¼".

3. On page 27065, in the first column, under "T. 7 S., R. 24 E.," the 17th line should read "Sec. 12, W½SW¼".

4. On the same page, in the same column, under the same entry, in the 19th line, after "S½NW¼" insert "N½SW¼".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Addition of Five National Wildlife Refuges to the Lists of Open Areas for Migratory Game Bird, Upland Game, and Big Game Hunting, and One to the List for Sport Fishing

Correction

In rule document 87-16780 beginning on page 27811 in the issue of Friday, July 24, 1987, make the following correction:

On page 27815, in the first column, in amendatory instruction 2, in the second line, "revising" should read "removing".

BILLING CODE 1505-01-D

The first of the three...
The second of the three...
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DEPARTMENT OF THE INTERIOR

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Bureau of Land Management

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[Faint, illegible text covering the bottom half of the page]

Federal Register

Thursday
July 30, 1987

Part II

Department of Justice

**Office of Juvenile Justice and
Delinquency Prevention**

**Grants and Cooperative Agreements; Law
Enforcement Handling of Juvenile
Offenders; Notice of Issuance of a
Solicitation for Applications**

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and
Delinquency PreventionGrants and Cooperative Agreements;
Law Enforcement Handling of Juvenile
Offenders

AGENCY: Office of Juvenile Justice and
Delinquency Prevention (OJJDP), Justice.

ACTION: Notice of issuance of a
solicitation for applications to develop a
program to improve law enforcement
handling of serious juvenile offenders.

SUMMARY: The Office of Juvenile Justice
and Delinquency Prevention (OJJDP),
pursuant to section 224(a)(5) and
224(a)(2) of the Juvenile Justice and
Delinquency Prevention Act, is
sponsoring a comprehensive
development initiative to assess,
develop, test and disseminate
information on prototypical approaches
for law enforcement handling of serious
juvenile offenders, placing particular
emphasis on those involved in illegal
drug use, sales and trafficking.

The purpose of this development
initiative is to identify the problems
police agencies confront in handling
serious juvenile offenders, and to
identify, develop and test model
decision-making policies and procedures
to improve law enforcement
identification, screening and referral of
serious juvenile offenders, especially
those who are drug-involved; as well as
to improve strategies for diverting non-
serious offenders. Law enforcement
officers often explain that they lack
well-defined policies and procedures for
handling juvenile offenders. Moreover,
they do not routinely receive feedback
on the results of their disposition
decisions. Of particular concern is the
handling of juvenile offenders who are
being used in the distribution and
trafficking of narcotics. The field lacks
sound information on the effectiveness
of enforcement identification and
screening procedures for determining
whether there is evidence of illegal drug
use or sales, and for making an
appropriate referral for different types
of youth. OJJDP proposes to address this
issue by sponsoring this development
effort which will include:

- Identification and assessment of law
enforcement strategies for handling
serious juvenile offenders particularly
those who are involved in illegal drug
use, sales, or trafficking;
- Development of prototype decision-
making policies and procedures based
on existing screening practices and
referral options typically available to
law enforcement;

- Development of training and technical
assistance material that promote the
experimental implementation of the
prototype screening and disposition
decision-making criteria;
- Testing of the effectiveness of the
prototypes (models) for improving law
enforcement handling of serious
juvenile offenders; and
- Dissemination of program products
and results.

Eligibility: Public agencies and private
not-for-profit organizations which can
demonstrate the capability to conduct a
development program, and deliver
training and technical assistance in the
area of law enforcement handling of
serious juvenile offenders are invited to
submit applications to enter into a
cooperative agreement with OJJDP.
OJJDP will select the applicant which
presents the most cost-effective
approach, and which best demonstrates
the organizational capability, knowledge
of and experience in applied research or
program evaluation in the area of
juvenile or criminal justice, and juvenile
substance abuse research. The project
period for this program is three (3) years.
Up to \$400,000 has been allocated for the
first budget period of 24 months. Based
on successful completion of the first
budget period, a one-year non-
competing continuation award is
anticipated. Applicants are encouraged
to present cost-competitive proposals.

FOR FURTHER INFORMATION CONTACT:
Barbara Allen-Hagen, Research and
Program Development Division, (202/
724-5929), or Ben Shapiro, Special
Emphasis Division, (202/724-8491),
OJJDP, 633 Indiana Avenue, NW.,
Washington, DC 20531.

SUPPLEMENTARY INFORMATION:

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- I. Introduction and Background
- II. Program Goals and Objectives
- III. Program Strategy
- IV. Dollar Amount and Duration
- V. Eligibility Requirements
- VI. Application Requirements
- VII. Procedures and Criteria for Selection
- VIII. Submission Requirements
- IX. Civil Rights Compliance

1. Introduction And Background

Law enforcement serves as the gate
keeping agency for the majority of
juveniles who are involved in the
juvenile justice system. Most youth who
are arrested once or twice never come to
the attention of the system again. A
small percentage of juveniles develop
lengthy arrest records before referral to
court, and some continue to compile
arrest records even after court
intervention. Clearly, law enforcement
agencies handle most offenders very

effectively. Most law enforcement
agencies, however, do not have clearly
specified policies and procedures for
handling juveniles and do not keep and
analyze information to systematically
relate case handling decisions to
outcome. Well-informed, consistent,
predictable responses to juveniles by
law enforcement are likely to
immediately deter many and to reduce
the number of juveniles who become
chronic offenders.

Over the past 25 years, American
youth culture has been greatly
influenced by the ready availability and
relative low cost of illegal drugs. Drug
trafficking and abuse have become
issues of national scope and importance.
More than 85,000 youth were arrested in
1985 for drug violations. Many more
alleged offenders were probably
involved in illegal drug use or sales. Last
year, the United States Congress passed
the Anti-Drug Abuse Act to strengthen
Federal efforts in this area. Locally,
police, lawmakers, educators, clergy,
parents, and citizen groups are working
together to initiate effective prevention,
treatment, and enforcement strategies.

Traditionally, law enforcement
resources have been directed toward
reducing the supply of illegal drugs and
have, thus, focused heavily on adult
traffickers.

Recently, as traffickers have begun
using juveniles as couriers in their
operations, and as demand reduction
has become an equal priority with
supply reduction, law enforcement
agencies have been given increased
responsibility for responding to the
problem of juvenile offenders involved
in illegal drug use or sales. In light of
these new demands, the Office of
Juvenile Justice and Delinquency
Prevention is sponsoring this
development initiative to identify the
problems that law enforcement officers
face generally in handling juvenile
offenders, and to identify, develop, and
test model decision-making strategies to
improve law enforcement handling of
serious juvenile offenders, with
particular emphasis upon those
juveniles who regularly use or sell
illegal drugs, or who are involved in
narcotics trafficking. In order to improve
law enforcement handling of serious
offenders, it is necessary to address the
decision-making process for all juveniles
who come to the attention of the police
and develop strategies for diverting non-
serious offenders.

Over the years, law enforcement
operations with regard to juvenile
offenders have been guided by
inconsistent or vague rules and
procedures, affected in varying degrees

by prevailing community standards, State and local laws, the availability of intervention and treatment referral agencies, departmental policy and priorities, prosecutorial practices, and judicial philosophy. Officers often state that they do not have well-defined criteria for identifying, screening, and disposing of juvenile offenders. Moreover, they do not routinely receive feedback on the results of their disposition decisions. The identification of successful law enforcement strategies for handling serious juvenile offenders, particularly those involved in use or sale of illegal drugs, and the dissemination of this information will, therefore, be a critical element in strengthening the juvenile justice system's ability to respond effectively to the serious juvenile offender.

II. Program Goals And Objectives

A. Goals

1. To develop prototypical/model decision-making policies and procedures for handling juveniles involved in various types of serious offenses, with emphasis on those involved in illegal drug use or sales;

2. To provide the capability to selected localities to implement and test the effects of alternative policies and procedures for handling serious juvenile offenders; and,

3. To disseminate prototypical decision-making policies and procedures for the improved handling of serious juvenile offenders, especially those offenders involved in illegal drug use or sales.

B. Objectives

1. Assess existing information on the characteristics of juveniles; assess existing identification and screening policies and procedures, particularly those related to illegal drug use, and types of dispositions currently used by law enforcement; and develop criteria for identifying effective policies and procedures for handling serious offenders and for diverting non-serious offenders.

2. Develop prototypical (model) strategies based on the assessment of current law enforcement policies and practices regarding juvenile offenders;

3. Develop a dissemination strategy and training and technical assistance materials to transfer the prototypes to selected sites; and,

4. Test the prototypes (Applicants are advised that this stage of the development initiative will not be funded during the initial budget period; however, the testing of the prototypes at

selected sites is one of the primary objectives of this initiative).

III. Program Strategy

OJJDP planning and program development activities are guided by a framework which specifies four sequential phases: research, development, demonstration and dissemination. The framework guides the decision-making process regarding the funding of future phases of the program.

This is a development initiative. The purpose of the development phase is to develop prototypes/models and to determine their effectiveness through a controlled testing process. The program will be conducted in four discrete incremental stages. The stages consist of: (1) An assessment of the issues law enforcement officers are confronted with in handling serious juvenile offenders and current policies and practices; (2) the design of prototype decision-making policies and procedures which embody the alternatives typically available to law enforcement and includes a comprehensive description of the development, implementation and operation of prototypical approaches; (3) the development of a training and technical assistance package in order to provide intensive training to test sites which are implementing the prototypes; and, (4) testing of the prototypes.

All technical portions of the program will be guided by recommendations of an advisory committee established specifically for the program. The advisory committee will provide comments and recommendations regarding the strategies and activities of the law enforcement handling of juvenile offenders, especially those involved in illegal drug use and sales. It may be necessary to change or supplement advisory committee members for different stages of the program; however, the objective will be to select technical and subject matter experts capable of addressing issues related to each of the program stages. The advisory committee members should have combined expertise in areas of law enforcement, juvenile substance abuse, research and evaluation, and training and technical assistance development and delivery.

Each stage of the incremental program development process detailed below is designed to result in a complete and publishable product (e.g., final assessment report) and a dissemination strategy to inform the field of the development of the program, and the results and products of each stage. A decision is made at the completion of each stage, based on availability of

funds, and the quality and utility of the products, whether to invest additional funds to complete the current stage or terminate the program.

Stage 1—Assessment

The first stage of the program consists of assessing existing information on law enforcement handling of juveniles, and on-site assessments of current law enforcement strategies for handling those youth. The purpose of the literature review and the program review is to develop recommendations for developing and testing the effectiveness of prototypical decision-making policies and procedures for handling serious juvenile offenders, and for diverting non-serious offenders.

The recipient will conduct a comprehensive review of research results and law enforcement information in order to identify the characteristics of juveniles who come to the attention of the police. This review will include definition of the target population, sources of referral, identification and screening policies and procedures, and the types of dispositions currently used by law enforcement for different types of youth. Based on the literature review, criteria will be developed to select jurisdictions for on-site review of identification, screening and disposition policies and procedures.

The recipient will develop criteria for selection of sample jurisdictions to be reviewed. The jurisdictions should be diverse with respect to the following factors: geographical location, urban/rural/suburban, ethnic minority populations, state/local drug enforcement statutes, state/local prosecutorial and judicial practices, and the availability of drug abuse treatment programs. Issues involved in testing the effects of alternative decision-making policies and procedures for handling juvenile offenders must also be identified and discussed. Other issues that can affect decision-making policies and procedures that must be addressed during the assessment stage include:

- State and local statutes regarding juvenile offenses, especially drug offenses, and age range of juvenile court jurisdiction over delinquency;
- Law enforcement definitions of serious and non-serious offenders/offenses;
- Availability and perceived utility of intervention and treatment referral agencies;
- Law enforcement policies regarding use of discretion for the following: nonintervention; temporary assistance for those seeking or obviously needing assistance (e.g., persons in an

- inebriated state); voluntary referral without arrest; mandatory referral by statute; custody and release; and custody and formal referral to appropriate juvenile authority;
- Prevailing departmental priorities and practices regarding the enforcement of drug offense laws, particularly laws relating to juveniles involved in illegal substance use and sales;
 - Impact of prosecutorial discretion and judicial case precedents in a given jurisdiction on police practices;
 - Prevailing judicial philosophy regarding juvenile offenders;
 - Prevailing community standards with regard to juvenile behavior and to drug violations in particular; and
 - The extent of juvenile involvement in narcotics trafficking.

The literature and program reviews should provide the basis for refining the goals and objectives of the program. Specifically, they should identify key issues regarding effective law enforcement responses to juveniles, especially those involved in illegal drug use or sales. They should also identify those identification, screening, and disposition strategies most appropriate for inclusion in the model test program suitable for experimental testing in multiple jurisdictions. The recipient will recommend specific strategies to be used as a basis for prototype development and testing. In addition, the recipient will be responsible for proposing preliminary testing design guidelines for the testing stage.

After completing the reviews, as well as a draft report on the review of existing information and current policies and procedures, the recipient will convene a group of law enforcement practitioners and researchers to review the results of the assessment and consider the utility and feasibility of the recommendations for developing decision-making prototypes. The recipient will then incorporate the recommendations of the workshop participants in the final assessment document.

Activities

The major activities of this stage are:

- Establishment of program advisory committee;
- Development of the assessment plan;
- Review of the literature;
- Development of criteria for identifying effective strategies;
- Identification and description of existing policies and procedures;
- Development of preliminary testing design guidelines;
- Preparation of assessment report; and

- Development and implementation of a dissemination strategy.

Products

The major products for this stage are:

1. Assessment plan—specifying each step of the assessment process in detail;
2. Draft and final report which include:
 - Literature review;
 - Descriptions of operational strategies;
 - Recommendations for developing prototypical/model decision-making policies and procedures;
 - Design guidelines for testing prototypes; and
3. Dissemination strategy to inform the field of the development of the program, and the products and results of this stage.

Stage 2—Prototypes: Policies and Procedures

Upon successful completion of Stage 1, and with the approval of OJJDP, the recipient will develop prototype designs for the development, implementation and operation of law enforcement decision-making policies and procedures for screening and handling serious juvenile offenders. It is recognizable that the prototype decision-making policies and procedures will need to address the handling of all juveniles who come to the attention of the police in order to focus on identification, screening and disposition of serious offenders. The prototypes will be designed to enable police agencies to systematically test the effects of using different identification, screening and/or dispositions for juvenile offenders. Emphasis will be placed on recognition and handling of illegal drug use and sales. The prototype designs will be accompanied by detailed policy and procedures manuals. The activities and products of this stage will be based on the information generated as a result of the assessment. Appropriate technical and subject matter expertise will be utilized to design the prototypes which will be based, in part, on the operational programs described in the preceding stage.

The prototype design and related policies and procedures will provide guidance regarding: definition and identification of the target population; sources of referral; screening policies and procedures and types of dispositions currently used by law enforcement for target population youth; evaluation; funding; monitoring; staffing; management and administration; program design; relationship to primary components of the juvenile justice system; evaluation of program

effectiveness; and implementation schedule and procedures. This information will become part of a training and technical assistance package for dissemination to state and local juvenile correction agencies and policymakers involved in allocating funds to the various components of the juvenile justice system.

Activities

The major activities of this stage are:

- Preparation of a plan for developing the prototypes and related policies and procedures;
- Development of the prototypes and related policies and procedures;
- Participation and review by the advisory committee; and
- Development and implementation of a dissemination strategy.

Products

The products to be completed during this stage are:

1. Plan for prototype development, specifying in detail the approach and activities to be undertaken for each step of this stage, and the projected costs on a monthly basis;
2. Draft and final prototype design(s) and related policies and procedures manual(s); and
3. Dissemination strategy to inform the field of the development of the program, and the products and results of this stage.

Stage 3—Training and Technical Assistance Development

Upon successful completion of stage 2, and with the approval of the OJJDP, the recipient will transfer the prototype design(s), including policies and procedures, into a training and technical assistance package. Comprehensive training manuals that outline the major issues and prototypical approaches to law enforcement handling of serious juvenile offenders must be developed to encourage and facilitate implementation of the prototype decision-making policies and procedures. They should address policymakers and law enforcement officials involved in resource allocation and program development and who would direct the implementation of the prototypical program(s). The manual must be designed for a formal training setting, and for independent use in jurisdictions that do not participate in the formal training sessions. Therefore, each manual should include a complete description of the prototype decision-making policies and procedures. The manual should contain instructions and supplementary materials for trainers to

facilitate presentation, and ensure understanding and successful adaptation and implementation of the prototypes. The training manual will then be submitted to OJJDP in draft for approval.

Activities

- The major activities of this stage are:
- Preparation of a plan for developing the training and technical assistance package;
 - Development of the training and technical assistance materials;
 - Recruitment and preparation of the training and technical assistance personnel;
 - Testing of the training curriculum manual;
 - Participation and review by the advisory committee; and
 - Development and implementation of a dissemination strategy which may include workshops or seminars for law enforcement personnel.

Products

The products to be completed during this phase are:

1. Plan for the development of the training and technical assistance package;
2. Identification of training and technical assistance personnel;
3. Draft and final training and technical assistance package—including the training curriculum manual and information materials; and,
4. Dissemination strategy to inform the field of the development of the program, and the products and results of this stage, which may include workshops or seminar for law enforcement personnel.

Stage 4—Prototype Implementation and Testing

While a decision to test the prototype designs will be made during or following completion of the prototype development stage, the applicant is expected to explain the methods and approaches that would be employed to implement this stage. As noted, funds for this stage will be provided through non-competing continuation awards. In order to ensure the applicant's understanding of the entire development effort, the initial application must address and explain the implementation and coordination of all four stages of the initiative (i.e., assessment, prototype development, training and technical assistance development, and testing).

This stage of the program consists of a test, in selected jurisdictions, of the prototypes developed in stage two. The prototypes will vary in terms of the types of identification screening and

disposition policies and procedures for handling serious juvenile offenders, especially those involved in illegal drug use or sales. The purpose would be to determine what types of law enforcement, screening procedures and dispositions are most effective for different types of serious offenders, as well as for diverting non-serious offenders. The recipient will be required to assist the OJJDP in developing a solicitation to make awards to test sites. It will also be required to provide intensive training and technical assistance to help the test sites implement the prototypes on an experimental basis. Finally, the recipient will be expected to work cooperatively with an independent evaluator to ensure the integrity of the data collection and feedback activities.

Activities

- The major activities of this stage are:
- Development of recommendations for a program announcement to select test sites;
 - Assistance to OJJDP in review and selection of test sites;
 - Provision of intensive training and technical assistance to test sites regarding the implementation of prototypes on an experimental basis;
 - Development of procedures for working cooperatively with the program evaluator, particularly in the areas of data collection and feedback; and,
 - Development and implementation of a dissemination strategy.

Products

- The major products for this stage are:
1. Recommendations for the program announcement for test sites;
 2. Plan for providing training and technical assistance to test sites; and
 3. Dissemination strategy to inform the field of the development of the program, and the products and results of this stage.

IV. Dollar Amount and Duration

Up to \$400,000 has been allocated for the initial award. One cooperative agreement will be awarded competitively, with an initial budget period of 24 months. It is anticipated that this program will entail three years of program activities (i.e., a three year project period), and consist of four stages (assessment, prototype development: policies and procedures, training and technical assistance, and testing). The initial award will provide support for stages one through three. Supplemental funds will be allocated for an additional budget period.

Funds for a non-competing continuation award (i.e., an additional budget period within the approved three year project period) may be withheld for justifiable reasons. They include: (1) The results do not justify further program activity; (2) the recipient is delinquent in submitting required reports; (3) adequate grantor agency funds are not available to support the project; (4) the recipient has failed to show satisfactory progress in achieving the objectives of the project or otherwise failed to meet the terms and conditions of the award; (5) the recipient's management practices have failed to provide adequate stewardship of grantor agency funds; (6) outstanding audit exceptions have not been cleared; and (7) any other reason which would indicate that continued funding would not be in the best interest of the Government.

A separate agency will be selected competitively to perform the evaluation of the selected prototypes/models. Organizations which receive funds under this award will not be eligible to compete for the evaluation.

V. Eligibility Requirements

Applications are invited from public agencies and not-for-profit private organizations. Applicant organizations may choose to submit joint proposals with other eligible organizations as long as one organization is designated in the application as the applicant and any co-applicants are designated as such. The applicant must demonstrate experience in the following areas in order to be eligible for consideration:

- A. Experience in the conduct of experimental designs and implementation of national surveys; and,
- B. The development and delivery of training or technical assistance related to law enforcement and to juvenile substance abuse.

Applicants must also demonstrate that they have the management and financial capability to effectively implement a project of this size and scope. Applicants who fail to demonstrate that they have the capability to manage this program will be ineligible for funding consideration.

VI. Application Requirements

All applicants must submit a completed Standard Form 424, Application for Federal Assistance (SF 424), including a program narrative, a detailed budget, and a budget narrative. All applications must include the following information outlined in this section VII of the solicitation in Part IV, Program Narrative of the application.

The Program Narrative of the application should not exceed 70 double-spaced pages in length.

In submitting applications which contain more than one organization, the relationships among the parties must be set forth in the application. As a general rule, organizations which describe their working relationship in the development of products and the delivery of services as primarily cooperative or collaborative in nature will be considered co-applicants. In the event of a co-applicant submission, one co-applicant must be designated as the payee to receive and disburse project funds and be responsible for the supervision and coordination of the activities of the other co-applicants. Under this arrangement, each organization would agree to be jointly and severally responsible for all project funds and services. Each co-applicant must sign the SF-424 and indicate their acceptance of the conditions of joint and several responsibility with the other co-applicants.

Applications which include non-competitive contracts for the provision of specific services must include a sole source justification for any procurement in excess of \$10,000.

In addition to the requirements specified in the instructions for the preparation of Standard Form 424, the following information must be included in the application:

A. Organizational Capability—Applicants must demonstrate that they are eligible to compete for this cooperative agreement on the basis of eligibility criteria established in section V of this solicitation.

1. Organizational Experience—Applicants must concisely describe their organizational experience with respect to the eligibility criteria specified in section V. above. Applicants must demonstrate how their organizational experience and capabilities will enable them to achieve the goals and objectives of this initiative. Applicants are invited to append one example of prior work products of similar nature to their application.

2. Financial Capability—In addition to the assurances provided in Part V, Assurances (SF-424), applicants must also demonstrate that their organization has or can establish fiscal controls and accounting procedures which assure that Federal funds available under this agreement are disbursed and accounted for properly. Applicants who have not previously received federal funds will be asked to submit a copy of the Office of Justice Programs (OJP) Accounting System and Financial Capability Questionnaire (OJP Form 7120/1).

Copies of the form will be provided in the application kit and must be prepared and submitted along with the application. Other applicants may be requested to submit this form. All questions are to be answered regardless of instructions (section C.I.B. note). The CPA certification is required only of those applicants who have not previously received Federal funding.

B. Program Goals—A succinct statement of your understanding of the goals and objectives of the program should be included. The application should also include a problem statement and a discussion of the potential contribution of this program to the field.

C. Program Strategy—Applicants should describe the proposed approach for achieving the goals and objectives of the program. A discussion of how each of the four stages of the program would be accomplished should be included.

D. Program Implementation Plan—Applicants should prepare a plan which outlines the major activities involved in implementing the program, describes how they will allocate available resources to implement the program, and how the program will be managed.

The plan must also include an annotated organizational chart depicting the roles and describing the responsibilities of key organizational/functional components; and a list of key personnel responsible for managing and implementing the four major elements of the program. Applicants must present detailed position descriptions, qualifications, and selection criteria for each position. Applicants should also provide recommendations for program advisory committee members. This documentation and individuals' resumes may be submitted as appendices to the application.

E. Time-Task Plan—Applicants must develop a time-task plan for the 24-month project period, clearly identifying major milestones and products. This must include designation of organizational responsibility and a schedule for the completion of the tasks and products identified in section III and indicate the anticipated cost schedule per month for the entire project period.

F. Products—Applicants must concisely describe the interim and final products of each stage of the program, and must address the purpose, audience, and usefulness to the field of each product.

G. Program Budget—Applicants shall provide a 24-month budget with a detailed justification for all costs, including the basis for computation of these costs. Applicants should include a budget estimate to complete the balance of the program. Applications submitted

by co-applicants and/or those containing contract(s) must include detailed budgets for each organization's expenses. The budget should include funds for a four person advisory committee to meet four times during the first 24 month budget period.

VII. Procedures and Criteria for Selection

All applications will be evaluated and rated based on the extent to which they meet the following weighted criteria. In general, all applications received will be reviewed in terms of their responsiveness to the minimum program application requirements, organizational capability, technical soundness, and thoroughness and innovativeness in responding to strategic issues in project implementation. Applications will be evaluated by a peer review panel according to OJJDP Competition and Peer Review Policy, 28 CFR Part 34, Subpart B, published August 2, 1985 at 50 FR 31366-31367. The selection criteria and their point values (weights) are as follows:

A. Organizational capability (20 points).

1. The extent and quality of organizational experience in the areas of law enforcement, juvenile substance abuse, conduct of experiments, and coordination of juvenile related research, training, or technical assistance which have been national in scope. (10 points)

2. Adequate fiscal controls and accounting procedures to ensure that the applicant can effectively implement a project of this size and scope, and to ensure the proper disbursement and accounting of Federal funds. (10 points)

B. Soundness of the proposed strategy—(30 points)—Understanding of the nature of the program area and the soundness of the approach to each stage of the program development process for meeting the goals and objectives; and the potential utility of proposed products.

C. Qualifications of project staff (20 points).

1. The qualifications of staff identified to manage and implement the program including staff to be hired through contracts. (10 points)

2. The clarity and appropriateness of position descriptions, required qualifications and selection criteria relative to the specific functions set out in the Implementation Plan. (10 points)

D. Clarity and appropriateness of the program implementation plan (15 points)—Adequacy and appropriateness of the activities, and the project

management structure; and the feasibility of the time-task plan.

E. Budget (15 points)—Completeness, reasonableness, appropriateness and cost-effectiveness of the proposed costs, in relationship to the proposed strategy and tasks to be accomplished.

Applications will be evaluated by a peer review panel. The result of the peer review will be a relative aggregate ranking of applications in the form of "Summary Rating." These will ordinarily be based on numerical values assigned by individual peer reviewers. Peer review recommendations, in conjunction with the results of internal review and any necessary supplementary review, will assist the Administrator in considering competing applications and in selection of the application for funding. The final award decision will be made by the OJJDP Administrator.

VIII. Submission Requirements

All applicants responding to this solicitation should be aware of the following requirements for submission:

1. Organizations which plan to respond to this announcement are requested to submit written notification of their intent to apply to OJJDP by August 21, 1987. Such notification should specify: the name of the applicant organization, mailing address, telephone number, and primary contact person. In the event that organizations intend to apply as co-applicants, each of the co-applicants are to provide the above information. The submission of this notification is optional. It is requested to assist OJJDP in estimating the workload associated with the review of applications and for notifying potential

applicants of any supplemental information related to the preparation of their applications.

2. Applicants must submit the original signed application and three copies to OJJDP. The necessary forms for applications (Standard form 424) will be provided upon request.

Applications must be received by mail or hand delivered to the OJJDP by 5:00 p.m. EST on September 4, 1987. Those applications sent by mail should be addressed to OJJDP, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, DC 20531. Hand delivered applications must be taken to the OJJDP, Room 742, 633 Indiana Avenue, N.W., Washington, DC between the hours of 8:00 a.m. and 5:00 p.m. except Saturday, Sundays or Federal holidays.

3. The OJJDP will notify applicants in writing of the receipt of their application. Subsequently, applicants will be notified by letter as to the decision made regarding whether or not their submission will be recommended for funding. It is anticipated that the grant may be awarded as early as September, 1987.

IX. Civil Rights Compliance

A. All recipients of OJJDP assistance including any contractors, must comply with the non-discrimination requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973 as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; and the Department of Justice Non-

Discrimination Regulations (28 CFR Part 42, Subparts C, D, E, and G).

B. In the event a Federal or State court of Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, or sex against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights Compliance (OCRC) of the Office of Justice Programs.

C. Applicants shall maintain such records and submit to the OJJDP upon request timely, complete and accurate data establishing the fact that no person or persons will be or have been denied or prohibited from participation in, benefits of, or denied or prohibited from obtaining employment in connection with any program activity funded in whole or in part with funds made available under this program because of their race, national origin, sex, religion, handicap or age. In the case of any program under which a primary recipient of Federal funds extends financial assistance to any other recipient or contracts with any other person(s) or group(s), such other recipient, person(s) or group(s) shall also submit such compliance reports to the primary recipients as may be necessary to enable the primary recipient to assure its civil rights compliance obligations under any award.

Dated: July 24, 1987.

Verne L. Speirs,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 87-17258 Filed 7-29-87; 8:45 am]

BILLING CODE 4410-18-M

Environmental Protection Agency Federal Register

Thursday
July 30, 1987

Part III

Environmental Protection Agency

Monthly Status Report for March 1987;
Premanufacture Notices

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53095; FRL-3234-9]

Premanufacture Notices; Monthly Status Report for March 1987**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for March 1987.

Nonconfidential portions of the PMNs and exemption requests may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53095]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, S.W., Washington, D.C. 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during March; (b) PMNs received previously and still under review at the end of March; (c) PMNs for which the notice review period has ended during March; (d) chemical substances for which EPA has received a notice of commencement to manufacture during March; and (e) PMNs for which the review period has been suspended. Therefore, the March 1987 PMN Status Report is being published.

Dated: July 8, 1987.

Denise Devoe,

*Acting Director, Information Management Division.***Premanufacture Notices Monthly Status Report March 1987****I. 209 PREMANUFACTURE NOTICES AND EXEMPTION REQUESTS RECEIVED DURING THE MONTH****PMN No.**

P 87-721	P 87-786
P 87-722	P 87-787
P 87-723	P 87-788
P 87-724	P 87-789
P 87-725	P 87-790
P 87-728	P 87-791
P 87-727	P 87-792
P 87-728	P 87-793
P 87-729	P 87-794
P 87-730	P 87-795
P 87-731	P 87-796
P 87-732	P 87-797
P 87-733	P 87-798
P 87-734	P 87-799
P 87-735	P 87-800
P 87-736	P 87-801
P 87-737	P 87-802
P 87-738	P 87-803
P 87-739	P 87-804
P 87-740	P 87-805
P 87-741	P 87-806
P 87-742	P 87-807
P 87-743	P 87-808
P 87-744	P 87-809
P 87-745	P 87-810
P 87-746	P 87-811
P 87-747	P 87-812
P 87-748	P 87-813
P 87-749	P 87-814
P 87-750	P 87-815
P 87-751	P 87-816
P 87-752	P 87-817
P 87-753	P 87-818
P 87-754	P 87-819
P 87-755	P 87-820
P 87-756	P 87-821
P 87-757	P 87-822
P 87-758	P 87-823
P 87-759	P 87-824
P 87-760	P 87-825
P 87-761	P 87-826
P 87-762	P 87-827
P 87-763	P 87-828
P 87-764	P 87-829
P 87-765	P 87-830
P 87-766	P 87-831
P 87-767	P 87-832
P 87-768	P 87-833
P 87-769	P 87-834
P 87-770	P 87-835
P 87-771	P 87-836
P 87-772	P 87-837
P 87-773	P 87-838
P 87-774	P 87-839
P 87-775	P 87-840
P 87-776	P 87-841
P 87-777	P 87-842
P 87-778	P 87-843
P 87-779	P 87-844
P 87-780	P 87-845
P 87-781	P 87-846
P 87-782	P 87-847
P 87-783	P 87-848
P 87-784	P 87-749
P 87-785	P 87-850

P 87-851	P 87-891
P 87-852	P 87-892
P 87-853	P 87-893
P 87-854	P 87-894
P 87-855	P 87-895
P 87-856	P 87-896
P 87-857	P 87-897
P 87-858	P 87-898
P 87-859	P 87-899
P 87-860	P 87-900
P 87-861	P 87-901
P 87-862	P 87-902
P 87-863	P 87-903
P 87-864	P 87-904
P 87-865	P 87-905
P 87-866	P 87-906
P 87-867	P 87-907
P 87-868	P 87-908
P 87-869	P 87-909
P 87-870	P 87-910
P 87-871	P 87-911
P 87-872	P 87-912
P 87-873	P 87-913
P 87-874	Y 87-119
P 87-875	Y 87-120
P 87-876	Y 87-121
P 87-877	Y 87-122
P 87-878	Y 87-123
P 87-879	Y 87-124
P 87-880	Y 87-125
P 87-881	Y 87-126
P 87-882	Y 87-127
P 87-883	Y 87-128
P 87-884	Y 87-129
P 87-885	Y 87-130
P 87-886	Y 87-131
P 87-887	Y 87-132
P 87-888	Y 87-133
P 87-889	Y 87-134
P 87-890	

II. 187 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH**PMN No.**

P 87-532	P 87-584
P 87-533	P 87-585
P 87-534	P 87-586
P 87-535	P 87-587
P 87-536	P 87-588
P 87-537	P 87-589
P 87-538	P 87-590
P 87-539	P 87-591
P 87-540	P 87-592
P 87-541	P 87-593
P 87-542	P 87-594
P 87-543	P 87-595
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P 87-546	P 87-598
P 87-547	P 87-599
P 87-548	P 87-600
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P 87-550	P 87-602
P 87-551	P 87-603
P 87-552	P 87-604
P 87-553	P 87-605
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Y 87-116
Y 87-118

III. 124 PREMANUFACTURE NOTICES AND EXEMPTION REQUESTS FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY.)

PMN No.

P 85-463
P 86-304
P 86-530
P 86-531
P 86-532
P 86-533
P 86-940
P 86-1481
P 86-1659
P 86-1743
P 86-1744
P 87-133
P 87-178
P 87-287
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P 87-325
P 87-326
P 87-327

IV. 55 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Identity/generic name	Date of commencement
P 84-113	Generic name: Substituted aromatic polymer	Feb. 9, 1987.
P 84-114	Generic name: Substituted aromatic polymer	Feb. 10, 1987.
P 84-814	Generic name: Polysubstituted polyol	Aug. 5, 1985.
P 85-1389	Generic name: Fluoro polyaryl ether ketone	Feb. 7, 1987.
P 86-73	Generic name: Methyl glucoside, C ₁₂ -C ₁₈ fatty esters	Feb. 12, 1987.
P 86-90	Generic name: Poly (vinyl ester co-un saturated dicarboxylic acid ester coolefin)	Feb. 16, 1987.
P 86-202	Generic name: Inorganic vanadium compound	Feb. 9, 1987.
P 86-203	Generic name: Inorganic vanadium compound	Feb. 9, 1987.
P 86-370	Generic name: Alkyl fluoroalkyl siloxane	Feb. 9, 1987.
P 86-453	Generic name: Fluorinated alkyl silane	Feb. 9, 1987.
P 86-454	Generic name: Fluoroalkylsiloxane hydrolyzate	Feb. 9, 1987.
P 86-606	Generic name: Poly(siloxurea)	Feb. 2, 1987.
P 86-607	Generic name: Poly(silylurethanesiloxy urea)	Feb. 11, 1987.
P 86-713	Generic name: Alkyl cycloalkenyl alkanedioate	June 23, 1986.
P 86-860	Generic name: Hydrocarbon resin	Feb. 17, 1987.
P 86-904	Generic name: Polymer of alkyl methacrylates and substituted methacrylamide	Feb. 20, 1987.
P 86-958	Generic name: Polyperfluoroalkyl acrylate	Feb. 25, 1987.
P 86-1043	Generic name: Monosubstitutedalkoxyaminotriazine	Feb. 3, 1987.
P 86-1044	Generic name: Monosubstitutedalkoxyaminotriazine	Feb. 9, 1987.
P 86-1110	Generic name: Cycloalkylbutyrolactone	Nov. 12, 1986.

IV. 55 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—
Continued

PMN No.	Identity/generic name	Date of commencement
P 86-1141	Generic name: Alkyl anhydride adduct	Oct. 20, 1986.
P 86-1153	Generic name: Polyamide precursor	Jan. 23, 1987.
P 86-1179	Generic name: Styrenated acrylic methacrylic polymer	Feb. 16, 1987.
P 86-1248	Generic name: Amino functional polysiloxane	Feb. 3, 1987.
P 86-1249	Generic name: Amino functional polysiloxane cross linker	Feb. 17, 1987.
P 86-1254	Generic name: Amine neutralized alkyl phosphate	Jan. 19, 1987.
P 86-1255	Generic name: Amine neutralized alkyl phosphate	Jan. 19, 1987.
P 86-1327	Generic name: Non-paintable silicone wax	Feb. 7, 1987.
P 86-1500	Generic name: Dihydroxyalkyl alkanolic acids, polymer with alkanediisocyanate, 1,6 hexanediol and 2-hydroxyethyl ester of 2-propenoic acid.	Feb. 11, 1987.
P 86-1559	Generic name: Diethylenetriamine, polymer with an alkyl diacid, a monocyclic anhydride, and a quaternized substituted alkyl diamine.	Feb. 23, 1987.
P 86-1653	Generic name: Hydroxylated alkyl ether sultaine	Feb. 25, 1987.
P 86-1710	Generic name: Crosslinked poly(acrylic acid)	Feb. 7, 1987.
P 86-1716	Generic name: Substituted triazine azo naphthalenesulfonic acid	Feb. 9, 1987.
P 86-1757	Generic name: Poly(vinyl ester co-unsaturated dicarboxylic acid ester coolefin)	Feb. 23, 1987.
P 86-1776	Generic name: Polymer of phthalic anhydride, 2,2,4-trimethyl-1,3-pentanediol, 2,2'-oxybis (ethanol), (2-ethyl hexanol, trimethylolpropane.	Mar. 9, 1987.
P 87-7	Generic name: Styrenated acrylic methacrylic polymer	Dec. 31, 1986.
P 87-19	Generic name: Substituted sulfocarbopolycycloazo-sulfophenyl amino heteromonocyclic amino carbomonocyclic disulfonic acid, sodium salt.	Feb. 20, 1987.
P 87-41	Generic name: Substituted heteromonocyclyl-carbomonocyclic thio benzindol	Feb. 17, 1987.
P 87-42	Generic name: Substituted heteromonocyclyl-biscarbomonocyclic thiobenzindol	Feb. 17, 1987.
P 87-101	Generic name: Silicones and siloxanes, methylhydrogen, methyl polymer with silsesquioxanes	Mar. 1, 1987.
P 87-117	Generic name: Modified trioxaluminum alkanolate	Jan. 26, 1987.
P 87-123	Generic name: Polyether modified carbodimide	Feb. 11, 1987.
P 87-127	Generic name: Sodium salt of a (substitute heteromonocyclic amino-sulfophenyl)azo-(substituted disulfocarbo monocyclic poly-sulfonic acid.	Feb. 11, 1987.
P 87-141	Generic name: Aminohydroxy substituted benzenesulfonamide	Feb. 23, 1987.
P 87-230	Generic name: Polyurethane intermediate	Feb. 16, 1987.
P 87-231	Generic name: Cresol blocked isocyanate	Feb. 16, 1987.
P 87-238	Generic name: Disubstituted methaneone	Feb. 16, 1987.
P 87-239	Generic name: Polyaromatic ketone	Feb. 16, 1987.
P 87-240	Generic name: Ester-imide	Feb. 17, 1987.
P 87-241	Generic name: Imide	Feb. 17, 1987.
Y 86-80	Generic name: Oil modified alkyd resin	Sept. 30, 1986.
Y 86-106	Generic name: Polymer from alkane diols, alkanediolic	Mar. 4, 1987.
Y 86-216	Generic name: Polyether block polyamide copolymer	Feb. 26, 1987.
Y 87-78	Generic name: Polyamide-imide polymer	Feb. 2, 1987.
Y 87-85	Generic name: Polyester	Feb. 23, 1987.

V. 25 PREMANUFACTURE NOTICES
FOR WHICH THE PERIOD HAS BEEN
SUSPENDED

PMN No	
P 85-1008	P 87-318
P 86-48	P 87-323
P 86-282	P 87-326
P 85-283	P 87-360
P 86-1649	P 87-361
P 86-1650	P 87-400
P 86-1651	P 87-401
P 86-1652	P 87-402
P 87-293	P 87-403
P 87-311	P 87-405
P 87-312	P 87-762
P 87-313	P 87-773
P 87-314	

[FR Doc. 87-16320 Filed 7-29-87; 8:45 am]

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Registered Federal Regulations

Thursday
July 30, 1987

Part IV

Department of Education

34 CFR Parts 764, 765, and 766
Drug-Free Schools and Communities
Program—Training and Demonstration
Grants to Institutions of Higher
Education, and Federal Activities Grants
Program—General Provisions; Training
and Demonstration Grants to Institutions
of Higher Education; and Federal
Activities Grants Program; Final
Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 764, 765, and 766

Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education, and Federal Activities Grants Program—General Provisions; Training and Demonstration Grants to Institutions of Higher Education; and Federal Activities Grants Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues regulations for the implementation of the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education, and Federal Activities Grants Program—General Provisions; Training and Demonstration Grants to Institutions of Higher Education; and Federal Activities Grants Program. These programs support education, prevention, personnel training, and curriculum demonstration activities consistent with the purpose of the Drug-Free Schools and Communities Act of 1986.

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 Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: John H. Burkett, Secretary's Discretionary Fund, U.S. Department of Education, 400 Maryland Avenue SW., Room 1011, Washington, DC 20202, (202) 732-3566.

SUPPLEMENTARY INFORMATION: On October 27, 1986, the President signed into law the Anti-Drug Abuse Act of 1986. Subtitle B of Title IV of this Act, the Drug-Free Schools and Communities Act of 1986 (Act), provides for strong Federal leadership in establishing effective drug and alcohol abuse education and prevention programs. Section 4131 authorizes grants to institutions of higher education for personnel training and curriculum demonstration grants, and section 4132 authorizes Federal activities, some of which will be carried out through grants consistent with the purpose of the Act. These regulations are divided into three parts: 34 CFR Parts 764, 765, and 766. Part 764 contains the general provisions applicable to both Parts 765 and 766. Regulations for training and curriculum demonstration grants to institutions of higher education are found in Part 765,

while Part 766 contains the regulations for the Federal Activities Grants Program. These regulations do not implement section 4131(d) of the Act which authorizes grants for drug abuse education and prevention programs for students enrolled in institutions of higher education. The Secretary is implementing section 4131(d) of the Act separately.

On April 23, 1987, the Secretary published a notice of proposed rulemaking (NPRM) for the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education, and Federal Activities Grants Program—General Provisions; Training and Demonstration Grants to Institutions of Higher Education; and Federal Activities Grants Program in the Federal Register (52 FR 13608).

A summary of the major provisions was included in the NPRM. There are no significant differences between these final regulations and the NPRM. Minor changes have been made to simplify and clarify the language in the regulations. During the 30-day comment period two comments were received. The following is a summary of these comments and the Secretary's response.

What Must a Project Emphasize?

Comment: One commenter suggested broadening the phrase "detect and discipline students using or selling drugs or alcohol" in sections 765.30 and 766.30 in order to recognize the various means that exist for emphasizing the authority of school administrators and teachers.

Discussion: The Secretary believes that if schools are to be successful in their mission of educating our children, the schools must be drug-free so that effective teaching and learning can take place. Communities must emphasize that school administrators and teachers have the authority to identify and discipline students using or selling drugs or alcohol or both, in order to secure and maintain this drug-free school environment.

Changes: The Secretary has clarified §§ 765.30 and 766.30 by substituting the word "identify" for "detect" in the phrase "detect and discipline" in order to permit school administrators and teachers maximum flexibility in implementing this requirement.

What Parties Are Eligible for a Grant Under This Program?

Comment: One commenter questioned why profit-making organizations are not eligible to apply for grants under the Federal Activities Grants Program.

Discussion: The authorization for this program, section 4132 of the Act, does

not specify eligible parties for awards under this program. Therefore, the decision as to which parties are eligible is within the discretion of the Secretary.

The Secretary has, consistent with the purpose of the program to carry out drug abuse education and prevention activities in elementary and secondary schools, established the following as eligible parties: State educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education (IHEs), and other nonprofit agencies, organizations, and institutions. As indicated by the priorities established in § 766.4 of these regulations, this program focuses on school and community-based activities designed to serve elementary and secondary school students directly.

In addition, all applicants funded under this program must meet certain post-award conditions established in § 766.30 of these regulations to ensure that activities are carried out in schools and communities for the direct benefit of students. The Secretary believes that awards to those eligible applicants established in these regulations will be the most effective means of funding school and community-based drug and alcohol abuse education and prevention programs.

Changes: None.

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.

Assessment of Educational Impact

In the NPRM the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department 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 Parts 764, 765, and 766

Colleges and universities, Drug abuse, Education, Elementary and secondary education, Grant programs—education, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number 84.184, Drug-Free Schools and Communities Program)

Dated: July 13, 1987.

William J. Bennett,

Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by adding new Parts 764, 765, and 766 to read as follows:

PART 764—DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM—TRAINING AND DEMONSTRATION GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, AND FEDERAL ACTIVITIES GRANTS PROGRAM—GENERAL PROVISIONS

Subpart A—General

Sec.

- 764.1 What is the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education, and Federal Activities Grants Program?
- 764.2 What types of awards does the Secretary make under this program?
- 764.3 What regulations apply to this program?
- 764.4 What definitions apply to this program?

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

- 764.20 How does the Secretary evaluate unsolicited applications?
- 764.21 How does the Secretary ensure distribution and diversity of projects?
- 764.22 May the Secretary restrict the use of funds for equipment under this program?

Subpart D—What Conditions Must Be Met by a Grantee?

- 764.30 What must project materials state regarding illicit drug use?
- Authority: 20 U.S.C. 4641 and 4642, unless otherwise noted.

§ 764.1 What is the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education, and Federal Activities Grants Program?

This program provides assistance for drug and alcohol abuse education and prevention projects as described in 34 CFR Parts 765 and 766.

(Authority: 20 U.S.C. 4641, 4642)

§ 764.2 What types of awards does the Secretary make under this program?

- (a) The Secretary may award grants and cooperative agreements under this program, depending upon the intended nature of the relationship between the recipient and the Department.
- (b) The Secretary evaluates applications for cooperative agreements using the same procedures and criteria

as those used to evaluate applications for grants.

(Authority: 20 U.S.C. 4641, 4642)

§ 764.3 What regulations apply to this program?

(a) Except as provided in paragraph (b) of this section, the following regulations apply to the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education, and Federal Activities Grants Program:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), and Part 78 (Education Appeal Board).

(2) The regulations in Parts 764, 765, and 766.

(b) The regulations referred to in paragraph (a) of this section do not apply to contracts awarded under this program or to projects carried out directly by the Secretary.

(Authority: 20 U.S.C. 4641, 4642)

§ 764.4 What definitions apply to this program?

(a) *Definitions in the Drug-Free Schools and Communities Act.* The following terms used in these regulations are defined in section 4141 of the Drug-Free Schools and Communities Act:

Drug abuse education and prevention Consortium (except as used in Part 765)
 Illicit drug use
 Institution of higher education
 State

(b) *Definitions in EDGAR.* The following terms used in these regulations are defined in 34 CFR Part 77:

Applicant
 Application
 Award
 Budget
 Department
 EDGAR
 Facilities
 Fiscal Year
 Grant
 Local educational agency
 Private
 Project
 Public
 Secretary
 State educational agency

(c) *Other definitions.* The following definitions also apply:

"Act" means the Drug-Free Schools and Communities Act of 1986.
 "Limited enrollment," as used in Part 765, means an enrollment of no more than 500 full- and part-time students.

"Consortium," as used in Part 765, means a group of private or public institutions of higher education.

"Regional Center" means a regional drug abuse education and prevention center authorized by section 4135 of the Act.

(Authority: 20 U.S.C. 4641, 4642, 4661)

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 764.20 How does the Secretary evaluate unsolicited applications?

(a) The Secretary may fund an application that was not solicited under an application notice (referred to in this section as an unsolicited application) if—

- (1) The application furthers the purposes and objectives of the program;
- (2) The applicant meets all requirements for funding under the program;
- (3) The application rates high enough to deserve selection based on the selection criteria and any other statutory or regulatory requirements that apply to the program; and
- (4) Selection of the application will not have an adverse impact on the amount of funds available under this program.

(b) The Secretary may refuse to consider an unsolicited application that meets a priority established for that fiscal year.

(c) Notwithstanding the provisions of 34 CFR 75.100, the Secretary may fund an unsolicited application without publishing an application notice in the *Federal Register*.

(d) In evaluating an unsolicited application, the Secretary assigns the reserved 15 points under § 765.20(b) and § 766.20(b) to the selection criteria at § 765.21(f) and § 766.21(f) (Contribution to improving the quality of drug and alcohol abuse education and prevention activities) so that the maximum number of possible points for each of these criteria is 40.

(Authority: 20 U.S.C. 4641, 4642)

§ 764.21 How does the Secretary ensure distribution and diversity of projects?

The Secretary may select applications other than those most highly rated for funding if doing so would improve—

- (a) The geographic distribution of projects funded;
- (b) The diversity of activities or projects funded; or
- (c) Under Part 765, equitable participation of private and public institutions of higher education,

including community and junior colleges.

(Authority: 20 U.S.C. 4641, 4642)

§ 764.22 May the Secretary restrict the use of funds for equipment under this program?

The Secretary may restrict the amount of funds made available through a grant or cooperative agreement under this program that may be used to purchase equipment.

(Authority: 20 U.S.C. 4641, 4642)

Subpart D—What Conditions Must Be Met by a Grantee?

§ 764.30 What must project materials state regarding illicit drug use?

Any materials produced or distributed with funds made available under the Act must reflect the message that illicit drug use is wrong and harmful.

(Authority: 20 U.S.C. 4664)

PART 765—DRUG FREE SCHOOLS AND COMMUNITIES PROGRAM—TRAINING AND DEMONSTRATION GRANTS TO INSTITUTIONS OF HIGHER EDUCATION

Subpart A—General

Sec.

765.1 What is the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education?

765.2 What parties are eligible for a grant under this program?

765.3 What types of projects does the Secretary assist under this program?

765.4 How does the Secretary establish priorities for this program?

765.5 What regulations apply to this program?

765.6 What definitions apply to this program?

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

765.20 How does the Secretary evaluate an application?

765.21 What selection criteria does the Secretary use?

Subpart D—What Conditions Must Be Met By a Grantee?

765.30 What must a project emphasize?

Authority: 20 U.S.C. 4841, unless otherwise noted.

Subpart A—General

§ 765.1 What is the Drug-Free Schools and Communities Program—Training and Demonstration Grants To Institutions of Higher Education?

The Drug-Free Schools and Communities Program—Training and Demonstration Grants To Institutions of Higher Education supports grants to

institutions of higher education (IHEs) for personnel training and for curriculum demonstrations in drug and alcohol abuse education and prevention.

(Authority: 20 U.S.C. 4641)

§ 765.2 What parties are eligible for a grant under this program?

The Secretary may award grants under this program to IHEs and consortia of IHEs only.

(Authority: 20 U.S.C. 4641)

§ 765.3 What types of projects does the Secretary assist under this program?

The Secretary may fund projects that—

(a) Provide preservice training and instruction of teachers and other personnel in the field of drug abuse education and prevention in elementary and secondary schools;

(b) Provide inservice training and instruction of teachers and other personnel in the field of drug abuse education and prevention in elementary and secondary schools;

(c) Provide summer institutes and workshops to instruct teachers and other personnel in the field of drug abuse education and prevention in elementary and secondary schools;

(d) Carry out research and demonstration programs for teacher training and retraining in drug abuse education and prevention;

(e) Provide training for law enforcement officials, judicial officials, community leaders, parents, and government officials in drug abuse education and prevention; or

(f) Demonstrate model programs, coordinated with local elementary and secondary schools, for the development and implementation of quality drug abuse education curricula.

(Authority: 20 U.S.C. 4641)

§ 765.4 How does the Secretary establish priorities for this program?

(a) The Secretary selects priorities by taking into consideration unmet national needs for drug abuse education and prevention.

(b) The Secretary may select as a priority one or more, or a combination, of the types of projects listed in § 765.3. The Secretary may limit any priority to a particular education level, type of substance abuse, or any combination.

(c) In addition to selecting priorities under paragraph (b) of this section, the Secretary may give priority to projects that—

(1) Implement cooperative programs with local law-enforcement agencies, the courts, and other community resources;

(2) Involve parents, teachers, and school administrators in preventing drug and alcohol use by students, through activities such as educating those parents, teachers, and school administrators about the causes, symptoms, and effects of drug use; or

(3) Are proposed by IHEs with limited enrollments.

(d) In making awards for the types of projects described in § 765.3 (a), (b), and (c), the Secretary may give priority to applications which provide for coordinated and collaborative efforts between SEAs, LEAs, and the Regional Centers.

(e) In making awards for the type of projects described in § 765.3(f), the Secretary gives priority to joint projects involving faculty of IHEs and teachers in elementary and secondary schools and community representatives in the practical application of the findings of educational research and evaluation, and the integration of research into drug abuse education and prevention programs.

(Authority: 20 U.S.C. 4641)

§ 765.5 What regulations apply to this program?

The following regulations apply to the Drug-Free Schools and Communities Program—Training and Demonstration Grants to Institutions of Higher Education:

(a) The regulations in 34 CFR Part 764.

(b) The regulations in 34 CFR Part 765.

(Authority: 20 U.S.C. 4641)

§ 765.6 What definitions apply to this program?

The definitions in 34 CFR 764.4 apply to this part.

(Authority: 20 U.S.C. 4661)

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 765.20 How does the Secretary evaluate an application?

(a) For each competition, the Secretary evaluates an application submitted under this program on the basis of the selection criteria in § 765.21.

(b) The Secretary awards up to 100 points for these criteria, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses.

(d) For each competition, as announced through a notice published in

the Federal Register, the Secretary distributes the reserved 15 points among the criteria in § 765.21.

(Authority: 20 U.S.C. 4641)

(Approved by the Office of Management and Budget under control number 1850-0605)

§ 765.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria in evaluating each application:

(a) *Plan of operation.* (20 Points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program;

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(5) For an applicant proposing training, the extent to which the applicant demonstrates familiarity with available training materials; and

(6) For an applicant proposing curriculum development, the completeness of the plan to review and analyze extant materials and information related to drug and alcohol abuse education and prevention in order to avoid duplication, and the extent to which the materials to be developed will be tested and revised as needed.

(b) *Quality of key personnel.* (15 Points) (1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (b)(1) (i) and (ii) of this section will commit to the project.

(2) To determine personnel qualifications under paragraph (b)(1) of this section, the Secretary considers experience and training in fields related to the objectives of the project, as well as other qualifications that relate to the quality of the project.

(c) *Budget and cost-effectiveness.* (5 Points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 Points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project;

(2) To the extent possible, are objective and produce data that are quantifiable; and

(3) Enhance the potential for effectively disseminating information and replicating the project.

Cross-reference. See 34 CFR 75.590 Evaluation by the grantee.

(e) *Applicant's commitment and capacity.* (10 Points) The Secretary considers the extent of the applicant's commitment to the project, its capacity to continue the project, and the likelihood that it will continue the project or similar activities when Federal assistance ends.

(f) *Contribution to improving the quality of drug and alcohol abuse education and prevention activities.* (25 Points) The Secretary reviews each application to determine the extent to which the project will contribute to improving the quality of drug and alcohol abuse education and prevention activities. The Secretary considers—

(1) The appropriateness of the means by which the applicant identified the needs to be addressed by the project, and the extent to which the applicant involved school officials, parents, law-enforcement officials, and other community leaders where appropriate in identifying these needs;

(2) The extent to which the project's objectives apply to these needs and incorporate research findings likely to improve the quality of drug and alcohol abuse education and prevention programs;

(3) The extent to which those objectives form the basis of the proposed activities and the extent to which those activities are designed to demonstrate successful techniques for improving the quality of drug and alcohol abuse education and prevention programs;

(4) The extent and magnitude of the benefits likely to be gained by the applicant or by the recipients of services from meeting the project's objectives;

(5) The means by which the project meets the priorities established under § 765.4; and

(6) The likelihood that the project will result in a model or the provision of other information, including evidence of effectiveness, that could be used by others to solve drug and alcohol abuse problems.

(7) The extent of the applicant's plans for disseminating this model or information to others.

(Authority: 20 U.S.C. 4641)

(Approved by the Office of Management and Budget under control number 1850-0605)

Subpart D—What Conditions Must Be Met By a Grantee?

§ 765.30 What must a project emphasize?

A project must emphasize and provide for the maintenance of an orderly, secure, and drug and alcohol free school environment that is conducive to learning, including emphasis on the authority of teachers and school administrators to identify and discipline students who are using or selling drugs and/or alcohol.

(Authority: 20 U.S.C. 4641)

PART 766—DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM—FEDERAL ACTIVITIES GRANTS PROGRAM

Subpart A—General

Sec.

766.1 What is the Drug-Free Schools and Communities Program—Federal Activities Grants Program?

766.2 What parties are eligible for a grant under this program?

766.3 What types of projects does the Secretary assist under this program?

766.4 How does the Secretary establish priorities for this program?

766.5 What regulations apply to this program?

766.6 What definitions apply to this program?

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

766.20 How does the Secretary evaluate an application?

766.21 What selection criteria does the Secretary use?

Subpart D—What Conditions Must Be Met By a Grantee?

766.30 What must a project emphasize and include?

Authority: 20 U.S.C. 4642, unless otherwise noted.

Subpart A—General

§ 766.1 What is the Drug-Free Schools and Communities Program—Federal Activities Grants Program?

The Drug-Free Schools and Communities Program—Federal Activities Grants Program supports model development, dissemination, technical assistance, and curriculum

development activities for drug and alcohol abuse education and prevention. (Authority: 20 U.S.C. 4642)

§ 766.2 What parties are eligible for a grant under this program?

The Secretary may award grants under this program to State educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education (IHEs), and other nonprofit agencies, organizations, and institutions. (Authority: 20 U.S.C. 4642)

§ 766.3 What types of projects does the Secretary assist under this program?

The Secretary may fund projects that—

(a) Facilitate the use of appropriate means for communicating to students the dangers of drug use and alcohol abuse, including research on, and development of effective communication programs, and demonstration of programs which effectively communicate the dangers of drug use and alcohol abuse to students;

(b) Develop curriculum materials for drug abuse education and prevention programs in elementary and secondary schools;

(c) Disseminate curriculum materials for drug abuse education and prevention programs in elementary and secondary schools; or

(d) Provide technical assistance to SEAs, LEAs, and intermediate education agencies in the selection and implementation of drug abuse education and prevention curricula, approaches, and programs that address most effectively the needs of the elementary and secondary schools served by these agencies.

(Authority: 20 U.S.C. 4642)

§ 766.4 How does the Secretary establish priorities for this program?

(a) The Secretary selects priorities by taking into account unmet national needs for drug abuse education and prevention programs.

(b) The Secretary may select as a priority one or more, or a combination, of the types of projects listed in § 766.3. The Secretary may limit any priority to a particular educational level, type of substance abuse, or any combination of these levels or types.

(c) In addition to selecting priorities under paragraph (b) of this section, the Secretary may give priority to projects that—

(1) Implement cooperative programs with local law enforcement officials, judicial officials, community leaders, and government officials; or

(2) Involve parents and school personnel in preventing drug and

alcohol abuse by students, through activities such as educating parents and school personnel about substance abuse and how it may be prevented, detected, and treated.

(Authority: 20 U.S.C. 4642)

§ 766.5 What regulations apply to this program?

The following regulations apply to the Drug-Free Schools and Communities Program—Federal Activities Grants Program:

- (a) The regulations in CFR Part 764.
(b) The regulations in CFR Part 766.

(Authority: 20 U.S.C. 4642)

§ 766.6 What definitions apply to this program?

The definitions in 34 CFR 764.4 apply to this program.

(Authority: 20 U.S.C. 4661)

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 766.20 How does the Secretary evaluate an application?

(a) For each competition, the Secretary evaluates an application submitted under this program on the basis of the selection criteria in § 766.21.

(b) The Secretary awards up to 100 points for these criteria, including a reserved 15 points to be distributed in accordance with paragraph (d) of this section.

(c) Subject to paragraph (d) of this section, the maximum possible points for each criterion is indicated in parentheses.

(d) For each competition, as announced through a notice published in the Federal Register, the Secretary distributes the reserved 15 points among the selection criteria in § 766.21.

(Authority: 20 U.S.C. 4642)

(Approved by the Office of Management and Budget under control number 1850-0604)

§ 766.21 What selection criteria does the Secretary use?

The Secretary uses the following criteria in evaluating each application:

(a) *Plan of operation.* (20 Points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the design of the project;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(3) How well the objectives of the project relate to the purpose of the program; and

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective.

(b) *Quality of key personnel.* (15 Points) (1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (b)(1) (i) and (ii) of this section will commit to the project.

(2) To determine personnel qualifications under paragraph (b)(1) of this section, the Secretary considers experience and training in fields related to the objectives of the project, as well as other qualifications that relate to the quality of the project.

(c) *Budget and cost-effectiveness.* (5 Points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project.

(d) *Evaluation plan.* (10 Points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are appropriate to the project;

(2) To the extent possible, are objective and produce data that are quantifiable; and

(3) Enhance the potential for effectively disseminating information and replicating the project.

Cross-reference. See 34 CFR 75.590 Evaluation by the grantee.

(e) *Applicant's commitment and capacity.* (10 Points) The Secretary considers the extent of the applicant's commitment to the project, its capacity to continue the project, and the likelihood that it will continue the project or similar activities when Federal assistance ends.

(f) *Contribution to improving the quality of drug and alcohol abuse education and prevention activities.* (25 Points) The Secretary reviews each application to determine the extent to which the project will contribute to improving the quality of drug and alcohol abuse education and prevention activities. The Secretary considers—

(1) The appropriateness of the means by which the applicant identified the needs to be addressed by the project,

and the extent to which the applicant involved school officials, parents, law-enforcement officials, and other community leaders where applicable in identifying these needs;

(2) The extent to which the project's objectives apply to these needs and incorporate research findings likely to improve the quality of drug and alcohol abuse education and prevention programs;

(3) The extent to which the project's objectives form the basis of the proposed activities and the extent to which those activities are designed to demonstrate successful techniques for improving the quality of drug and alcohol abuse education and prevention programs;

(4) The extent and magnitude of the benefits likely to be gained by the applicant or by the recipients of services from meeting the project's objectives;

(5) The means by which the project meets the priorities established under § 766.4; and

(6) The likelihood that the project will result in a model or other information, including evidence of effectiveness, that could be used by others to solve drug and alcohol abuse problems.

(7) The extent of the applicant's plans for disseminating this model or information to others.

(Authority: 20 U.S.C. 4642)

(Approved by the Office of Management and Budget under control number 1850-0604)

Subpart D—What Conditions Must Be Met By a Grantee?

§ 766.30 What must a project emphasize and include?

(a) A project must emphasize—

(1) The maintenance of an orderly, secure, and drug-free school environment that is conducive to learning, including emphasis on the authority of teachers and school administrators to identify and discipline students using or selling drugs or alcohol or both; and

(2) A firm policy aimed at eliminating the sale or use of drugs and alcohol on school premises, enforcing disciplinary procedures and practices, and teaching students that drug use is both wrong and harmful.

(b) A project must include—

(1) An initial assessment of the current drug and alcohol problem in the school or schools on which the project is to focus, including the number of students who use drugs, the grade level of students who use drugs, and the type of drugs used by the students; and

(2) Procedures for monitoring throughout the project the drug and alcohol problem in that school or schools, including the number of students who use drugs, the grade level of students who use drugs, and the type of drugs used by the students.

(Authority: 20 U.S.C. 4642)

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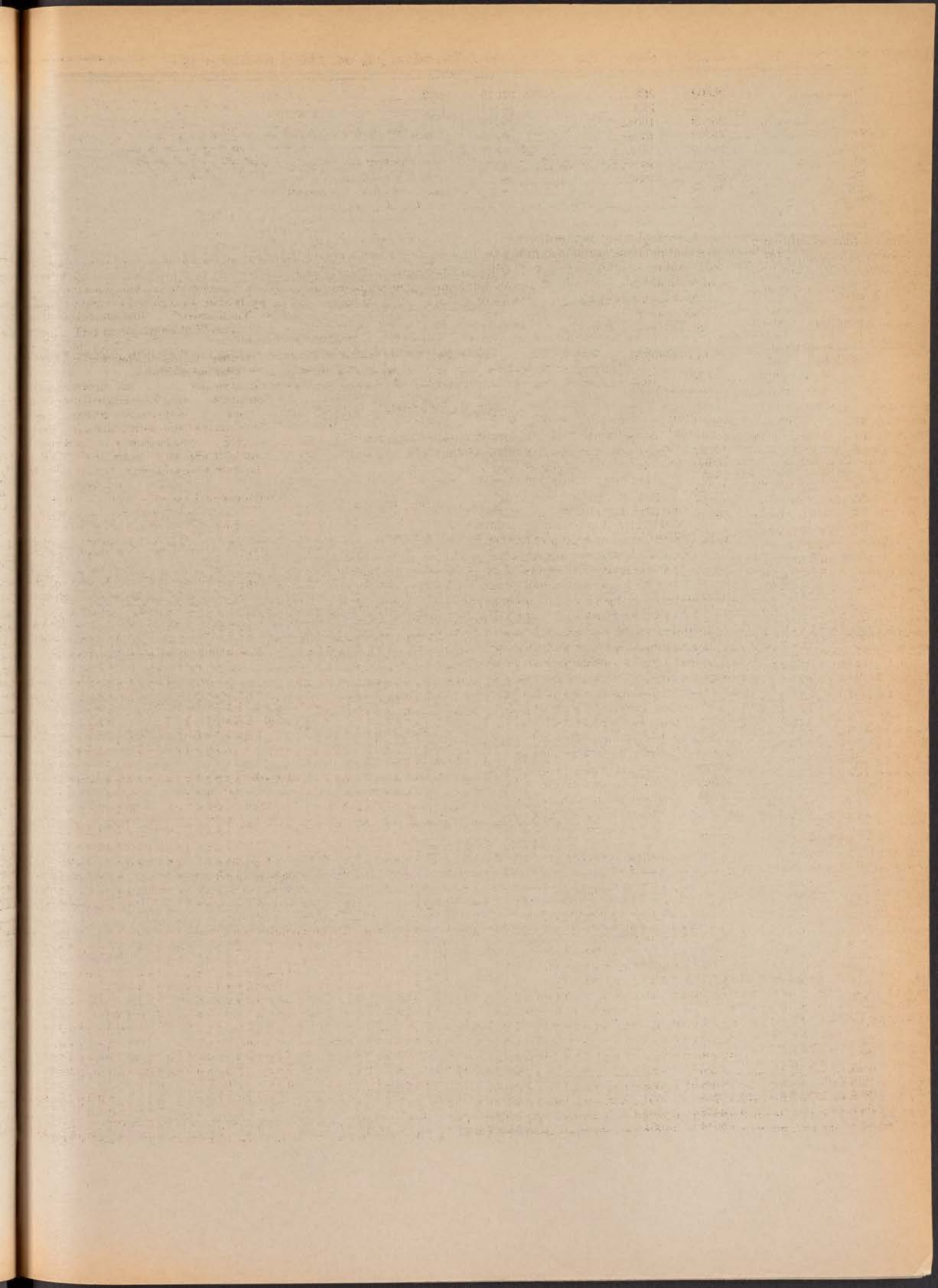
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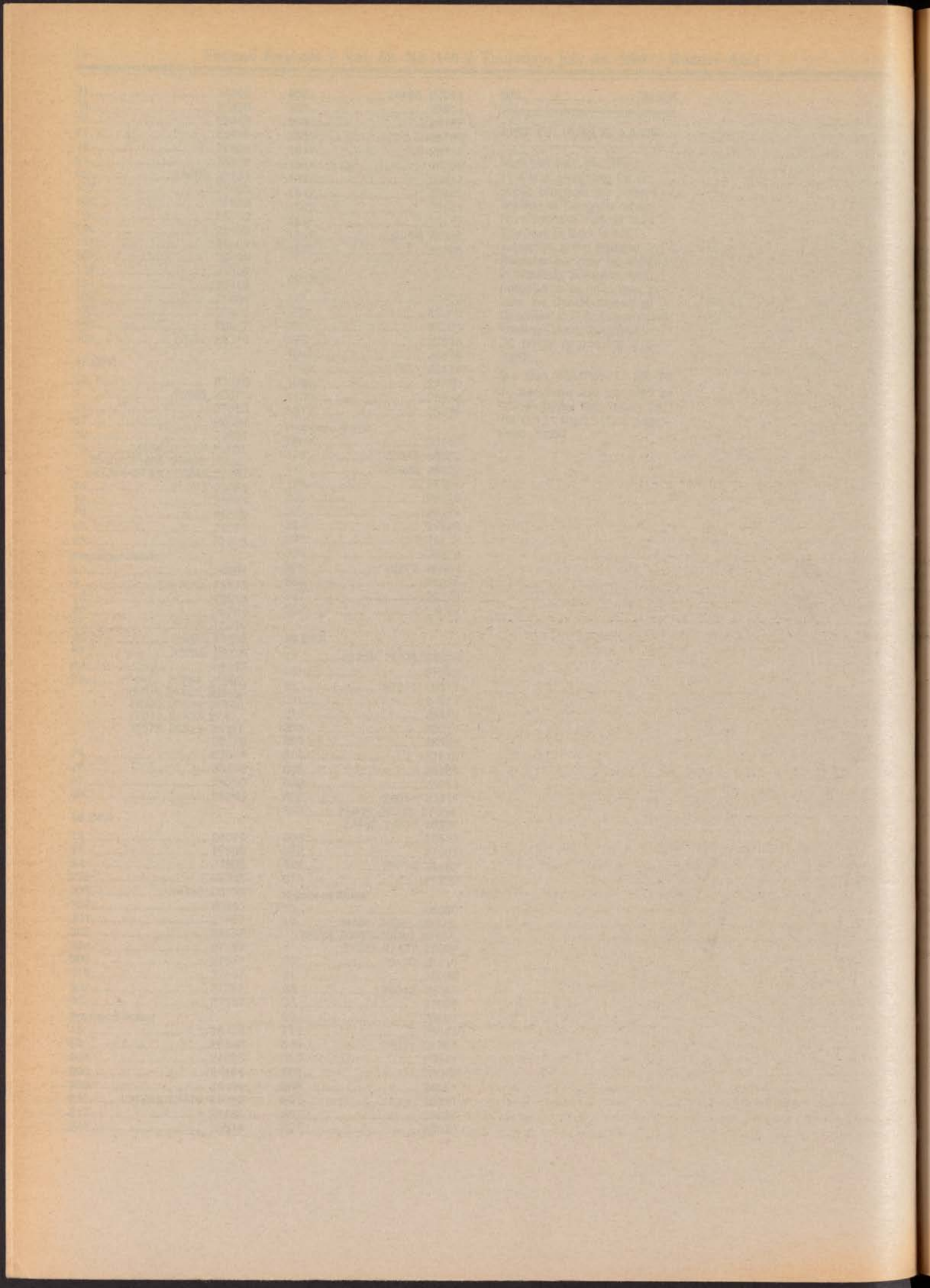
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S.J. Res. 160/Pub. L. 100-79

To designate July 25, 1987 as "Clean Water Day." (July 28, 1987; 101 Stat. 541; 1 page)
Price: \$1.00

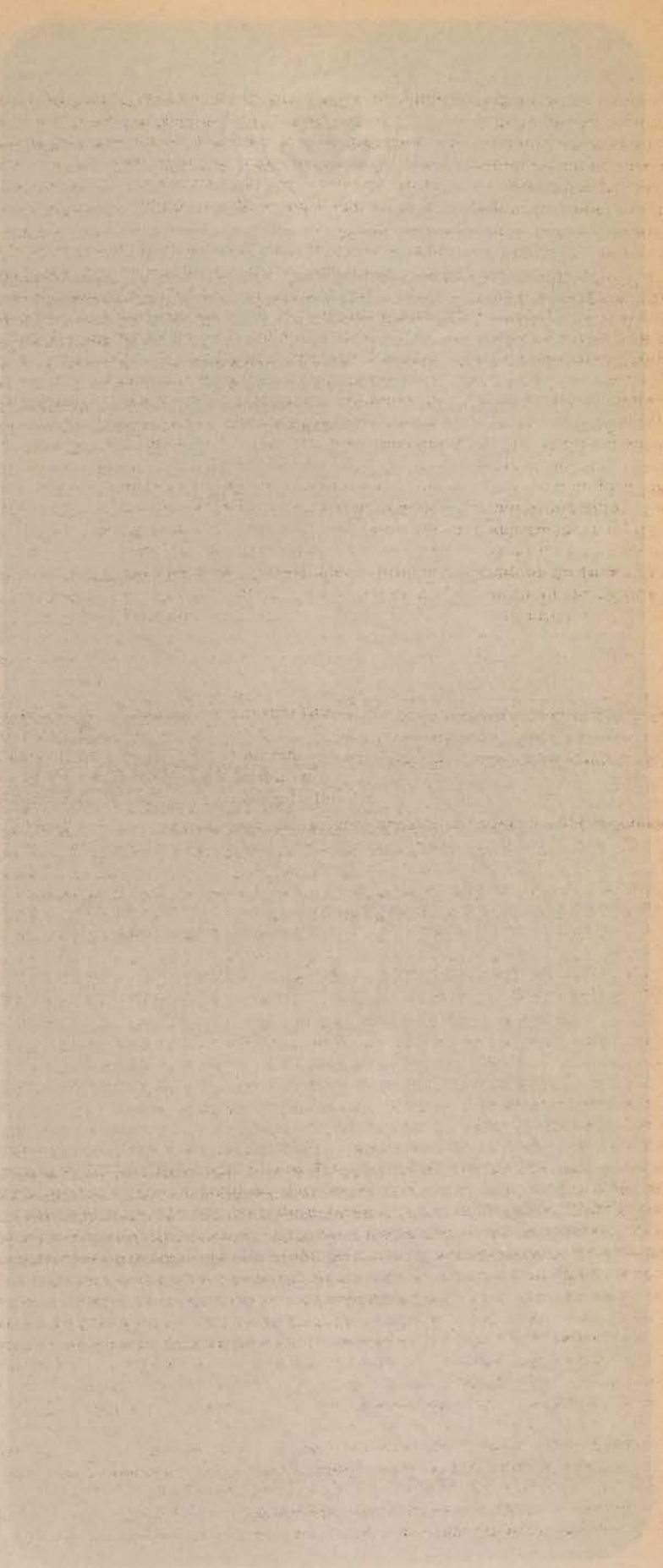




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