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Monday
August 3, 1987

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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: September 29, at 9 a.m.
WHERE: Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
RESERVATIONS: Janice Booker, 202–523–5239

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DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 21

[Docket No. 87-8]

Minimum Security Devices and Procedures, Reports of Crimes and Suspected Crimes and Bank Secrecy Act Compliance

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (Office) is issuing this final rule to remove the annual certification requirement in 12 CFR 21.5(a) to every odd numbered year. In addition, the current requirement regarding records of consultation contained in § 21.5(b) is eliminated. These changes do not reduce security standards. This action is necessary to reduce burdensome requirements and should have no impact on the safety and soundness of national banks.

EFFECTIVE DATE: October 2, 1987.

ADDRESS: Office of the Comptroller of the Currency, 490 L'Enfant Plaza, Washington, DC 20219.

FOR FURTHER INFORMATION CONTACT: Thomas C. Lehmkuhl, National Bank Examiner, Commercial Activities Division, (202) 447-1164.

SUPPLEMENTARY INFORMATION:

Purpose and Content

The purpose of this final rule is to reduce costs and burdens on national banks and the Office. This final rule replaces the annual certification letter required in § 21.5(a) with a requirement that a certification letter be provided to the Office every odd numbered year. Also, the final rule eliminates the § 21.5(b) requirement that a bank retain records of consultation including the name and title of the law enforcement officer with whom the bank's security officer discussed security devices prior to installation. These changes do not reduce security standards. The security requirements of other sections of Part 21 remain in effect.

Background

The Bank Protection Act of 1968, 12 U.S.C. 1881–1884, (Act), conveys authority to supervisory agencies to promulgate rules establishing minimum standard with respect to the installation, maintenance, and operation of security devices and procedures. Section 1882(b) requires the submission of periodic reports regarding these devices and procedures.

During the mid-1960's financial institutions experienced a significant increase in external crimes. One factor believed to have contributed to the increase was the increased number of suburban shopping center branch banks. Branch banks located in these areas were considered more susceptible to "casing" and more conducive to getaways. In addition, it was believed that suburban branch banks placed greater emphasis on convenience than on security.

Federal Bureau of Investigation statistics regarding bank robberies revealed that in 1967, of the 2,551 institutions victimized, only 374 were equipped with cameras, 18 had microphones and speakers, and 142 employed guards. Approximately 50 percent of the total number of institutions had no type of alarm system at all.

For more than 30 years the FBI had professed the need for protective equipment. Trade associations and local law enforcement groups routinely alerted bankers to the dangers of external crimes. While it was clear that security devices help deter and solve crimes against banks, it was believed that bank management viewed security measures with an attitude of indifference.

For all of these reasons, Congress enacted Federal legislation requiring the use of protective devices by financial institutions. (See Bank Protection Act of 1968, Pub. L. 90-389, (H.R. 15345), Volume 1.)

Discussion

Since the Act and its regulations became effective, security devices have been utilized and have proven useful. Office examination procedures include a review of security devices and programs. In addition, prior to a new national bank opening for business, the Office conducts a pre-opening examination. During that examination that bank's security devices and program are reviewed. This final rule will not effect any security requirement. It simply eases burdensome reporting and recordkeeping requirements.

Administrative Procedure Act

The Office has determined that notice and public comment regarding this final rule are unnecessary under 5 U.S.C. 553(b)(B). These changes will reduce unnecessary reporting and recordkeeping burdens on national banks and will not affect bank security.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required by the Administrative Procedure Act or any other statute, the requirements of the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. 601 *et seq.*) are not applicable.

Executive Order 12291

Pursuant to Executive Order 12291, it has been determined that this final rule will not have an annual effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have an adverse effect on competition, employment, investment, productivity, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The collection of information requirements contained in Part 21 have been approved by the Office of Management under OMB control number 1557-0072.

List of Subjects in 12 CFR Part 21

National banks, Bank protection, Security devices, Reports.

Authority and Issuance

For the reasons set forth in the preamble, Part 21 of Chapter I of Title 12 of the Code of Federal Regulations is amended as follows:

1. The authority citation for 12 CFR Part 21 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 93a, 1818, as amended, 1881–1884 and 31 U.S.C. 5311 *et seq.*

2. The title of Part 21 is revised to read as follows:

PART 21—MINIMUM SECURITY DEVICES AND PROCEDURES, REPORTS OF CRIMES AND SUSPECTED CRIMES AND BANK SECRECY COMPLIANCE

3. Section 21.5 is amended by revising its title and paragraph (a), removing paragraph (b) and redesignating paragraphs (c) and (d) as (b) and (c). As revised, § 21.5 reads as follows:

§ 21.5 Filing of reports.

(a) *Compliance reports.* As of the last business day in June of each odd numbered year, each bank shall file with the Deputy Comptroller for the district in which it is located, a statement certifying its compliance with the requirements of this part. The statement shall be transmitted by July 31st, dated and signed by the president, or cashier, or other managing officer of the bank and may be in a form substantially as follows:

I hereby certify to the best of my knowledge and belief that this bank was developed and administers a security program that equals or exceeds the standards prescribed by 12 CFR 21.4; that such security program has been reduced to writing, approved by the bank's board of directors, and retained by the bank in such form as will readily permit determination of its adequacy and effectiveness; and that the bank security officer, after seeking the advice of law enforcement officers, has provided for the installation, maintenance, and operation of appropriate security devices, as prescribed by 12 CFR 21.3, in each of the bank's banking offices.

(b) *Records of External Crime.* After a robbery, burglary or nonemployee larceny is committed or attempted at a banking office of a bank, the bank shall keep a record of the incident at its main office. The record may be a copy of a police, insurance or similar report of the incident. Alternatively, the bank may wish to develop its own record indicating the office at which the incident occurred, the type of crime, when the crime occured and the amount of any loss; whether operational or mechanical deficiencies might have contributed to the crime; and what has been or will be done to correct any deficiencies.

(c) *Special reports.* Each bank shall file such other reports as the Comptroller of the Currency or the Comptroller's designee may require.

(Approved by the Office of Management and Budget under control number 1557–0072.)

Dated: May 5, 1987.

Robert L. Clarke,

Comptroller of the Currency.

[FR Doc. 87–17582 Filed 7–31–87; 8:45 am]

BILLING CODE 4810-33-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87–NM–59–AD; Amdt. 39–5696]

Airworthiness Directives: Honeywell, Inc., Sperry Commercial Flight Systems Division (Sperry Corp., Aerospace and Marine Group) Electronic Flight Instrument Systems, Models EDZ 601, 603, 801, 803, 611, and 811

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Models of Honeywell, Inc., analog and digital Electronic Flight Instruments Systems (EFIS) installations, which requires installation of modified multifunction display symbol generators. This amendment is prompted by reports of a faulty fast/slow (F/S) indication in the Electronic Attitude Director Indicator. This condition, if not corrected, can result in a hazardous condition, since the airplane's actual speed can be slower than indicated by the F/S presentation.

DATE: Effective August 20, 1987.

ADDRESSES: The applicable service information may be obtained from Honeywell, Inc., Sperry Commercial Flight Systems Division (formerly Sperry Corporation, Aerospace and Marine Group), P.O. Box 29000, Phoenix, Arizona 85038–9000. This information may be examined at the FAA, Northwest Mountain Region, 1790O Pacific Highway South, Seattle, Washington, or at the Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

FOR FURTHER INFORMATION CONTACT: Mr. Ward Mulby, Aerospace Engineer, Western Aircraft Certification Office, ANM–173W, FAA, Northwest Mountain Region, 15000 Aviation Boulevard, Hawthorne, California; telephone (213) 297–1131.

SUPPLEMENTARY INFORMATION: There have been several reports of erroneous fast/slow (F/S) presentations on the electronic attitude director indicator of Honeywell EFIS equipment. It was found that Honeywell EFIS installations which employ a single angle of attack (AOA) electrical sensor source to provide inputs into more than a single 1,000 ohm load can cause erroneous indications on the F/S indicator. This problem occurs on installations that have a multifunction display symbol generator (MG). Such a F/S presentation can be hazardous, since the airplane can actually be flying more slowly than indicated on the F/S presentation. The improper electrical loading of the AOA sensor will not allow the F/S indicator to ever reach full scale deflection. This could be hazardous on the slow side because the pilot could be flying much closer to stall speed than he/she realizes, if reliance is placed on the F/S displayed information. This problem has been found to occur in both analog and digital types of Honeywell EFIS equipment. The corrective action for this problem is the same for both analog and digital EFIS, and consists of changing the AOA sensor input loading resistance of the MG from 1,000 ohms to 20,000 ohms.

The FAA has reviewed and approved Sperry Corporation Service Bulletin 21–1986–200, dated January 20, 1987, and Service Bulletin 21–1987–06, dated May 15, 1987, both of which describe a modification which incorporates the 20,000 ohms loading resistance into the MG. Service Bulletin 21–1986–200 describes the change which applies to the analog type EFIS equipment and modifies Sperry part numbers 7007061–603, –803, –601, –801, and –901 to Modification K; Service Bulletin 21–1987–06 applies to the digital type EFIS equipment and modifies part numbers 7007321–811 and –611 to Modification L.

Since this condition is likely to exist on any Honeywell EFIS equipped with Sperry Corporation Part Number (P/N) 7007061–603, –803, –601, –801, and –901, and P/N 7007321–811 and –611, this AD requires replacement of the MG with a modified unit in accordance with the service bulletins previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations [14 CFR 39.13] as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Honeywell, Inc., Sperry Commercial Flight Systems Division (formerly Sperry Corporation, Aerospace and Marine Group): Applies to all digital and analog Electronic Flight Instrument Systems (EFIS) Models EDZ 601, 603, 801, 803, 611, and 811 installations, which include a multifunction display symbol generator. Compliance required within 30 days after the effective date of this AD, unless previously accomplished.

To eliminate erroneous display of the angle of attack fast/slow presentation, accomplish the following:

A. For the analog type EFIS equipment: Exchange Multifunction Display Symbol Generator (MG) P/N's 7007081-603, -803, -601, -801, and 901 with the same part numbers which have Modification (Mod) K or subsequent incorporated; accomplish this in accordance with Paragraph 2, "Accomplishment Instructions" of Honeywell Service Bulletin 21-1986-200, dated January 20, 1987.

B. For the digital type EFIS equipment: Exchange MG P/N's 7007321-811 and -611 with the same part numbers which have Modification (Mod) L or subsequent incorporated; accomplish this in accordance with Paragraph 2, "Accomplishment Instructions" of Honeywell Service Bulletin 21-1987-06, dated May 15, 1987.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Western Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to ferry aircraft to a maintenance base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Honeywell Inc., Sperry Commercial Flight System Division, P.O. Box 29000, Phoenix, Arizona 85038-9000. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at Western Aircraft Certification Office, 15000 Aviation Boulevard, Hawthorne, California.

This Amendment becomes effective August 20, 1987.

Issued in Seattle, Washington, on July 27, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-17467 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-88-AD; Amdt. 39-5697]

Airworthiness Directives; McDonnell Douglas Model DC-9-81, -82, and -83 Airplanes, Fuselage Numbers 909 Through 1338 and 1340 Through 1363, Equipped With Taxi Speed Indication System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain DC-9-81, -82, and -83 series airplanes, which requires deactivation of the Taxi Speed Indication System. This amendment is prompted by a report of an undetected failure mode that exists within the Nose Wheel Speed Computer. This condition, if not corrected, could result in loss of braking on one of the inboard wheels and cause the airplane to depart from the runway during a rejected takeoff or after landing.

DATES: Effective August 20, 1987.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Alan T. Shinseki, Aerospace Engineer, Systems & Equipment Branch, ANM-132L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6323.

SUPPLEMENTARY INFORMATION: The FAA has received a report from the manufacturer that a single, undetected failure mode exists within both the analog type, Kratos Part Number 50912, and the digital type, Kratos Part Number 50913, Nose Wheel Speed Computers on McDonnell Douglas Model DC-9-80 series airplanes. This failure mode can cause the Anti-Skid System inadvertently to sense a "wheels locked" condition and result in loss of braking capability on one inboard wheel. The loss of braking capability is not annunciated to the flight crew. This condition, if not corrected, could cause the airplane to depart from the runway during a rejected takeoff or after landing.

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin A32-221, Revision 1, dated May 15, 1987, which provides instructions for deactivation of the Taxi Speed Indication System.

Since this condition is likely to exist or develop on other airplanes of the same type design, this AD requires the deactivation of the Taxi Speed Indication System in accordance with the Service Bulletin previously mentioned.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impractical for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to

involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, and evaluation is not required).

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-81, -82, and -83 series airplanes, fuselage numbers 909 through 1338 and 1340 through 1363, equipped with Taxi Speed Indication System, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent an inadvertent unannunciated loss of braking capability on one of the inboard wheels, accomplish the following:

A. Within 30 days after the effective date of this airworthiness directive (AD), deactivate the Taxi Speed Indication System in accordance with the Accomplishment Instructions of McDonnell Douglas DC-9 Alert Service Bulletin A32-221, Revision 1, dated May 15, 1987.

B. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operative airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective August 20, 1987.

Issued in Seattle, Washington, on July 27, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-17458 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 87-AGL-15]

Alteration to the Manitowoc, WI, Control Zone and Manitowoc, WI, and Mattoon, IL, Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the published descriptions for the Manitowoc, WI control zone and Manitowoc, WI and Mattoon, IL transition areas.

Due to the addition of a DME capability to an existing VOR facility; and, because the existing VOR facilities are identified in the existing descriptions, the published descriptions need modification.

EFFECTIVE DATE: 0901 U.t.c., September 24, 1987.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue., Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: Docket 87-AGL-10 addressed modifying the published descriptions for Manitowoc, WI; Marion, IL; Marion, IN; and Mattoon, IL by changing the acronyms VOR to VOR/DME, but no specific effective date for charting was mentioned. Distribution of the docket was made to aviation interest groups and Airport Managers who are located in the above mentioned areas.

The purpose of this docket is to supplement information to docket number 87-AGL-10 for Manitowoc, WI and Mattoon, IL. The supplemental information includes an effective date and expands on the fact that the only modifications being made will be to the legal descriptions and to charting changes showing VOR/DME instead of VOR for the facilities. Once effective dates have been determined for commissioning VOR/DME facilities for Marion, IL and Marion, IN docket action will be taken to include supplemental information for the two locations.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations modifies the published descriptions for Manitowoc, WI and Mattoon, IL by changing the acronyms VOR to VOR/DME.

There will be no changes to the existing designated airspace area or designated altitudes for the associated control zone and/or transition areas.

The only effects will be a charting change to depict VOR/DME facilities in lieu of VOR facilities.

I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor amendment in which the public would not be particularly interested. Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

In all instances where the acronym VOR appears; remove and replace with VOR/DME for the control zone listed below.

Manitowoc, WI [Amended]

and

3. Section 71.181 is amended as follows:

In all instances where the acronym VOR appears; remove and replace with VOR/DME for the transition areas listed below.

Manitowoc, WI [Amended]

Mattoon, IL [Amended]

Issued in Des Plaines, Illinois, on July 21, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-17465 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ASO-11]

Alteration of Federal Airways; Kentucky

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends six Federal Airways so that they are aligned with the recently established Hazard, KY, very high frequency omni-directional radio range and tactical air navigational aid (VORTAC). Formerly these airways were aligned with a navigational aid located approximately 22 miles to the southwest which has been decommissioned.

EFFECTIVE DATE: 0901 U.T.C., September 24, 1987.

FOR FURTHER INFORMATION CONTACT: Lewis Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On October 8, 1986, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to align VOR Federal Airways V-53, V-115, V-140, V-331, V-339, and V-517 with the planned relocated and renamed Whitesburg, KY, VORTAC (51 FR 36020). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations is the culmination of the project to relocate the Whitesburg, KY, VORTAC to a site on the Eastern Kentucky Regional Airport located approximately 22 miles to the northwest. Formerly, this VORTAC was remotely located and subjected to continuous vandalism. With the relocation of this navigational aid, VOR Federal Airways V-53, V-115, V-140, V-331, V-339, and V-517 were affected and required alignment. This action aligns those airways with the relocated and renamed navigational aid Hazard, KY, VORTAC.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V-53, V-115, V-140, V-331 and V-339 [Amended]

By removing the words "Whitesburg, KY" and by substituting the words "Hazard, KY"

V-517 [Amended]

By removing "013°" and by substituting "019°"

Issued in Washington, DC, on July 24, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-17463 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No 86-ANM-30]

Establishment of Restricted Area R-6404D Hill AFB, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Restricted Area R-6404D located near Hill AFB, UT. This action provides additional restricted area airspace to permit the United States Air Force to satisfy their operational and training requirements.

EFFECTIVE DATE: 0901 U.t.c., September 24, 1987.

FOR FURTHER INFORMATION CONTACT: Andrew B. Oltmanns, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9254.

SUPPLEMENTARY INFORMATION:

History

On April 28, 1987, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to establish a new Restricted Area R-6404D located near Hill AFB, UT, and also to add R-6404D to the Continental Control Area (52 FR 15326). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. Two comments objecting to the proposal were received. The Aircraft Owners and Pilots Association (AOPA) requested in lieu of indicated hours of operation "By NOTAM" that specific hours of operation should be stipulated, and that

those hours be determined only after coordination with the Salt Lake City Air Route Traffic Control Center (ARTCC). AOPA also requested that the implementation of R-6404D correspond with the date of publication for the next Salt Lake City Sectional Chart. The Air Transport Association of America (ATA) voiced their concern with the reduction in the lateral airspace dimension of the corridor west of the Salt Lake City International Airport and that the proposal did not indicate joint-use.

Use of R-6404D will be scheduled in advance to avoid peak traffic periods of the Salt Lake City ARTCC. Therefore, sufficient lateral airspace will be retained by the Salt Lake City ARTCC to accommodate peak traffic flows west of Salt Lake City International Airport. In addition, activation will be permitted only for those mutually agreed upon time periods necessary to accomplish required activities for which the area is designated. Therefore, publishing specific times of use as proposed by AOPA would not indicate real-time use of the airspace. The restricted area will be designated joint-use and pilots requiring actual status of the airspace can contact the nearest Flight Service Station or Salt Lake City ARTCC. This airspace will become effective on September 24, and will be charted on the sectional chart on November 21 since the United States Air Force (USAF) requires this parcel of airspace as soon as possible to meet their flying requirements. Between September 24 and November 21, the new area will be charted on the low altitude en route charts and published in a NOTAM accordingly whenever the area is activated for use by the USAF. Except for editorial changes, these amendments are the same as those proposed in the notice. Sections 71.151 and 73.64 of Parts 71 and 73 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations establish Restricted Area R-6404D located near Hill AFB, UT, and add the restricted area to the Continental Control Area. This action establishes the necessary restricted airspace required by the USAF to conduct their operational and training requirements.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 73

Aviation safety, Continental control area, Restricted area.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) are amended, as follows:

PART 71— DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.151 [Amended]

2. § 71.151 is amended as follows:

R-6404D Hill AFB, UT [New]

PART 73—SPECIAL USE AIRSPACE

3. The authority citation for Part 73 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510, 1522; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

4. § 73.64 is amended as follows:

R-6404D Hill AFB, UT [New]

Boundaries. Beginning at lat. 40°55'00" N., long. 112°50'30" W., to lat. 40°55'00" N., long. 114°00'00" W.; to lat. 40°49'00" N., long. 113°40'00" W.; to lat. 40°52'00" N., long. 112°57'00" W.; to the point of beginning.

Designated altitudes. 13,000 feet MSL to FL 250.

Time of designation. By NOTAM.

Controlling agency. FAA, Salt Lake City ARTCC

Using agency. USAF, Commander, 6501st Range Squadron (AFSC), Hill AFB, UT

Issued in Washington, DC, on July 23, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-17460 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 75

[Airspace Docket No. 86-AGL-3]

Alteration, Establishment and Revocation of Airways and Jet Routes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments alter the descriptions of ten Federal Airways, add one new airway and revoke Jet Route J-113. These changes are necessary because the planned commissioning of the Timmerman, WI, very high frequency omni-directional radio range and tactical air navigational aid (VORTAC) has been canceled and the decommissioning of Badger, WI, VORTAC has been withdrawn. These actions eliminate alternate airway descriptions in accordance with our International Civil Aviation Organization (ICAO) agreement and realign other airways to improve traffic flows.

EFFECTIVE DATE: 0901 U.t.c., September 24, 1987.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

History

On October 22, 1986, the FAA proposed to amend Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) to alter the descriptions of ten VOR Federal Airways, add one new airway and revoke Jet Route J-113 (51 FR 37416). The FAA plan to decommission Badger, WI, VORTAC and to upgrade the Timmerman, WI, TVOR was abandoned in October 1985 because of engineering and technical problems. These actions would make necessary airway changes to complement the use of the Badger VORTAC. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal

were received. Except for changes to V–228 that added the Chicago O'Hare, IL, and Northbrook, IL, intersection; V–420 that removed the portion of the airway from Chicago O'Hare to Badger, WI; V–170 which added a segment from Badger to Pullman, MI; and V–217 that added the portion of the airway from Chicago O'Hare to Badger, these amendments are the same as those proposed in the notice. Sections 71.123 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in Handbook 7400.6C dated January 2, 1987.

The Rule

These amendments to Parts 71 and 75 of the Federal Aviation Regulations alter the descriptions of ten Federal Airways, add one new airway and revoke Jet Route J–113. These changes are necessary because the planned commissioning of the Timmerman, WI, VORTAC has been canceled and the decommissioning of Badger, WI, VORTAC has been withdrawn. This action eliminates alternate airway descriptions in accordance with our ICAO agreement and realign other airways to improve traffic flows.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Parts 71 and 75

Aviation safety, VOR Federal Airways and Jet Routes.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) are amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. Section 71.123 is amended as follows:

V–24 [Revised]

From Aberdeen, SD, via Watertown, SD; Redwood Falls, MN; Rochester, MN; Lone Rock, WI; INT Lone Rock 147° and Janesville, WI, 281° radials; Janesville; INT Janesville 112° and Northbrook, IL, 290° radials; to Northbrook.

V–398 [New]

From Aberdeen, SD, via INT Aberdeen 101° and Watertown, SD, 312° radials; Watertown; Redwood Falls, MN; Rochester, MN; Waukon, IA; to Lone Rock, WI.

V–30 [Amended]

By removing the words "Pullman, including a S alternate via INT Badger 121° and Pullman 282° radials;" and substituting the word "Pullman;"

V–82 [Amended]

By removing the words "Dells, WI; INT Dells 097° and Timmerman, WI, 322° radials; 6 miles wide; Timmerman" and substituting the words "to Dells, WI"

V–191 [Amended]

By removing the words "Northbrook, IL; INT Northbrook 332° and Badger, WI, 182° radials; Badger;" and substituting the words "Northbrook, IL; Badger, WI;"

V–217 [Amended]

By removing the words "From Chicago O'Hare, IL; INT Chicago O'Hare 019° and Badger, WI, 137° radials; INT Chicago Heights, IL, 358° and Milwaukee 121° radials; Badger;" and substituting the words "From INT Chicago O'Hare, IL, 316°/Joliet, IL, 360° and Northbrook, IL, 290° radials; INT Chicago O'Hare 316° and Badger, WI, 193° radials; Badger;"

V–228 [Amended]

By removing the words "Madison, WI, Janesville, WI; INT Janesville 112° and Northbrook, IL, 290° radials; Northbrook;" and substituting the words "Madison, WI; INT Madison 138° and Chicago O'Hare, IL, 316° radials; INT Chicago O'Hare 316° and Northbrook, IL, 290° radials; Northbrook;"

V–411 [Amended]

By removing the words "From Rochester, MN," and by substituting the words "From Lone Rock, WI, via Waukon, IA; Rochester, MN; INT"

V–127 [Revised]

From Bradford, IL; Polo, IL; to Rockford, IL.

V–170 [Amended]

By removing the words "Dells, WI; INT Dells 097° and Badger, WI, 307° radials; Badger; INT Badger 102° and Pullman, MI, 303° radials; Pullman;" and substituting the words "Dells, WI; INT Dells 097° and Badger, WI, 304° radials; Badger; INT Badger 121° and Pullman, MI, 282° radials; Pullman;"

V–420 [Revised]

From Bradford, IL, via INT Bradford 033° and Polo, IL, 088° radials; INT Polo 088° and DuPage, IL, 320° radials. From Green Bay, WI; Traverse City, MI; Gaylord, MI; to Alpena, MI.

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

3. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

4. Section 75.100 is amended as follows:

J–113 [Removed]

Issued in Washington, DC, on July 23, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87–17461 Filed 7–31–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 75

[Airspace Docket No. 87–ASO–10]

Alteration of Jet Routes; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment realigns Jet Routes J–53, J–75 and J–210. The current alignment of these jet routes does not clear the airspace of Restricted Area R–3005A at Fort Stewart, GA, which is active with military training operations from 6 a.m. to midnight, local time, daily. As a result, all aircraft proceeding along these routes must be vectored to the west of Restricted Area R–3005A. This action realigns J–53, J–75 and J–210 to enable flight operations to proceed via flight plan filed, improve safety in that area, and reduce controller workload.

DATES: *Effective date* 0901 U.T.C., September 24, 1987. Comments must be received on or before September 14, 1987.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic

Division, Docket No. 87-ASO-10, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO-240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves realigning Jet Routes J-53, J-75 and J-210 located in the vicinity of Jacksonville, FL, and was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to realign Jet Routes J-53, J-75 and J-210 located in the vicinity of Jacksonville, FL. The current alignment of these jet routes does not clear the boundary of Restricted Area R-3005A at Fort Stewart, GA. R-3005A is utilized for high speed combat maneuvers as well as a wide assortment of military special operations conducted by the 24th Infantry. Activities conducted in that area include battalion size live-fire exercise, Joint Air Attack Team (JAAT) activities in conjunction with A-10 aircraft, parachute attack jumps, numerous and continuous helicopter operations, extensive operations by fighter/attack aircraft and training used in support of the Patriot missile system. This action improves air safety for nonparticipating aircraft and reduces controller workload. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the descriptions of Jet Routes J-53, J-75 and J-210 to avoid Restricted Area R-3005A to improve aviation safety. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable due to safety requirements for high altitude aircraft operations in the vicinity of Restricted Area R-3005A and are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 75

Aviation safety, Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended, as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for Part 75 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-53 [Amended]

By removing the words "Colliers, SC;" and substituting the words "INT Jacksonville 347° and Colliers, SC, 174° radials; Colliers;"

J-75 [Amended]

By removing the words "Columbia, SC;" and substituting the words "INT Taylor 019° and Columbia, SC, 203° radials; Columbia;"

J-210 [Revised]

From INT Savannah, GA, 256° and Vance, SC, 221° radials; Vance; to Wilmington, NC.

Issued in Washington, DC, on July 24, 1987.

Daniel J. Peterson,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-17459 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 74

[Docket No. 83C-0310]

Listing of Color Additives for Coloring Contact Lenses; D&C Yellow No. 10

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the color additive regulations to provide for the safe use of D&C Yellow No. 10 as a color additive in contact lenses. This action is in response to a petition filed by Paragon Optical, Inc. The agency is also announcing that the petitioner has withdrawn its request that FDA also approve the use of D&C Red No. 17 for coloring of contact lenses.

DATES: Effective September 3, 1987, except as to any provisions that may be stayed by the filing of proper objections; objections by September 2, 1987.

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

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

SUPPLEMENTARY INFORMATION:

I. Introduction

In a notice published in the Federal Register of October 21, 1983 (48 FR 48870), FDA announced that Paragon Optical, Inc., 947 East Impala Ave., Mesa, AZ 85204, had petitioned (CAP

3C0162; Docket No. 83C–0310) the agency to approve the use of D&C Red No. 17 in coloring contact lenses. An amended notice of filing for Paragon's color additive petition was published in the **Federal Register** of January 6, 1984 (49 FR 937) to announce that the firm was also seeking approval for the use of D&C Yellow No. 10 in coloring contact lenses. The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

Currently, D&C Yellow No. 10 is permanently listed under Part 74 for use in coloring drugs (21 CFR 74.1710) and cosmetics generally (21 CFR 74.2710). This final rule provides for the safe use of D&C Yellow No. 10 in coloring contact lenses as requested by Paragon Optical, Inc., and announces that the petitioner has withdrawn its request for approval of the use of D&C Red No. 17 for coloring contact lenses.

II. Applicability of the Act

With the passage of the Medical Device Amendments of 1976 to the act (Pub. L. 94–295), Congress mandated the listing of color additives for use in medical devices when the color additive comes in direct contact with the body for a significant period of time (21 U.S.C. 376(a)). The use of D&C Yellow No. 10 as a color additive in contact lenses is subject to this listing requirement. The color additive is added to contact lenses in such a way that at least some of the color additive will come in contact with the eye when the lenses are worn. In addition, the lenses are intended to be placed on the eye for several hours a day, each day, for 1 year or more. Thus, the color additive will be in direct contact with the body for a significant period of time. Consequently, the use of the color additive currently before the agency is subject to the statutory listing requirement.

III. The Color Additive

The color additive D&C Yellow No. 10 is a mixture of the sodium salts of the mono- and disulfonic acids of 2-(2-quinolinyl)-1*H*-indene-1,3 (2*H*)-dione consisting principally of the sodium salts of 2-(2,3-dihydro-1,3-dioxo-1*H*-indene-2-yl)-6-quinolinesulfonic acid and 2-(2,3-dihydro-1,3-dioxo-1*H*-indene-2-yl)-8-quinolinesulfonic acid, with lesser amounts of the disodium salts of the disulfonic acids of 2-(2-quinolinyl)-1*H*-indene-1,3(2*H*)-dione (CAS Reg. No. 8004–92–0). D&C Yellow No. 10 is manufactured by condensing quinaldine with phthalic anhydride to give the unsulfonated dye, which is then sulfonated with oleum.

IV. Safety Evaluation

FDA concludes from the data submitted in the petition and from other relevant information that the upper limit of exposure to D&C Yellow No. 10 from its use in contact lenses is 280 nanograms per day. The agency-calculated upper limit was based on two factors. First, from information submitted by the petitioner, FDA estimated that the maximum use level of the color additive is 50 micrograms per lens (Ref. 1). Second, the agency made two worst case assumptions: (1) That a user will replace lenses tinted with D&C Yellow No. 10 once each year with a new pair of lenses tinted with the color additive at the maximum use level; and (2) that 100 percent of the color additive will migrate from the lenses into the eyes over the 1-year period. Because these assumptions are worst case estimates, exposure to D&C Yellow No. 10 from its use for coloring contact lenses is likely to be far less than 280 nanograms per day.

To establish that the color additive D&C Yellow No. 10 is safe for use in coloring contact lenses, the petitioner conducted an in vitro cytotoxicity study on the color additive using L929 mouse fibroblast cells. The cell cultures were exposed to nine different levels of the color additive ranging from 5 milligrams per milliliter down to 50 picograms per milliliter. Cell growth inhibition over 72 hours of exposure was determined by direct cell count, in addition to total protein analysis. The study demonstrates that the no-effect level for D&C Yellow No. 10 is greater than 50 micrograms per milliliter.

To relate this no-effect concentration for D&C Yellow No. 10 to the maximum concentration level in the eye that would result from the use of this color additive in contact lenses, the agency estimated that the daily exposure of the color additive in each eye (140 nanograms) will be diluted by the average daily volume of tears produced in each eye (1.68 milliliters). This concentration is equal to a maximum daily concentration of 0.083 micrograms of color additive per milliliter in the tear flow and eye area. This concentration is over 600 times less than the no-effect dose for D&C Yellow No. 10 found in the cytotoxicity study.

Based upon the available toxicity data, the small amount of the color additive added to the contact lens, and the agency's exposure calculation, FDA finds that the color additive D&C Yellow No. 10 is safe for use in contact lenses. FDA further concludes that the safety margin is sufficiently large that a limitation on the amount of the color additive that may be present in the lens is not required, beyond the limitation that only the amount necessary to accomplish the intended technical effect may be used.

IV. Certification and Specification Considerations

D&C Yellow No. 10 is currently produced as a certified color additive in accordance with 21 CFR Part 80. The agency concludes that the specifications currently set for D&C Yellow No. 10 under § 74.1710 (21 CFR 74.1710) are adequate to ensure the safe use of this color additive.

V. Conclusion

Based on the data in the petition, safety data in FDA's files on currently regulated uses of this color additive, and other relevant material, FDA concludes that there is a reasonable certainty that no harm will result from the petitioned use of D&C Yellow No. 10 for coloring contact lenses, and that this color additive is safe for its intended use. In addition, based upon the data it considered, the agency finds that D&C Yellow No. 10 is suitable for use in coloring contact lenses.

VI. Inspection of Documents

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

VII. Environmental Assessment

The agency has previously considered the environmental effects of this rule as announced in the amended Notice of Filing for CAP 3C0162, January 6, 1984 (49 FR 937). No new information or comments have been received that would affect the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

VIII. Reference

The following information has been placed on file at the Dockets Management Branch (address above) and is available for review in that office

between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum of February 19, 1985, from Food Additive Chemistry Evaluation Branch to Petitions Control Branch, Re: "Color Additives in Contact Lenses."

IX. Objections

Any person who will be adversely affected by this regulation may at any time on or before September 2, 1987, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will publish notice of the objections that the agency has received or lack thereof in the **Federal Register**.

List of Subjects in 21 CFR Part 74

Color additives, Cosmetics, Drugs, Medical devices.

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

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

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

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

2. In Subpart D by adding new § 74.3710 to read as follows:

§ 74.3710 D&C Yellow No. 10.

(a) *Identity.* The color additive D&C Yellow No. 10 shall conform to the identity requirements of § 74.1710(a).

(b) *Specifications.* The color additive D&C Yellow No. 10 for use in contact lenses shall conform to the specifications of § 74.1710(b).

(c) *Uses and restrictions.* (1) The color additive D&C Yellow No. 10 may be used for coloring contact lenses in amounts not to exceed the minimum reasonably required to accomplish the intended coloring effect.

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

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

(e) *Certification.* All batches of D&C Yellow No. 10 shall be certified in accordance with regulations in Part 80 of this chapter.

Dated: July 27, 1987.

John M. Taylor,

Associate Commisssioner for Regulatory Affairs.

[FR Doc. 87–17485 Filed 8–2–87; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 101

[Docket No. 83N–0280]

Nutrition Labeling of Food; Calorie Content

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending its food labeling regulations to provide for the exclusion of nondigestible dietary fiber when determining the calorie content of a food for nutrition labeling purposes. This action will allow for a more accurate declaration of the available calories in food.

DATES: Effective August 3, 1987. The Director of the Office of the Federal Register approves the incorporation by reference of certain publications in 21 CFR 101.9 effective on August 3, 1987.

ADDRESS: Requests for single copies of the analytical method may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, or the Division of Nutrition, Center for Food Safety and Applied Nutrition (HFF–260), Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT: Elizabeth J. Campbell, Center for Food Safety and Applied Nutrition (HFF–312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0175.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 13, 1984 (49 FR 32216), as corrected in the **Federal Register** of September 17, 1984 (49 FR 36405), FDA proposed to amend 21 CFR 101.9(c)(3) to provide for the exclusion of nondigestible dietary fiber when determining the calorie content of a food for nutrition labeling purposes. Interested persons were given until October 12, 1984, to comment on the proposal.

Eight comments from trade associations and food manufacturers were received in response to the proposal. All of the comments supported the proposal, but several comments requested minor modifications. These comments and the agency's responses are as follows:

1. One comment from a manufacturer disagreed with the proposed use of the Association of Official Analytical Chemists' (AOAC) method for determining nondigestible dietary fiber and adjusting the calorie declaration. The comment claimed that the AOAC method is not well recognized and is costlier than the method that the manufacturer was using to determine the adjusted calorie declaration for its products. The comment recommended that FDA use the "assimilable carbohydrate" method, in which the adjusted calorie declaration is determined by adding the amount of total starch, total reducing sugars, and sucrose rather than by subtracting the nondigestible dietary fiber from total calories. The comment said that the "assimilable carbohydrate" method would be less costly because the AOAC method cited in the proposal requires an additional analysis to achieve the same results.

The agency has reviewed the method of determining "assimilable carbohydrate" suggested by the comment, and does not agree that this method should be adopted by FDA for regulatory purposes. Although use of the "assimilable carbohydrate" method suggested by the comment may yield results comparable to those achieved with the AOAC method cited in the proposal, the suitability of the method for the analysis of a large variety of foods has not been established. In fact, FDA has very little information on what types of foods have been tested with this method.

Since publication of the August 13, 1984, proposal, the AOAC has adopted (with minor modifications) the method cited in the proposal as an "official final action" method. This method now appears in the *Journal of the Association of Official Analytical Chemists* (JAOAC) under the title "Total Dietary Fiber in Foods, Enzymatic-Gravimetric Method, First Action" 68:399, 1985, as amended in the JAOAC, 69:370, 1986. The final regulation has been revised to cite both JAOAC references.

2. Three comments agreed that the proposed AOAC method for determining nondigestible dietary fiber should be adopted, but the comments suggested that the final rule be worded so as to ensure that other more appropriate methods are not excluded from use as they become available and are validated.

The agency is not rewording the final rule as requested because it believes that the food industry should be given notice as to what method FDA will use to determine whether a product is appropriately labeled. The agency agrees, however, that other appropriate methods for determining nondigestible dietary fiber should also be adopted provided they have been validated by scientific procedures acceptable to FDA for corroborating the reliability of chemical methodologies. Therefore, when a new method has been validated, FDA will follow notice and comment rulemaking procedures (see 21 CFR Part 10) to amend the regulation to reflect the new method.

3. Several comments indicated that food manufacturers were confused about the extent to which the amendment would permit excluding nondigestible fiber from the various declarations in nutrition labeling.

The amendment allows a manufacturer, when calculating the appropriate declaration of calorie content of a food, to subtract the carbohydrates attributable to nondigestible fiber from the total carbohydrate content of a food. The amendment does not apply to the declaration of the amount (grams) of carbohydrate in the food. Thus, in making such a declaration, a manufacturer may not subtract nondigestible fiber from the total amount of carbohydrate in food. Nor does the amendment apply to other issues concerning the declaration of carbohydrates, e.g., declaration of simple versus complex carbohydrates and the appropriateness of dietary fiber declarations. FDA will deal with these other issues separately.

In accordance with Executive Order 12291, FDA has previously analyzed the potential economic effects of this final rule. As announced in the proposal, the agency has determined that the rule is not a major rule as determined by the Order. The agency has not received any new information or comments that would alter its previous determination.

In accordance with the Regulatory Flexibility Act, the agency previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determination.

In accordance with the collection of information requirements of the Paperwork Reduction Act of 1980, the agency has previously considered the increases in cost and information burden due to the analysis of nondigestible fiber, and they have been addressed in an amendment to Office of Management and Budget approval No. 0910-0177, the nutrition labeling collection of information clearance for § 101.9 *Nutrition labeling of food.*

The agency has determined under 21 CFR 25.24(a)(9) 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.

The effective date for this amendment is August 3, 1987. This amendment does not require that manufacturers change any of their current analyses or nutrition labeling. Therefore, FDA finds that there is good cause to make this final rule effective immediately for use by those who wish to exclude nondigestible dietary fibers from the calorie declaration included in nutrition labeling.

List of Subjects in 21 CFR Part 101

Food labeling, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act, Part 101 is amended as follows:

PART 101—FOOD LABELING

1. The authority citation for 21 CFR Part 101 continues to read as follows:

Authority: Secs. 4, 6, Pub. L. 89-755, 80 Stat. 1297, 1299, 1300 (15 U.S.C. 1453, 1455); secs. 201, 403, 701(a), Pub. L. 717, 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)); 21 CFR 5.10, 5.11; § 101.4 is issued only under secs. 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a)); 21 CFR 5.10.

2. In § 101.9(c)(3) by revising the second sentence and adding two new sentences after it and by revising the third sentence to read as follows:

§ 101.9 Nutrition labeling of food.

* * * * *

(c) * * *

(3) * * * Caloric content will be determined by the Atwater method as described in A.L. Merrill and B. K. Watt, "Energy Value of Foods—Basis and Derivation," USDA Handbook 74 (1955), except that the nondigestible dietary fiber may be subtracted from the total carbohydrate content before calculation of the calories contributed by the carbohydrate portion of the food. The nondigestible dietary fiber will be determined by the method "Total Dietary Fiber in Foods, Enzymatic Gravimetric Method, First Action," in the *Journal of the Association of Official Analytical Chemists* (JAOAC), 68:399, 1985, as amended in JAOAC, 69:370, 1986. Both methods are incorporated by reference. Copies of both methods are available from the Division of Nutrition, Center for Food Safety and Applied Nutrition (HFF-260), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408. * * *

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Dated: July 7, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-17486 Filed 7-29-87; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

23 CFR Part 659

Certification of Speed Limit Enforcement

AGENCIES: Federal Highway Administration (FHWA), National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) and the

National Highway Traffic Safety Administration (NHTSA) are amending the regulations on certification of speed limit requirements to take into account provisions mandated by section 174 of the Federal-Aid Highway Act of 1987 (Act). Section 174 of the Act amended 23 U.S.C. 154 by giving the States the authority to increase, without loss of Federal-aid funds, the maximum speed limit to no more than 65 miles per hour (mph) on certain Interstate System highways. The regulations implementing 23 U.S.C. 154 are being revised to reflect the statutory amendment by providing the States the authority to adjust the speed sampling and analysis plan required for determining the level of 55 mph noncompliance.

EFFECTIVE DATE: August 3, 1987.

FOR FURTHER INFORMATION CONTACT: Sheldon G. Strickland, FHWA, Office of Traffic Operations, (202) 366–1993, David C. Oliver, FHWA, Office of Chief Counsel, (202) 366–1354, or Kathleen DeMeter, NHTSA, Office of Chief Counsel, (202) 366–1834, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On April 2, 1987, the Federal-Aid Highway Act of 1987 (Pub. L. 100–17, 101 Stat. 132) (Act) was enacted. Section 174 of the Act amended 23 U.S.C. 154 by giving the States the authority to increase, without loss of Federal-aid funds, the maximum speed limit to no more than 65 mph on any highway within its jurisdiction on the Interstate System located outside of an urbanized area of 50,000 or more. However, 23 U.S.C. 154 still requires the States to report the level of 55 mph noncompliance on those highways still posted at 55 mph as part of the annual certification of speed limit enforcement mandated by 23 U.S.C. 141(a). The mandates of 23 U.S.C. 141(a) and 154 are implemented by regulations contained in 23 CFR Part 659.

The regulations contained in 23 CFR Part 659 establish a valid statistical method of measuring a sample of vehicle speeds on a sample of highways to estimate the percentage of vehicles exceeding 55 mph with sufficient accuracy to support a determination of compliance with 23 U.S.C. 154. Since the 55 mph speed limit may be raised to 65 mph for most Interstate highways, the regulations must be amended so the States can continue to accurately report the level of 55 mph noncompliance on the remaining highways.

Virtually all of the Interstate System mileage that is now eligible for a maximum speed limit of 65 mph, was posted at 55 mph prior to enactment of the Act. As such, this mileage has been subject to the 55 mph noncompliance speed monitoring that is annually conducted by each State. Any State choosing to increase the speed limit from 55 mph on any of its eligible mileage pursuant to the Act will have to adjust the speed sampling and analysis plan in effect for the fiscal year in which the limit is raised. This adjustment is required to account for the exclusion of the proportion of travel represented by the mileage with the higher speed limit. Failure to make this adjustment will result in biased 55 mph compliance data due to the inclusion of highway mileage where drivers may legally exceed the 55 mph speed limit.

Under the current regulations, changes to a State's speed sampling and analysis plan are included as part of the annual evaluation of the plan that must be submitted to the FHWA Division Administrator for approval by December 1 following the close of each fiscal year. Once approved by the FHWA Division Administrator, any changes to the speed sampling plan provided for in the evaluation can go into effect with the next calendar quarter beginning January 1.

Pursuant to the provisions and effective date of the Act, the States may raise speed limits on eligible highway sections immediately without waiting for the end of the fiscal year. In addition, such increases are likely to involve significant amounts of highway mileage and, insofar as a statewide speed figure is concerned, vehicle miles of travel. Therefore, any State electing to increase the speed limit on eligible Interstate highways may amend the speed sampling and analysis plan during the fiscal year in which the speed limit is raised to account for the reduction in mileage posted at 55 mph, without waiting for the end of the fiscal year and the next due evaluation. The provisions contained in 23 CFR 659.11 are being amended to reflect this procedural change.

Any amendments to a State's speed sampling and analysis plan shall continue to be submitted to the FHWA Division Administrator for approval; however, due to the State's authorization to raise their speed limits as of the effective date of the Federal-Aid Highway Act of 1987, approval may be given retroactively to the effective date of the State's new speed limit. States shall use their existing plan until the date the speed limit takes effect; after such date the plan submitted in accordance with this rule shall be utilized. Amendments due to increased speed limits shall not in any way relieve the State of the requirements set forth in 23 CFR 659.11 for an annual evaluation of the speed monitoring and analysis plan's effectiveness for the entire fiscal year.

This final rule is being promulgated with the knowledge that Part 659 will require additional revisions so that the regulatory language will conform to the statutory language of section 174 of the Act. The subject of this final rule is being handled separately due to its urgency. The other revisions to Part 659 will be addressed in a separate rulemaking action.

Regulatory Impact

The FHWA has determined that this action does not constitute a major rule under Executive Order 12291. However, because of the public interest in the issue of the 55 mph speed limit, this final rule is considered significant under the regulatory policies and procedures of the Department of Transportation.

The FHWA believes that circumstances warrant the issuance of this rulemaking action immediately without notice and an opportunity for comment. Section 174 of the Federal-Aid Highway Act of 1987 gave the States the authority to immediately increase the maximum speed limit on certain Interstate highways, without loss of Federal-aid funds.

Notwithstanding section 174 of the Act, the States remain obligated to monitor compliance with the 55 mph speed limit, where it remains, pursuant to 23 U.S.C 154. As has been explained in the preamble, the speed sampling and analysis plan required by 23 CFR 659.9 must be adjusted by the States as the speed limits are raised in order to have a valid statistical method for developing an annual statewide percentage of vehicles exceeding 55 mph. Section 659.11, as currently written, does not allow for such adjustments to become effective before January 1 of each year. This final rule allows for such adjustments. To delay the issuance of this final rule would severely limit the States' ability to validly monitor compliance with the 55 mph speed limit. Therefore, notice and opportunity for comment would be impracticable.

For the foregoing reasons, the FHWA finds good cause to make this regulation effective without prior notice and opportunity for comment pursuant to 5 U.S.C 553(b)(3)(B). Accordingly, the regulation will become effective upon publication in the **Federal Register**. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it

is not anticipated that such action could result in the receipt of useful information since the revisions incorporated in the regulation merely reflect a procedural revision to accommodate a statutory mandate.

The economic impacts of this rulemaking, if any, that will occur are mandated by the statutory provisions themselves. A regulatory evaluation has not been prepared because of the ministerial nature of this action. Based on information available to FHWA and NHTSA at this time and under the criteria of the Regulatory Flexibility Act, it is hereby certified that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the FHWA is amending Part 659 of Chapter 1 of Title 23, Code of Federal Regulations, as set forth below.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

List of Subjects in 23 CFR Part 659

Grant program—transportation, Highways and roads, Motor vehicles, Reporting and recordkeeping requirements, Speed limit, Traffic regulations.

Issued on: July 27, 1987.

Diane K. Steed,

National Highway Traffic Safety Administrator.

R.A. Barnhart,

Federal Highway Administrator.

The Federal Highway Administration is amending Part 659 of Chapter 1 of Title 23, Code of Federal Regulations, as follows:

PART 659—CERTIFICATION OF SPEED LIMIT ENFORCEMENT

1. The authority citation for Part 659 is revised to read as follows:

Authority: 23 U.S.C. 141, 154, and 315; Section 174 of Pub. L. 100-17, 101 Stat. 132; 49 CFR 1.48 and 1.50.

2. Section 659.11 is revised to read as follows:

§ 659.11 Guidelines and evaluations of operations.

(a) The State shall submit its initial plan to the FHWA Division Administrator for approval by November 14, 1986. The plan shall be evaluated annually and revised as conditions and new data indicate. The plan may also be revised at any time during the 12 month data collection period ending September 30 if the State elects to change its speed limit on eligible roads.

(b) Annual evaluations shall be submitted to the FHWA Division Administrator for approval by December 1 following the close of the data collection period of each year beginning with December 1, 1981, so that changes to the plan called for by the evaluation can go into effect with the subsequent quarter beginning January 1. Plan revisions called for during the data collection period due to a State changing its speed limit shall also be submitted to the FHWA Division Administrator for approval, and may take effect retroactively to the date on which the speed limit was changed if such approval is granted.

[FR Doc. 87-17381 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 117

[CGD7 87-06]

Drawbridge Operation Regulations; Okeechobee Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Lee County Department of Transportation, the Coast Guard is changing the regulations governing the Sanibel Causeway bridge at Punta Rassa, Florida. This change is being made because of complaints about highway traffic delays. This action will accommodate the current needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on September 2, 1987.

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

SUPPLEMENTARY INFORMATION: On April 27, 1987, the Coast Guard published a proposed rule change concerning this amendment. The Commander, Seventh Coast Guard District, also published the proposal as a Public Notice dated May 11, 1987. In each notice, interested persons were given until June 11, 1987, to submit their comments.

Drafting Information

The drafters of these regulations are Mrs. Zonia C. Reyes, Bridge Administration Specialist, project officer, and Lieutenant Commander S.T. Fuger, Jr., project attorney.

Discussion of Comments

Four comments were received about the proposed change. Three commenters supported the regulations as proposed; one commenter asked that bridge openings be limited to every 30 minutes from 7 a.m. to 7 p.m., daily.

The Coast Guard has carefully considered the comments. Available highway traffic data and bridge opening statistics do not support the need for daily 12-hour periods of limited operation. The final rule is unchanged from the proposed rule published on April 27, 1987, except for minor editorial revisions needed to ensure a consistent format for drawbridge regulations.

Economic Assessment and Certification

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

The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the regulation allows for tugs with tows to pass at any time. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.317(k) is revised to read as follows:

§ 117.317 Okeechobee Waterway.

* * * * *

(k) *Sanibel Causeway bridge, mile 151 at Punta Rassa.* The draw shall open on signal; except that from 3:45 p.m. to 5:15 p.m., Monday through Friday, except federal holidays, the draw need open only at 4:15 p.m. and 4:45 p.m. On Saturdays, Sundays, and federal holidays from 3:45 p.m. to 5:15 p.m., the draw need open only at 4 p.m., 4:15 p.m.,

4:30 p.m., 4:45 p.m. and 5 p.m. Exempt vessels shall be passed at any time.

Dated: July 23, 1987.

M.J. O'Brien,

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

[FR Doc. 87-17536 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD7-87-11]

Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation (FDOT) and St. Johns County, the Coast Guard is adding regulations governing the Vilano Beach drawbridge on State Road A1A at Vilano Beach, Florida, by permitting the number of openings to be limited during certain periods. This change is being made because of complaints about highway traffic delays. This action will accommodate the current needs of vehicular traffic and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective on September 2, 1987.

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

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

Drafting Information

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

Discussion of Comments

Ten comments were received. Nine of the commenters supported timed operation of the Vilano Beach bridge. Several of these responses favored additional restrictions, such as opening only at 30-minute intervals, or scheduled operation at all times. One commenter, a local commercial vessel operator, asked to be allowed to pass at any time, for economic and safety reasons.

The Coast Guard has carefully considered the comments and believes scheduled operation of the bridge as proposed would be the most reasonable compromise between navigation and vehicular traffic. The final regulation is unchanged from the proposed rule published on April 30, 1987.

Vessel holding area is limited south of the Vilano Beach bridge and waterway safety would be reduced if vessels were required to wait for more than 20 minutes. Suggestions to allow the bridge to remain closed for 30 minutes, therefore, have not been adopted. Bridge openings are most frequent during the period from mid-March through mid-December, indicating a need for seasonal, rather than year-around regulations.

Operation of the bridge on a 20-minute schedule should not have a significant impact on local commercial vessel operations. Openings would be at sufficiently frequent intervals to minimize disruption of existing departure and return schedules. The bridge would be required to open at any time for vessels in a situation where a delay would endanger life or property, as currently is the case. This provision adequately addresses concerns expressed about vessel passage during inclement weather or when passengers are ill or injured.

Because of the limited holding area on the south side of the bridge, FDOT will be required to post signs on the Bridge of Lions to inform mariners about Vilano Beach bridge opening times. This will allow mariners to time their passages to coincide with scheduled openings and should reduce the number of accumulated vessels at any given time.

Economic Assessment and Certification

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

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

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.261(c) is added to read as follows:

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

* * * * *

(c) *Vilano Beach (SR A1A), Mile 778 at Vilano Beach.* The draw shall open on signal, except that from March 15 through December 15, from 7 a.m. to 6 p.m. Monday through Friday, except federal holidays, and from 9 a.m. to sunset on Saturdays, Sundays and federal holidays, the draw need open only on the hour, twenty minutes after the hour, and forty minutes after the hour.

* * * * *

Dated: July 17, 1987.

M.J. O'Brien,

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

[FR Doc. 87-17537 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-7-FRL-3238-2]

Approval and Promulgation of Air Quality Implementation Plans; Lead Plan for Omaha, NE

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve all portions of the Nebraska State Implementation Plan (SIP) for lead. All portions of the plan, except the control measures as they pertained to the Omaha area, had been approved previously. EPA proposed to approve the Omaha control measures on February 25, 1987, based upon a draft of the measures submitted by the Nebraska Department of Environmental Control (NDEC). The Governor of Nebraska officially submitted the SIP revision on February 2, 1987.

EFFECTIVE DATE: This rule will become effective on September 2, 1987.

ADDRESSES: Written comments on this action should be addressed to Dewayne E. Durst at the Environmental Protection Agency Regional Office, address listed

below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at (913) 236-2893, FTS 757-2893.

SUPPLEMENTARY INFORMATION:

The pertinent background information concerning this final rule was presented in the proposed rulemaking which was published in the **Federal Register** on February 25, 1987 (52 FR 5554). No comments were received on the proposal. The proposal was based upon a draft of the SIP revision prepared and submitted by NDEC. This draft was the subject of a public hearing conducted in Lincoln, Nebraska, before the Nebraska Environmental Control Council on December 19, 1986. The Council adopted the SIP revision on the day of the hearing. No changes were made in the draft SIP as a result of testimony presented at the public hearing. The Governor of Nebraska officially submitted the lead SIP for Omaha on February 2, 1987.

What the Omaha Lead SIP Requires

The control strategy for the Omaha lead SIP consists of a number of control measures which will be implemented at the Asarco lead refinery. The refinery is the principal source of lead in the Omaha area. The control measures are contained in administrative orders issued to Asarco by NDEC. The orders require that:

1. Dust collected in certain baghouse cellars at the plant will be removed by vacuum truck. Formerly, the dust was removed by using front-end loaders, which allowed a great deal of material to become airborne during transfer of the dust to the vehicles which transported the material to the residue storage area. The operational practices for use of the vacuum truck are described in detail in work practice manuals which Nebraska has incorporated as enforceable requirements of the Omaha lead SIP.

2. Fugitive lead emissions will be reduced in the refinery building through the use of improved hooding with increased airflow, and by process changes to maintain materials in liquid rather than solid state, or by reducing the temperature and thus reducing the vaporization of molten lead.

3. Dampers will be improved on the retort furnace exhaust systems to reduce leakage by approximately 40 percent and thus supply additional ventilation air to the hoods over the retort when they are being "pulled" or emptied, which is the period when lead emissions are highest.

4. The reverberatory furnace in the smelter building will be controlled by installing additional local exhaust hooding over the charging operation. The furnace will also be equipped with an automatic damper to prevent overpressures inside the furnace which cause excess lead emissions from the furnace.

5. Fugitive emissions from elevators, storage hoppers, product sacking machine, and other sources in the antimony oxide building will be controlled with new baghouses which increase building ventilation by 158 percent.

6. The emissions from stockpiles, unpaved areas, and plant traffic will be reduced by paving additional plant area and vacuum sweeping of those areas. The plant has purchased a spray truck to apply chemical dust suppressants to piles of slag, dross, and refractory brick, and to other unpaved plant areas. Application of dust suppressants and vacuum sweeping is governed by a detailed work practice manual.

7. The plant production limit will be reduced by 10 percent.

In addition to the new lead control measures which are required at the plant, the orders insure continued operation and monitoring of all existing control equipment and the continuation of all emission control practices which were included as part of the approved demonstration of attainment. If there are changes in control equipment at the plant or changes in control practices which would have the potential to increase lead emissions, such changes must be approved as SIP revisions. The orders also contain a compliance schedule which provides for increments of progress and final compliance for all control measures by February 1, 1988. The orders require certain recordkeeping which is considered necessary to insure continued compliance with the requirements of the orders.

Final Action

Based upon a review of the Omaha lead SIP revision submitted by the state of Nebraska on February 2, 1987, EPA approves the SIP as meeting the requirements of 40 CFR 51.111, Description of Control Measures (formerly 40 CFR 51.87, Control Measures, Pb) and 40 CFR 51.112, Demonstration of Adequacy (formerly 40 CFR 51.80, Demonstration of Attainment, Pb). This action also approves the Administrative Complaint and Order No. 753 dated August 22, 1985, as amended by Amended Administrative Order No. 752 dated May 9, 1986, and by Second Amended Administrative Order No. 753 dated November 12, 1986, issued by the Nebraska Department of Environmental Control. All other portions of the Omaha lead SIP have already been approved. This action results in the Nebraska lead SIP being completely approved.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 2, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Lead, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Nebraska was approved by the Director of the Federal Register on July 1, 1982.

Date: July 21, 1987.

Lee M. Thomas,

Administrator.

Title 40 of the Code of Federal Regulations Chapter I, Part 52, Subpart CC, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart CC—Nebraska

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1420 is amended by adding new paragraph (c)(35) to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(c) * * *

(35) On February 2, 1987, Nebraska submitted revisions to the lead SIP for Omaha. The revisions contained a revised demonstration of attainment of the lead standard in Omaha, a revised control strategy to provide the lead

emission reductions claimed in the demonstration of attainment, and Administrative Order No. 753 dated August 22, 1985, as amended by Amended Administrative Order No. 753 dated May 9, 1986, and by Second Amended Administrative Order No. 753 dated November 12, 1986. All items in the revisions were approved.

(i) Incorporation by Reference

(A) Administrative Order No. 753 dated August 22, 1985, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(B) Amended Administrative Order No. 753 dated May 9, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(C) Second Amended Administrative Order No. 753 dated November 12, 1986, issued by the Nebraska Department of Environmental Control to ASARCO Incorporated.

(ii) Additional Material

(A) 1986 Revised Demonstration of Attainment and Control Measures for the Nebraska State Implementation Plan for Lead—Omaha, submitted by ASARCO Incorporated, October 3, 1986.

3. Section 52.1425(a) is amended by revising the last entry in the table to read as follows: § 52.1425 Compliance schedules.

(a) * * *

NEBRASKA—COMPLIANCE SCHEDULES

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
*	*	*	*	*	
ASARCO, Inc	Omaha, NE	Nebraska DEC Second Amended Administrative Order NO. 753.	11/12/86	Not applicable	02/01/88

4. Section 52.1431 is amended by adding one column at the right side of the table under "Pollutant" with a column heading of "Lead" and adding "e. February 1, 1988." under Note 1.

§ 52.1431 Attainment dates for national standards.

* * * * *

Note 1:

* * * * *

e. February 1, 1988.

* * * * *

[FR Doc. 87-16952 Filed 7-31-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 261

[SW-FRL-3240-8]

Hazardous Waste Management System: Identification and Listing of Hazardous Waste: Final Denials

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is announcing its decision to deny the petitions submitted by Arvin Automotive, IN; Bayliner Marine Corp., WA; and Digital Equipment Corp., PR to exclude their wastes from the hazardous waste lists. This action responds to delisting petitions submitted under 40 CFR 260.20 and 260.22. These petitions are being denied because they are incomplete (*i.e.*, the Agency does not have sufficient information to determine the hazardous or non-hazardous nature of the waste) despite several requests by the Agency for this information. The effect of this action is that all of this waste must continue to be handled as hazardous waste in accordance with 40 CFR Parts 262 through 266, 270, 271, and 124.

EFFECTIVE DATE: August 3, 1987.

ADDRESSES: The public docket for these final petition denials is located in the Sub-basement, U.S. Enivornmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for public viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Call (202) 475-9327 for appointments. The reference number for this docket is "F-87-03DF-FFFFF". The public may copy a maximum of 50 pages from any one regulatory docket at no cost. Additional copies cost $.20/page.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For more information on this notice, contact Mr. Myles Morse, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4788.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under 40 CFR 260.20 and 260.22 facilities may petition the Agency to remove their wastes from hazardous waste control by excluding them from the lists of hazardous waste contained at 40 CFR 261.31 and 261.32. Petitioners must provide sufficient information to EPA to allow the Agency to determine that (1) the waste to be excluded is non-hazardous based upon the criteria for which it was listed, and (2) that no other hazardous constituents are present in the wastes at levels of regulatory concern. Failure to provide sufficient information will result in denial of the petition.

The Agency requires certain information in order to fully evaluate whether the petitioned waste is hazardous. If a petitioner's initial submission is not complete, the Agency will formally or informally request the petitioner to submit the needed data. Acquisition and analysis of this additional information is necessary before a tentative determination (*i.e.*, a proposal to exclude or deny a petition) can be made for the petitioned wastes. Most of this information is requested because of the changed requirements in the Hazardous and Solid Waste Amendments (HSWA) of 1984 (*i.e.*, the Agency now must consider all factors, including additional constituents, if there is a reasonable basis to believe that these factors could cause the waste to be hazardous). If adequate data are not timely received, the Agency has no choice but to act to remove these petitions from the system.

B. Agency Decision

EPA proposed to deny a number of petitions to exclude certain wastes from the hazardous waste lists on November 20, 1985 (see 50 *FR* 47763-47765) and January 30, 1987 (see 52 *FR* 3029-3031). The proposed denials in November included Digital Equipment Corp. de Puerto Rico, located in San German, Puerto Rico.[1] The denials proposed in

[1] In that same **Federal Register** notice, the Agency also proposed to deny exclusion of specific wastes generated by 66 other petitioning facilities. Of these 66 other petitioners, 46 were denied final exclusion (see 51 *FR* 12148-12152, April 9, 1986); 12 petitions have either been withdrawn or considered moot; and eight petitions, for which additional information was submitted will be addressed in future **Federal Register** notices.

January included Arvin Automotive, located in North Vernon, Indiana; and Bayliner Marine Corporation, located in Arlington, Washington.[2]

In the case of the petitions discussed in today's notice, the Agency provided a number of opportunities for these petitioners to submit the requested information, including a written request for specific information necessary for the Agency to consider the petition complete. In addition, the Agency published a notice in the **Federal Register** of its intent to collect this information (see 49 *FR* 4802–4803, February 8, 1984). The proposed denial notices, published on November 20, 1985 and January 30, 1987, provided yet another notification of the information required and a 30 day opportunity to submit the additional information. A summary of the information requested for each petition being denied in today's notice is included in the public docket for this final notice.

The Agency has not heard from one of these petitioners in over a year; in the other two cases, it has been over two years. In the case of Digital Equipment Corp., some of the additionally requested information was received, however, not all of the information required to make their petition complete was provided. The Agency, therefore, still does not have sufficient information to fully characterize the petition waste and make a tentative decision. Waiting for this additional information has resulted in delays that have disrupted the continuity of the petition review process, and has helped to create a backlog of petitions awaiting review. The Agency believes that these petitioners have had adequate time to provide this information. The Agency, therefore, is making final its decision to deny exclusion to Digital Equipment Corp., proposed on November 20, 1985, and Arvin Automotive and Bayliner Marine Corp., proposed on January 30, 1987.

C. Agency Response to Public Comments

During the public comment period for the November 20, 1985 proposed rule, Digital Equipment Corp. submitted additional information in support of their delisting petition. The Agency has completed its review of this information, and has determined that the petition is still incomplete. Some of the requested information which has not been received pertains to techniques used for waste sampling; total constituent analyses for organic compounds; descriptions of materials used in the production process; analytical test data for reactive sulfides and cyanides; and EP leachate analyses (on representative samples) for EP toxic metals and nickel. A detailed description of the additional information not yet submitted to the Agency is included in the public docket for this final rule. The Agency, therefore, is denying Digital's petition as incomplete.

During the public comment period for the January 30, 1987 proposed denial, Arvin Automotive and Bayliner Marine Corporation did not provide comments, nor did they provide the necessary information to make their petitions complete. The Agency, therefore, is denying their petitions as incomplete.

II. Effective Date

This rule is effective immediately. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here since this rule does not change the existing requirements for these petitions. The petitioners have been obligated to treat their waste as hazardous. The denial of these petitioners does not change this. Since the petitioners do not need any time to come into compliance, the Agency believes that this rule should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

III. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, requires a Regulatory Impact Analysis. This final denial of exclusions is not major since it has no effect on how the facilities must manage their wastes. Prior to submitting, and during the review of their petitions to exclude certain of the wastes generated from their facility, petitioners should have handled their wastes as hazardous. The denial of their exclusion petitioners means that they are to continue managing their wastes as hazardous. There is no additional economic impact on the facilities due to today's rule. This final denial is not a major regulation; therefore, no Regulatory Impact Analysis is required.

IV. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an Agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have an adverse economic impact on small entities since its effect will not change the overall costs of EPA's hazardous waste regulations. Accordingly, I hereby certify that this final regulation will not have a significant impact on a substantial number of small entities.

This regulation, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Date: July 23, 1987.

J.W. McGraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 87-17513 Filed 7-31-87; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 261

[FRL-3236-2]

Identification and Listing of Hazardous Waste; Spent Pickle Liquor From Steel Finishing Operations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On May 28, 1986 (51 FR 19320), EPA promulgated a rule to amend the regulations for hazardous waste management under the Resource Conservation and Recovery Act by stating that the listing for spent pickle liquor from steel finishing operations (EPA Hazardous Waste No. K062) applies only to wastes generated by iron and steel facilities. EPA issued a technical correction to this amendment on September 22, 1986 (51 FR 33612). One person questioned whether this action was a rule requiring prior notice and opportunity to comment. In response, on May 6, 1987, (52 FR 16982), EPA proposed an amendment to the rule and is today finalizing that action.

[2] In that same **Federal Register** notice, the Agency also proposed to deny exclusion of specific wastes generated by five other petitioning favilities (see 52 *FR* 3029–3031, January 30, 1987). Three of these five petitions have been withdrawn; the other two petitions will be addressed in future **Federal Register** notices.

DATE: This rule becomes effective September 2, 1987.

FOR FURTHER INFORMATION CONTACT: For general information contact: the RCRA Hotline at (800) 424–9346 toll-free or (202) 382–3000. For information on specific aspects of this rule contact: Michael Petruska, Office of Solid Waste (WH–562B), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475–6676.

SUPPLEMENTARY INFORMATION:

A. Final Rule

In the May 6, 1987 proposed rules on boilers and industrial furnaces, EPA proposed to amend existing regulations to state with absolute clarity that the scope of the listing of Hazardous Waste K062 applies to pickle liquor from steel finishing operations at facilities within the iron and steel industry (SIC Codes 331 and 332). When EPA first promulgated this amendment on May 28, 1986, the Agency erroneously described the scope of the listing as applying to plants that actually produce iron and steel. *See* 51 FR 19320. This error was inadvertent and obviously unintended given that EPA had never proposed such a change, and in the relevant preambles, the Agency repeatedly described its action as applying to all plants in the iron and steel industry (*See* 50 FR 36966 (column 1), 36967 (column 1), 36967 (column 2) (Sept. 10, 1985) and 51 FR 19320 (column 2), 19321 (column 1) (May 28, 1986)). In addition, if the listing was to apply only to facilities actually producing iron and steel, then the listing would be narrower than the accompanying exclusion from the subject listing *i.e.*, "waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332)" (§ 261.3(c)(2)(ii))—a facial contradiction since one cannot exclude more than one has listed.

For these reasons, on September 22, 1986, EPA corrected the error by means of a technical correction (see 51 FR 33612). One person questioned this change arguing that it was in fact substantive rulemaking requiring prior notice and comment. EPA does not agree, but proposed to amend the rule to remove any possible doubt. No commenters seriously contended that the listing should not apply to all pickle liquor generated by plants in the iron and steel industry. Accordingly, for all of the reasons stated in the preamble to the proposed rule, and in the earlier **Federal Register** notices there cited, EPA has determined to adopt a final rule stating that the listing applies to spent pickle liquor produced by any plant in the iron and steel industry.

B. Effective Date

RCRA section 3010(b) indicates that final regulations implementing the requirements of Subtitle C take effect 6 months from date of publication. The Agency may waive this requirement when it finds that the regulated community does not need that time to come into compliance. That is the case here, since existing regulations already contain the same language as today's rule, and, at the very least, EPA's consistent and longstanding interpretation is that the scope of the K062 listing applies to spent pickle liquor produced by any iron and steel industry plant. For these reasons, the six month effective date is unnecessary here.

Regulatory Impacts

A. Results of Regulatory Impact Studies

1. Executive Order 12291

As defined by Executive Order 12291, today's regulation is not a "major rule." Therefore, no Regulatory Impact Analysis (RIA) is required. This rule will not have an annual impact on the national economy greater than $100 million. In fact, EPA anticipates no impact at all because existing requirements are identical. In addition, this regulation will not significantly affect competition, employment, productivity or innovation.

This rule was submitted to the Office of Management and Budget (OMB) for review under Executive Order 12291.

2. Regulatory Flexibility Act

We have determined that today's rule will not have significant impact on a substantital number of small businesses and, therefore, that no Regulatory Flexibility Analysis (RFA) is required under the Regulatory Flexibility Act.

3. Paperwork Reduction Act

The requirements of the Paperwork Reduction Act of 1960 (PRA), 44 U.S.C. 3501 et seq., were considered in developing this regulation. We believe that the rule imposes no new reporting and recordkeeping requirements.

List of Subjects in 40 CFR Part 261

Hazardous material, Waste treatment and disposal, Recycling.

Dated: July 22, 1987.

Lee M. Thomas,

Administrator.

For the reasons set out in the Preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 is revised to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6922.

2. Section 261.32 is amended by revising the entry under the iron and steel industry for the hazardous waste listing K062 to read as follows:

§ 261.32 Hazardous wastes from specific sources.

* * * * *

Industry and EPA hazardous waste No.	Hazardous waste	Hazardous code
*	*	*
Iron and steel:		
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).	(C,T)

[FR Doc. 87–17344 Filed 7–31–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 799

[OPTS–42087B; FRL–3241–4]

2-Ethylhexanol; Final Test Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing a final test rule, under section 4 of the Toxic Substances Control Act (TSCA), requiring manufacturers and processors of 2-ethylhexanol (EH; CAS No. 104–76–7) to conduct a 2-year oncogenicity bioassay. This action follows EPA's proposed rule of December 19, 1986 (51 FR 45487).

DATES: In accordance with 40 CFR Part 23.5, this rule shall be promulgated for purposes of judicial review at 1 p.m. eastern daylight time on August 17, 1987. This rule shall become effective on September 16, 1987.

FOR FURTHER INFORMATION CONTACT: Edward A. Klein, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Rm. E–543, 401 M St. SW., Washington, DC 20460, (202) 554–1404.

SUPPLEMENTARY INFORMATION: EPA is issuing a final test rule under section 4(a) of TSCA to require health effects testing of EH.

I. Test Rule Development Under TSCA

This notice is part of the overall implementation of section 4 of TSCA

(Pub. L. 94–469, 90 Stat. 2003 *et seq.*, 15 U.S.C. 2601 *et seq.*), which contains authority for EPA to require development of data relevant to assessing the risks to health and the environment posed by exposure to particular chemical substances or mixtures (chemicals).

Under section 4 of TSCA, EPA must require testing of a chemical to develop health or environmental data if the Administrator makes certain findings as described in TSCA under section 4(a)(1)(A) or (B). (15 U.S.C. 2603(a)(1)(A) and (B)). A discussion of the statutory section 4 findings is provided in the Agency's first and second proposed test rules published in the **Federal Registers** of July 18, 1980 (45 FR 48510) and June 5, 1981 (46 FR 30300).

II. Regulatory History

In the **Federal Register** of December 19, 1986 (51 FR 45487), the Agency proposed to use the authority under section 4 of TSCA to require testing to obtain data needed to better assess the oncogenic potential of EH. As stated in the proposed rule, the Agency believes that the 2-ethylhexyl moiety, which occurs in EH and in other chemicals, may be an active carcinogenic agent to which people may be exposed. Refer to the EH proposed rule for additional discussion of EH's chemical profile, potential health hazard, exposure, and environmental release (51 FR 45487; December 19, 1986).

To obtain oncogenicity test data on EH as soon as possible, the Agency has limited its analysis of testing needs to oncogenicity testing. Once oncogenicity testing is underway, the Agency will evaluate available data including a recent section 8(e) submission (Ref. 24) to determine the need for additional testing and, if necessary, initiate a separate rulemaking to require such testing of EH.

Interested parties were solicited by the Agency for development of a testing consent order for EH (51 FR 28686; August 12, 1986). Plans for adopting a consent order were terminated because mutually agreeable terms could not be reached.

III. Response to Public Comments

The EH Panel of the Chemical Manufacturers Association (the Panel) submitted comments on the proposed test rule (Ref. 11). The public comment period for submitting written comments on the proposed rule closed on February 17, 1987. The Panel presented oral comments on the proposed test rule in a public meeting held in Washington, DC, on March 18, 1987 (Ref. 14). The following is a discussion of the Agency's response to the Panel's comments. No other public comments were received by EPA.

A. Health Effects

The Panel commented that the available scientific evidence does not support the section 4(a)(1)(A) finding for carcinogenicity. The Panel contends that EH is non-genotoxic and is a very weak peroxisome proliferator. In addition, the Panel contends there is growing evidence that a threshold level of exposure is necessary for peroxisome-related rodent liver tumors and that primates are markedly less susceptible than rodents to peroxisome proliferation.

EPA believes additional research is needed to establish the specific mechanism of action of EH carcinogenicity. Moreover, even if one assumes that EH is a very weak peroxisome proliferator, further research is needed to establish the nature of the relationship between peroxisome proliferation and carcinogenicity. Because of the limitations of the scientific data, EPA believes that it cannot justify assuming a specific mechanism of action for EH carcinogenicity at this time, including the presumption of a threshold.

EPA has reviewed readily available information on the genotoxicity of EH; but, because the case for EH oncogenicity testing is compelling, the Agency has decided to focus this rule on oncogenicity testing only. A full evaluation of the genotoxicity of EH and the need for additional genotoxicity testing may be completed after oncogenicity testing is underway. In any case, evidence of no genotoxicity does not negate a substance's carcinogenic potential, as there are non-genotoxic mechanisms of carcinogicity.

As stated in the EH proposed test rule, chemicals containing the ethylhexyl moiety have been shown to have carcinogenic potential. These chemicals are all expected to hydrolyze to EH; therefore, the Agency believes EH may also be a carcinogenic agent. Peroxisome proliferation is an additional piece of evidence to support this structure-activity based finding. Therefore, because there is strong evidence that chemicals containing the EH moiety are carcinogenic in rodents and because there is an absence of data on the potential carcinogenicity of EH, the Agency believes that oncogenicity testing of EH is warranted and indeed necessary to obtain data for determining if EH presents an unreasonable risk of cancer.

B. Testing Program for Peroxisome Proliferation

The Panel urges EPA to address testing needs for EH as part of a comprehensive testing program for structurally-related compounds with peroxisome-inducing potential. As an alternative to requiring that an oncogenicity bioassay be conducted on EH, the Panel proposed that testing should focus on obtaining a better understanding of the relationship between peroxisome proliferation of rodent liver tumors and the implications of these phenomena for human risk assessment. The Panel provided EPA with information on peroxisome proliferation in an attempt to support the Panel's belief that peroxisome proliferation is the mechanism of action for potential EH carcinogenicity, and that data on peroxisome proliferation should be the basis for prioritizing oncogenicity testing.

EPA believes the alternative testing program suggested by CMA is inappropriate (Refs. 21 and 22) and would unnecessarily delay oncogenicity testing for EH. As stated in Unit III.A. above, the Agency believes additional research is needed to establish the nature of the relationship between peroxisome proliferation and carcinogenicity. The Agency further believes the ethylhexyl moiety may be the proximate carcinogenic agent and that there is inadequate scientific justification to base the potential for EH oncogenicity solely on peroxisome proliferation. The Panel, however, is free to conduct research on peroxisome proliferation in conjunction with completing the bioassay on EH.

C. Exposure

The Panel believes the information used to evaluate exposure to EH is limited and largely out-of-date. The Panel plans to conduct a survey of EH producers and users to obtain current use and exposure information. The Panel requested that the rule be deferred until the results of the survey are available.

The Panel was informed of the information the Agency would use to evaluate exposure of EH in meetings held with the Panel since July 18, 1986. Only at the close of the comment period in February 1987 did the Panel decide to initiate a survey to collect more detailed use and exposure information. The best and most current information available to EPA indicates that production volume (635 million pounds per year) and potential exposure (11,550 to 45,000 workers) (Refs. 2, 3, 17, and 18) are

substantial. The Panel did not submit any exposure information which disputed these production or exposure figures. Moreover, even if this estimate is overstated, given its potential to be a carcinogen, the Agency's concern for the potential hazard of EH is high. When the hazard potential is believed to be serious, even a relatively low exposure to EH would warrant concern for testing under section 4(a)(1)(A) of TSCA (see 45 FR 48528 (July 18, 1980)). Therefore, EPA believes that a survey developed by the Panel would not alter the Agency's decision to finalize this rule. Thus, to delay testing to obtain such information is not in the public interest.

D. Test Species

The Panel believes a bioassay on EH should not be conducted in the B6C3F1 mouse. The Panel maintained that, because the mouse has a high incidence of spontaneous liver tumors, the Panel considers it a poor model for oncogenicity testing for EH. The Panel adds that there is a considerable body of data relating to peroxisome proliferation and tumor development in the rat, but very little data for the mouse.

EPA believes, based on National Toxicology Program (NTP) bioassay data for chemicals related to EH and on a recently published position paper by the NTP, there is a concern for liver tumor variability primarily in B6C3F1 males (Refs. 4 through 8, 19, and 20). However, in bioassays conducted on di(2-ethylhexyl) phthalate (DEHP), di(2-ethylhexyl) adipate (DEHA), and tris (2-ethylhexyl) phosphate (TEHP), upon which EPA based its (4)(a)(1)(A) findings for EH, a statistically significant increase in liver tumors occurred not only in male mice but also in female mice where the background incidence of liver tumors is low (Refs. 4 through 7). The Agency is aware that the male mice may have a variable rate of background liver tumors, and this will be considered with other evidence in estimating potential human risk from EH. NTP continually evaluates species used in NTP oncogenicity studies and, in a recent publication, NTP concluded that at the present time, even with the variable rate of background liver tumors in males, the B6C3F1 mouse is an acceptable species for oncogenicity studies (Ref. 19). Ethylhexyl-containing chemicals (DEHP, DEHA, TEHP, and sodium 2-ethylhexyl sulfate (EHS)) used in structure-activity analysis for EH were tested in the B6C3F1 mouse. More important, however, since the mouse appears more sensitive than the rat to these ethylhexyl-containing chemicals (Refs. 4 through 8), EPA considers the mouse appropriate for testing the potential cancer risk of EH.

As stated before, although the proliferation of peroxisomes may add to the weight of the evidence that a chemical may present risks of cancer, studies on peroxisome proliferation cannot provide data sufficient to evaluate the oncogenicity of a substance. Thus, although there may be more available data concerning peroxisome proliferation in the rat, these data as stated in Unit III.A. above do not negate the need for testing EH in two mammalian species, i.e., the mouse and the rat, in accordance with the EPA test guideline at 40 CFR 798.3300(b).

E. Route of Administration

The Panel believes that administering EH via microencapsulation, as EPA proposed, is unlikely to yield reliable and adequate data and that the Agency should require preliminary studies to determine the advantages of dermal, oral, and inhalation methods of administering EH before selecting the route for the chronic study.

This final test rule does not preclude administration by gavage provided that test sponsors validate the test methodology according to the TSCA Good Laboratory Practice Standards (40 CFR Part 792).

This final rule requires an oral route of administration so that the data can be compared with other data for EH and with data on related chemicals like EHA, DEHP, DEHA, TEH, and EHS.

NTP is completing studies evaluating the use of the microencapsulation methodology for administering EH.

To evaluate reports that EH may not be stable in dry feed (Ref. 16), the Panel initiated a detailed study using radiolabeled EH and several extraction techniques (Refs. 11, 12, and 13). The Panel has confirmed that EH is not stable in dry feed (Ref. 23). Thus, EH must be administered either by microencapsulation or by gavage.

F. Need for the EH Bioassay

The Panel believes that test data on DEHA are adequate to characterize the oncogenicity of EH since EH is a principal metabolite of DEHA.

EPA has several reasons for believing that using DEHA oncogenicity data (Ref. 5) as a surrogate for data on EH is inadequate. The DEHA oncogenicity data are insufficient to determine if the response is due to the intact DEHA molecule, DEHA partially metabolized to the monoester and EH, or EH itself. DEHA was only positive in the mouse, but EH could be positive in the mouse and the rat as was DEHP. Therefore, the Agency believes the dose-response data from the DEHA bioassay are not appropriate for assessing risk from exposure to EH. Furthermore, EPA believes the use of structure-activity relationship data is appropriate when no other bioassay data is available or attainable on a chemical. However, in the case of EH, the relevant bioassay data can be obtained because the evidence supports section 4(a)(1) (A) and (B) findings and thus a requirement to conduct testing.

G. Reporting Deadline

The Panel commented that the 53-month reporting requirement is unrealistic. They believe that, given the nature of the studies proposed, to validate the bioavailability of EH administered by microencapsulation and subsequent dietary incorporation would require extensive preliminary studies. Based on the time required for the additional testing, as well as the bioassay, the Panel has estimated that final test results cannot be reported in less than 105 to 109 months.

EPA believes that because the NTP is completing validation studies on microencapsulation of EH, and because the Panel has completed studies of the stability of EH in dry feed, validation will have been initiated before the rule becomes effective. Therefore, at this time, the additional time requested by the Panel to perform the validation studies will not be necessary. From experience with other bioassays and NTP's experience with microencapsulation, the Agency believes that 53 months provides adequate time to conduct the study by gavage and 56 months provides adequate time to conduct the study by microencapsulation.

H. Economic Impact

The Panel believes the Agency neglected to account for the cost of preliminary pharmacokinetic studies and additional dose groups needed to validate microencapsulation and interpret the bioassay results when developing cost estimates for the bioassay.

The Agency believes that for industry to repeat the preliminary studies being completed by NTP to validate administration of EH by microencapsulation is unnecessary. In addition, $140,000 to $250,000 have been included in the Agency's cost estimate to account for additional costs from microencapsulation procedures (Ref. 2). The additional dose groups proposed by the Panel may not be necessary because the capsule material will represent a small part of the animal's diet.

Furthermore, if industry chooses to conduct this testing by gavage, costs should be less.

Refer to Unit VI. in the proposed EH rule (51 FR 45490; December 19, 1986) and to the economic impact analysis (Ref. 2) for a more detailed discussion of the economic impact of this rule.

I. Manufacturers

Alcolac was listed in the proposed EH rule as a manufacturer of EH. Alcolac informed the Agency that it does not manufacture or import EH and has no plans to do either in the future (Ref. 15). Thus, it would not be subject to this test rule unless it begins any such activities.

IV. Final Test Rule for EH

A. Findings

EPA is basing its oncogenicity testing requirements for EH on the authority of sections 4(a)(1) (A) and (B) of TSCA.

1. Under section 4(a)(1)(A)(i), EPA finds that the manufacture, processing, distribution in commerce, use, and disposal of EH may present an unreasonable risk of injury to human health because of its potential to cause carcinogenic effects. The finding for potential carcinogenicity is based on studies conducted on other chemicals containing the ethylhexyl moiety which suggest that EH may possess a carcinogenic hazard. See Unit II.B. of the proposed rule for a more complete discussion of carcinogenicity hazard potential.

In addition, data available to EPA indicate that more than 635 million pounds of EH is produced annually for intermediate uses and for merchant sale, and that an estimated 11,550 to 45,000 workers are potentially exposed to EH during its manufacture, processing, distribution, and use. Potential for consumer and general population exposure also exists through use and disposal (Refs. 1, 2, 3, 17, and 18).

2. Under section 4(a)(1)(B)(i), EPA finds that EH is produced in substantial quantities and that there is or may be substantial human exposure from its manufacture, processing, use, and disposal. As stated above, approximately 635 million pounds of EH are produced annually, and 11,550 to 45,000 workers in 62 occupations are estimated to have actual exposure to EH or products containing EH (Refs. 1, 2, 3, 17, and 18). EH is used as an intermediate for the manufacture of acrylates, phthalates, and the octyl ester of 2,4-dichlorophenoxyacetic acid (Ref. 2). It may also be used in several other industrial processes and uses, and there is potential for consumer and general population exposure (Ref. 1, 25, 26, and 27).

3. Under sections 4(a)(1) (A)(ii) and (B)(ii), EPA finds that there are insufficient data and experience from which the potential carcinogenic effects of the manufacture, processing, distribution, use, and disposal of EH can reasonably be determined or predicted.

4. Under sections 4(a)(1) (A)(iii) and (B)(iii), EPA finds that testing EH for oncogenicity is necessary to develop such data. EPA believes that the data resulting from this test rule will be relevant to a determination as to whether the manufacture, distribution in commerce, processing, use, and disposal of EH presents an unreasonable risk of injury to human health.

B. Required Testing

On the basis of these findings, the Agency is requiring oncogenicity testing of EH. Data from these bioassays in rats and mice will assist the Agency in conducting risk assessments for EH and thus will be of critical importance in determining whether EH presents an unreasonable risk of cancer.

The Agency is requiring the oncogenicity testing to be conducted on EH in accordance with the TSCA test guidelines for oncogenicity specified in 40 CFR 798.3300, published in the **Federal Register** of September 27, 1985 (50 FP 39252) and modified in the **Federal Register** of May 20, 1987 (52 FR 19056). EPA proposed these revisions to the guidelines in the **Federal Register** of January 14, 1986 (51 FR 1522), and responded to comments on the proposed revisions in the record for that rulemaking (Ref. 10).

The testing required in this final rule shall be performed with the Fisher 344 rat and B6C3F1 mouse. These species and strains have demonstrated sensitivity to other ethylhexyl compounds. The route of exposure shall be oral. Based upon experience at NTP (Ref. 9), the EH can be microencapsulated in the diet or administered by gavage. A subchronic study should be conducted using the same exposure method as selected for the lifetime bioassay to determine dose levels and characterize target organ effects for the bioassay.

C. Test Substance

The test substance shall be 2-ethylhexanol (EH; CAS No. 104–76–7) of at least 99-percent purity, which is a commercially available grade.

D. Persons Required To Test

Section 4(b)(3)(B) specifies that the activities for which the Administrator makes section 4(a) findings (manufacture, processing, distribution, use and/or disposal) determine who bears the responsibility for testing. Manufacturers are required to test if the findings are based on manufacturing ("manufacture" is defined in section 3(7) of TSCA to include "import"). Processors are required to test if the findings are based on processing. Both manufacturers and processors are required to test if the exposures giving rise to the potential risk occur during use, distribution, or disposal.

Because EPA has found that existing data are inadequate to assess the health risks from the manufacture, processing, distribution, use, and disposal of EH, EPA is requiring that persons who manufacture or process, or intend to manufacture or process, EH at any time from the effective date of this final test rule to the end of the reimbursement period are subject to the oncogenicity testing requirements contained in this final rule. While EPA has not identified any byproduct manufacturers of EH, such persons are covered by the requirements of this rule. The end of the reimbursement period will be 5 years after the last final report is submitted for EH, or an amount of time equal to that which was required to develop data, if more than 5 years, after the submission of the last final report required under this test rule.

Because TSCA contains provisions to avoid duplicative testing, not every person subject to this rule must individually conduct testing. Section 4(b)(3)(A) of TSCA provides that EPA may permit two or more manufacturers or processors who are subject to the rule to designate one such person or a qualified third person to conduct the tests and submit data on their behalf. Section 4(c) provides that any person required to test may apply to EPA for an exemption from the requirement. EPA promulgated procedures for applying for TSCA section 4(c) exemptions in 40 CFR Part 790.

Manufacturers (including importers) subject to this rule are required to submit either a letter of intent to perform testing or an exemption application within 30 days after the effective date of this final test rule. The required procedures for submitting such letters and applications are described in 40 CFR Part 790.

Processors subject to this rule, unless they are also manufacturers, will not be required to submit letters of intent or exemption applications, or to conduct testing, unless manufacturers fail to submit notices of intent to test or later fail to sponsor the required tests. The Agency expects that the manufacturers

will pass an appropriate portion of the costs of testing on to processors through the pricing of their products or reimbursement mechanisms. If manufacturers perform all the required tests, processors will be granted exemptions automatically. If manufacturers fail to submit notices of intent to test or fail to sponsor all the required tests, the Agency will publish a separate notice in the **Federal Register** to notify processors to respond; this procedure is described in 40 CFR Part 790.

EPA is not requiring the submission of equivalence data as a condition for exemption from the required testing for EH. EPA is interested in evaluating the effects attributable to EH and, as noted in Unit IV.C. above, has specified a relatively pure substance for testing.

Manufacturers and processors who are subject to this test rule must comply with the test rule development and exemption procedures in 40 CFR Part 790 for single-phase rulemaking.

E. Reporting Requirements

EPA is requiring that all data developed under this rule be reported in accordance with its TSCA Good Laboratory Practice (GLP) standards, which appear in 40 CFR Part 792.

In accordance with 40 CFR Part 790 under single-phase rulemaking procedures, test sponsors are required to submit individual study plans within 45 days before the start of each test.

EPA is required by TSCA section 4(b)(1)(C) to specify the time period during which persons subject to a test rule must submit test data. The Agency is requiring that the oncogenicity testing shall be completed and the final report submitted to EPA within 53 months of the effective date of this test rule if EH is administered by gavage. However, if EH is administered by microencapsulation, the final report is to be submitted within 56 months of the effective date of this rule. Progress reports are required at 6-month intervals beginning 6 months from the effective date of the rule.

TSCA section 14(b) governs Agency disclosure of all test data submitted to section 4 of TSCA. Upon receipt of data required by this rule, the Agency will publish a notice of receipt in the **Federal Register** as required by section 4(d).

Persons who export a chemical substance or mixture which is subject to a section 4 test rule are subject to the export reporting requirements of section 12(b) of TSCA. Final regulations interpreting the requirements of section 12(b) are in 40 CFR Part 707 (45 FR 82844; December 16, 1980). In brief, as of the effective date of this test rule, an exporter of EH must report to EPA the first annual export or intended export of EH to each country. EPA will notify the foreign country concerning the test rule for the chemical. Export of EH in any amount or at any concentration, including as an impurity, if known to the exporter, is subject to the section 12(b) reporting requirement.

F. Enforcement Provisions

The Agency considers failure to comply with any aspect of a section 4 rule to be a violation of section 15 of TSCA. Section 15(1) of TSCA makes it unlawful for any person to fail or refuse to comply with any rule or order issued under section 4. Section 15(3) of TSCA makes it unlawful for any person to fail or refuse to: (1) establish or maintain records; (2) submit reports, notices, or other information; or (3) permit access to or copying of records required by the Act or any regulation or rule issued under TSCA.

Additionally, TSCA section 15(4) makes it unlawful for any person to fail or refuse to permit entry or inspection as required by section 11. Section 11 applies to any establishment, facility, or other premises in which chemical substances or mixtures are manufactured, processed, stored, or held before or after their distribution in commerce. The Agency considers a testing facility to be a place where the chemical is held or stored and, therefore, subject to inspection. Laboratory inspections and data audits will be conducted periodically in accordance with the authority and procedures outlined in TSCA section 11 by duly designated representatives of the EPA for the purpose of determining compliance with this final rule for EH. These inspections may be conducted for purposes which include verification that testing has begun, schedules are being met, and reports accurately reflect the underlying raw data, interpretations, and evaluations to determine compliance with TSCA GLP standards and the test standards established in this rule.

EPA's authority to inspect a testing facility also derives from section 4(b)(1) of TSCA, which directs EPA to promulgate standards for the development of test data. These standards are defined in section 3(12)(B) of TSCA to include those requirements necessary to ensure that data developed under testing rules are reliable and adequate, and such other requirements as are necessary to provide such assurance. The Agency maintains that laboratory inspections are necessary to provide this assurance.

Violators of TSCA are subject to criminal and civil liability. Persons who submit materially misleading or false information in connection with the requirement of any provision of this rule may be subject to penalties which may be calculated as if they never submitted their data. Under the penalty provisions of section 16 of TSCA, any person who violates section 15 could be subject to a civil penalty of up to $25,000 for each violation with each day of operation in violation constituting a separate violation. This provision would be applicable primarily to manufacturers that fail to submit a letter of intent or an exemption request and that continue manufacturing after the deadlines for such submissions. This provision would also apply to processors that fail to submit a letter of intent or an exemption application and continue processing after the Agency has notified them of their obligation to submit such documents (see 40 CFR 790.48(b)). Knowing and willful violations could lead to the imposition of criminal penalties of up to $25,000 for each day of violation and imprisonment for up to 1 year. In determining the amount of penalty, EPA will take into account the seriousness of the violation and the degree of culpability of the violator, as well as all the other factors listed in section 16. Other remedies are available to EPA under section 17 of TSCA, such as seeking an injunction to restrain violations of TSCA section 4.

Individuals, as well as corporations, could be subject to enforcement actions. Sections 15 and 16 of TSCA apply to "any person" who violates various provisions of TSCA. EPA may, at its discretion, proceed against individuals, as well as companies themselves. In particular, this includes individuals who report false information, or who cause it to be reported. In addition, the submission of false, fictitious, or fraudulent statements is a violation under 18 U.S.C. 1001.

V. Economic Analysis

To assess the potential economic impact of this rule, EPA has prepared an economic analysis (Ref. 2) that evaluates the potential for significant economic impact on the industry as a result of the required testing. The economic analysis estimates the costs of conducting the required testing and evaluates the potential for significant adverse economic impact as a result of these test costs by examining four market characteristics of EH: price sensitivity of demand, industry cost characteristics, industry structure, and market expectations. Because there was

no indication of adverse effect, no further economic analysis was performed; however, had the first level of analysis indicated a potential for significant economic impact, a more comprehensive and detailed analysis would have been conducted to more precisely predict the magnitude and distribution of the expected impact.

Total testing costs for the final rule are estimated to range from $881,000 to $1,198,200. To better evaluate the impact on financial decisionmaking of manufacturing firms, these costs have been annualized. Annualized costs are compared with annual revenue as an indication of potential impact. The annualized costs represent equivalent constant costs which would have to be recouped each year of the payback period in order to finance the testing expenditure in the first year.

The annualized costs range from $96,700 to $131,600. In calculating these annualized costs, EPA has utilized a 7 percent real (i.e., net of inflation) cost of capital and a 15-year cost recovery period. An analysis of publicly available financial data on the chemical industry has led EPA to the determination that 7 percent represents an appropriate measure of the real, after-tax cost of capital for this industry.

Based on the 1984 production volume for EH of 635 million pounds, the unit test costs will be about 0.02 cent per pound. In relation to the selling price of 32 cents per pound of EH, these costs are equivalent to 0.06 percent of price. Based on these costs, the economic analysis indicates that the potential for significant adverse economic impact as a result of this test rule is extremely low.

Refer to the economic analysis for a complete discussion of test cost estimation and the potential for economic impact resulting from these costs (Ref. 2).

VI. Availability of Test Facilities and Personnel

Section 4(b)(1) of TSCA requires EPA to consider "the reasonably foreseeable availability of the facilities and personnel needed to perform the testing required under the rule." Therefore, EPA conducted a study to assess the availability of test facilities and personnel to handle the additional demand for testing services created by section 4 test rules (Ref. A.(3)). On the basis of this study, the Agency believes that there will be available test facilities and personnel to perform the testing in this rule.

VII. Rulemaking Record

EPA has established a record for this rulemaking (docket number OPTS-42087B). This record includes basic information considered by the Agency in developing this rule and appropriate **Federal Register** notices.

This record includes the following information:

A. Supporting Documentation

(1) **Federal Register** notices pertaining to this rule consisting of:

(a) Notice of final rule on EPA's TSCA Good Laboratory Practice Standards (48 FR 53922; November 29, 1983).

(b) Notice of interim final rule on procedures governing Testing Consent Agreements and Test Rules and Exemption Procedures (51 FR 23706; June 30, 1986).

(c) Notice of final rule on data reimbursement policy and procedures (48 FR 31786; July 11, 1983).

(d) Toxic Substances Control Act Test Guidelines; Final Rule, 40 CFR Parts 796, 797, and 798, (50 FR 39252; September 27, 1985).

(e) Revisions to the Toxic Substances Control Act Test Guidelines; Final Rule (52 FR 19056; May 20, 1987).

(f) Notice of Proposed Test Rule for 2-Ethylhexanoic Acid (50 FR 20678; May 17, 1985).

(g) Notice of Proposed Test Rule for 2-Ethylhexanol (51 FR 45487; December 19, 1986).

(h) Notice of Final Rule for 2-Ethylhexanoic Acid (51 FR 40318; November 6, 1986).

(i) Notice of interim final rule on single-phase test rule development and exemption procedures (50 FR 20652; May 17, 1985).

(2) Communications concerning the rule including contact reports of telephone conversations, and public comments.

(3) U.S. Environmental Protection Agency (USEPA). Chemical Testing Industry Profile of Toxicological Testing. Development Planning and Research Associates, Inc. and ICF Incorporated. Contract number 68-01-6064 and Task 7, Contract No. 68-01-6287. (October, 1981).

B. References

(1) National Toxicology Program (NTP). "Summary of Data for Chemical Selection" prepared for The National Cancer Institute by SRI International. Contract No. NOI-CP-95607 9/80 (Rev. April 1981).

(2) U.S. Environmental Protection Agency (USEPA). Economic Impact Analysis of Final Test Rule for 2-Ethylhexanol. Mathtech, Inc. Contract number 68-02-4235. Office of Pesticides and Toxic Substances, Washington, DC (March 20, 1987).

(3) USEPA. 2-Ethylhexanol Worker Exposure Analysis. Office of Pesticides and Toxic Substances, Washington, DC (August 13, 1986).

(4) U.S. Department of Health and Human Services. Public Health Service. National Institutes of Health (USDHHS; PHS; NIH). Carcinogenesis Bioassay of Di (2-ethylhexyl) phthalate (CAS No. 117-81-7) in F344 Rats and B6C3F1 Mice (Feeding Study). NTP Technical Report Series No. 217.

(5) USDHHS; PHS; NIH. Carcinogenesis Bioassay of Di (2-ethylhexyl) Adipate (CAS No. 103-23-1) in F344 Rats and B6C3Fl Mice (Feed Study). NTP Technical Report Series No. 212.

(6) USDHHS; PHS; NIH. Carcinogenesis Bioassay of Sodium 2-Ethylhexyl Sulfate (CAS No. 126-92-1) in F344/N Rats and B6C3F1 Mice (Feed Study). Draft NTP Technical Report. Prepared for the Board of Scientific Counselors. (September 2, 1982).

(7) USDHHS; PHS; NIH. NTP Technical Report on the Toxicity and Carcinogenicity of Tris (2-ethylhexyl) Phosphate (CAS No. 78-42-2) in F344/N Rats and B6C3F1 Mice (Gavage Study). Draft NTP Technical Report. (September 8, 1983).

(8) USDHHS; PHS; NIH. Memorandum with Attachment from W. Kluwe to 12 Addressees. Attachment: Comparative Chronic Toxicities and Carcinogenic Potentials of Four 2-Ethyhexyl-containing Compounds in Rats and Mice (December 19, 1983).

(9) NTP, National Institute of Environmental and Health Sciences. Microencapsulation Report 2-Ethyl-1-hexanol—Conformance of Microencapsulated Chemical to Specifications. Midwest Research Institute. NIEHS Contract No. Nol-ES-45060. (July 3, 1986).

(10) USEPA. Response to Public Comments, Proposed Revision of TSCA Test Guidelines (51 FR 1522; January 14, 1986), see the **Federal Register** of May 20, 1987 (52 FR 19056).

(11) Chemical Manufacturers Association (CMA). Comments of the 2-Ethylhexanol Panel of the Chemical Manufacturers Association on EPA's Proposed Test Rule for 2-Ethylhexanol, Washington, DC (February 17, 1987).

(12) CMA. Letter from Geraldine V. Cox, Vice President-Technical Director, CMA, to Charles L. Elkins, Director, Office of Toxic Substances, USEPA, Extension of Comment Period on 2-EH Test Rule Proposal. Washington, DC (February 10, 1987).

(13) CMA. Letter from Geraldine V. Cox, Vice President-Technical Director, CMA, to Gary E. Timm, Chief, Test

Rules Development Branch, USEPA, re: Issues for Discussion at 2-Ethylhexanol Public Meeting. Washington, DC (March 13, 1987).

(14) USEPA. Transcript of Proceedings From the Public Meeting to Present Oral Comments on 2-Ethylhexanol; Proposed Test Rule. Washington, DC (March 19, 1987).

(15) Alcolac. Letter from Daniel Greenfield, Director: TSCA Compliance, Alcolac, to the TSCA Public Information Office, USEPA, Washington, DC (April 15, 1987).

(16) NTP. National Institute of Environmental and Health Sciences. Standard analysis new Report, Chemical Characterization and Dosage Formulation Studies for 2-Ethylhexanol. Midwest Research Institute. NIEHS contract No. Nol-ES-45060. (October 4, 1985).

(17) National Institute for Occupational Safety and Health (NIOSH). National Occupational Hazard Survey Data Base (NOHS), USDHHS, Washington, DC. Computer printout. (May 31, 1985).

(18) NIOSH. National Occupational Exposure Survey Data Base (NOES). USDHHS, Washington, DC. Computer printout. (June 4, 1985).

(19) NTP. Maronpot, R.R. "Liver lesions in B6C3Fl Mice: The National Toxicity Program. Experience and Position." Research Triangle Park, NC (1987).

(20) NTP. Haseman, J. K. "Comparative Results of 327 Chemical Carcinogenicity Studies." Research Triangle Park, NC (May 30, 1987, in press).

(21) NTP. Letter from Ronald L. Melnick, to Frank Benenati, Office of Toxic Substances, USEPA, Washington DC (October 3, 1986).

(22) USEPA. Memorandum re: Ethylhexanol test program, from Carl Baetcke, Health and Environmental Review Division, to Frank Benenati, Office of Toxic Substances, USEPA, Washington, DC (October 3, 1986).

(23) CMA. Letter from Geraldine V. Cox, Vice President-Technical Director, CMA, to John A. Moore, Assistant Administrator for Pesticides and Toxic Substances, USEPA, re: route of administration for 2-EH Bioassay. Washington, DC (June 2, 1987).

(24) Shell Oil Company. Hansen, R.E., letter to the USEPA Re: 2-Ethylhexanol-Teratogenic Effects. (May 14, 1987).

(25) Samolloff, M.R., Bell, J., Birkholz, D.A., Webster, G.R.B., Arnott, E.G., Pulak, R., Madrid, A. "Combined bioassay-chemical fractionation scheme for the determination and ranking of toxic chemicals in sediments." *Environmental Science and Technology*. 17:329–34. (1983).

(26) Sheldon, L.S. and Hites, P.A. "Organic Compounds in the Delaware River." *Environmental Science and Technology*. 12:1188–94. (1978).

(27) Yasuhara, A., Shiraishi, H., Tsuji, M., and Okuno, T. "Analysis of organic substance in highly polluted water by mass spectrometry." *Environmental Science and Technology*. 15:570–3. (1981).

Confidential business information (CBI), while part of the record, is not available for public review. A public version of the record, from which CBI has been deleted, is available for inspection in the OPTS Reading Rm., NE-G004, 401 M St., SW., Washington, DC, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

VIII. Other Regulatory Requirements

A. Classification of Rule

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. EPA has determined that this test rule is not major because it does not meet any of the criteria set forth in section 1(b) of the Order, i.e., it will not have an annual effect on the economy of at least $100 million, will not cause a major increase in prices, and will not have a significant adverse effect on competition or the ability of U.S. enterprises to compete with foreign enterprises.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB to EPA, and any EPA response to those comments, are included in the rulemaking record.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (15 U.S.C. 601 *et seq.*, Pub. L. 96–354, September 19, 1980), EPA is certifying that this test rule will not have a significant impact on a substantial number of small businesses because: (1) They will not perform testing themselves, or will not participate in the organization of the testing effort; (2) they will experience only very minor costs in securing exemption from testing requirements; and (3) they are unlikely to be affected by reimbursement requirements.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this final rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and has assigned them OMB control number 2070–0033.

List of Subjects in 40 CFR Part 799

Testing, Environmental protection, Hazardous substances, Chemicals, Recordkeeping and reporting requirements.

Dated: July 27, 1987.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, Chapter I of Title 40, Part 799, of the Code of Federal Regulations is amended as follows:

PART 799—[AMENDED]

1. The authority citation for Part 799 continues to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. By adding new § 799.1645 to read as follows:

§ 799.1645 2-Ethylhexanol.

(a) *Identification of test substance.* (1) 2-Ethylhexanol (CAS No. 104–76–7) shall be tested in accordance with this section.

(2) 2-Ethylhexanol of at least 99.0-percent purity shall be used as the test substance.

(b) *Persons required to submit study plans, conduct tests, and submit data.* All persons who manufacture or process, or intend to manufacture or process 2-ethylhexanol, other than as an impurity, from the effective date of this final rule to the end of the reimbursement period shall submit letters of intent to conduct testing, submit study plans, conduct tests, and submit data or exemption applications as specified in this section, Subpart A of this Part, and Parts 790 and 792 of this chapter for single-phase rulemaking.

(c) *Health effects*—(1) *Oncogenic effects*— (i) *Required testing.* (A) Oncogenicity tests shall be conducted in Fisher 344 rats and B6C3Fl mice by the oral route with 2-ethylhexanol in accordance with § 798.3300 of this chapter, except for the provisions in § 798.3300(b)(6).

(B) For the purpose of this section, the following provisions also apply to the oncogenicity tests: (*1*) *Administration of the test substance.* 2-Ethylhexanol shall be administered either by microencapsulation before adding it to the diet or by gavage.

(*2*) [Reserved]

(ii) *Reporting requirements.* (A) The study plan for the oncogenicity test shall be submitted at least 45 days before the initiation of testing.

(B) The oncogenicity testing shall be completed and final report submitted to the Agency within 53 months of the effective date of this final rule if 2-ethylhexanol is administered by gavage or within 56 months of the effective date of this final rule if administered by microencapsulation.

(C) Interim progress reports shall be submitted to EPA at 6-month intervals beginning 6 months after the effective date of the final rule, until the final report is submitted to EPA.

(2) [Reserved]

(d) *Effective date.* The effective date of this final rule requiring oncogenicity testing of 2-ethylhexanol is September 16, 1987.

(Information collection requirements are approved by the Office of Management and Budget under control number 2070-0033.)

[FR Doc. 87-17514 Filed 7-31-87; 8:45 am]

BILLING CODE 6560-50-M

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

45 CFR Part 2002

Regulations on Donations; Technical Amendments

AGENCY: Commission on the Bicentennial of the United States Constitution.

ACTION: Final rule.

SUMMARY: This notice announces amendments made by the Commission on the Bicentennial of the United States Constitution to the Regulations on Donations which were published as an Interim Rule on January 24, 1986 [51 FR 3173] and adopted as a Final Rule on August 7, 1986 [51 FR 28384]. The enactment of Pub. L. 99-549, 100 Stat. 3063, signed by the President on October 27, 1986, requires these amendments in order to implement the actions of Congress and conform the Commission's existing regulations with the new authority granted by Congress. The effect of these amendments is to raise the contribution ceilings for individuals and corporations.

EFFECTIVE DATE: August 3, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph B. McGrath, General Counsel, Commission on the Bicentennial of the United States Constitution, 736 Jackson Place, NW., Washington, DC 20503; telephone: (202) 275-9178.

SUPPLEMENTARY INFORMATION: These amendments are required and approved in order to implement changes made by Pub. L. 99-549, 100 Stat. 3063, to the statute which created the Commission, Pub. L. 98-101, 97 Stat. 719. The new law, among other things, raised the annual limits on individual and corporate contributions to the Commission. The limit on annual contributions was raised from $25,000 to $250,000 for individual donors and from $100,000 to $1,000,000 for corporate and other business organization donors.

Paperwork Reduction Act: There are no information collection requirements subject to the Paperwork Reduction Act of 1980.

List of Subjects in 45 CFR Part 2002

Donations, U.S. Constitution Bicentennial.

Issued in Washington, DC, on July 28, 1987.

Mark W. Cannon,

Staff Director.

PART 2002—[AMENDED]

1. The authority citation for Part 2002 is revised to read as follows:

Authority: Section 5(h)(3) of Pub. L. 98-101; 97 Stat. 719; as amended by Pub. L. 99-549, 100 Stat. 3063; 5 U.S.C. 552.

§ 2002.21 [Amended]

2. Section 2002.21 is amended as follows:

a. Paragraph (a) is amended by inserting "as amended", after "97 Stat. 721,".

b. Paragraph (a)(1) is amended by striking "$25,000" and inserting in lieu thereof "$250,000".

c. Paragraph (a)(2) is amended by striking "$100,000" and inserting in lieu thereof "$1,000,000".

§ 2002.22 [Amended]

3. Section 2002.22 is amended as follows:

a. Paragraph (b) is amended by striking "$100,000" and inserting in lieu thereof "$1,000,000".

[FR Doc. 87-17483 Filed 7-31-87; 8:45 am]

BILLING CODE 6340-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 86-29; RM-4941]

Radio Broadcasting Services; Greenup, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 289B1 for Channel 288A at Greenup, Kentucky and modifies the license of Station WLGC-FM, Greenup to specify the new channel at the request of Greenup County Broadcasting, Inc. A counterproposal to allot the channel to Athens, Ohio is denied. With this action the proceeding is terminated.

EFFECTIVE DATE: September 4, 1987.

FOR FURTHER INFORMATION CONTACT: D. David Weston, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-30, adopted July 9, 1987, and released July 20, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended by substituting Channel 289B1 for Channel 288A at the entry for Greenup Kentucky.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division Mass Media Bureau.

[FR Doc. 87-17550 Filed 7-31-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 215, 230, and 253

Department of Defense Federal Acquisition Regulation Supplement; DoD Profit Policy

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: The Defense Acquisition Regulatory Council has approved revisions to Subparts 204.6, 215.9, 230.70 and 253.3 of the DoD FAR Supplement with respect to profit policy.

EFFECTIVE DATE: August 1, 1987.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Richard J. Wall, USAF, (202) 695–9764.

SUPPLEMENTARY INFORMATION:

A. Background

In May 1986, the Deputy Secretary of Defense approved an action plan to reform the way DoD contracting officers establish prenegotiation profit objectives on negotiated defense contracts. A new profit policy was proposed in the **Federal Register** on September 18, 1986 (51 FR 33087, September 18, 1986), for public comment. Subsequently, however, a provision in the DoD Appropriations Act of 1987 made it necessary to implement the proposed profit policy as an interim rule, effective on all contract solicitations issued on or after October 18, 1986. The Act specifically required DoD to accomplish the following: (a) increase emphasis placed on facilities capital employed and contractor risk, (b) consider working capital requirements, and (c) eliminate profit objectives being based on individual cost elements. The Act also included an expectation that unintended increases in profit objectives, which had occurred as a result of the profit policy issued under Defense Acquisition Circular 76–23, would be corrected. The interim rule was offered for public comment in the **Federal Register** on December 1, 1986 (51 FR 43200, December 1, 1986).

In developing a final rule, a DoD Joint-Service Implementation Committee evaluated the public comments received in response to both the September 18, 1986, and December 1, 1986, notices in the **Federal Register**. In addition, the Committee examined problems that had been experienced by DoD field contracting activities in implementing the interim rule. The financial impact of profit policy changes was evaluated against a data base of 14,000 contract actions valued at $160 billion, covering fiscal years 1981 through 1986.

A summary of the major changes made to the interim rule in adopting a final rule is presented below.

Use of Weighted Guidelines Method on Competitive Contracts.

The Weighted Guidelines Method is a structured approach which assists the contracting officer in performing a profit analysis on negotiated contracts. Although DoD's intent is to apply this method only to negotiated contracts, there were cases noted where it was applied to competitive procurements as well. Therefore, the applicability guidance was modified to stress that the Weighted Guidelines Method be used on contract actions where price is negotiated.

Distribution of Emphasis and Normal Values.

The total profit objective is the sum of values assigned by the contracting officer for three factors: performance risk, contract type risk, and facilities capital. The overall distribution of emphasis desired by DoD for these three factors determines the normal values for each in the Weighted Guidelines Method. It is DoD's intent to increase the emphasis placed on facilities capital to 40 percent (includes facilities capital cost of money). In order to achieve this overall distribution of emphasis, it was necessary to make changes to the normal values included in the interim rule.

Companies with Relatively Low Amount of Facilities Capital.

The interim rule recognized that there were research and development and service industries that did not require extensive investment in facilities capital to fulfill contract requirements. There was an adjustment factor that allowed the contracting officer to give additional profit for performance risk (up to 7 percent) under circumstances that met certain quantitative and qualitative criteria. Many commentors did not believe this mechanism was credible enough to provide a reasonable profit opportunity to these industries. As a result, this method was replaced with an alternate performance risk factor that as a separate normal value and designated range (allows profit up to 8 percent). The quantitative and qualitative criteria were removed, giving the contracting officer complete flexibility in this area. If the alternate performance risk factor is used, the contractor may still receive profit for contract type risk and facilities capital cost of money. The contractor, however, may not receive profit for facilities capital employed.

Cost as a Profit Base.

Several actions were taken to reduce the influence of cost in establishing prenegotiation profit objectives. First, the combined distribution of emphasis for the cost based portion of the Weighted Guidelines Method (performance risk and contract type risk) was reduced to 60 percent. Second, the analysis of performance risk was redirected from individual cost elements to three qualitative criteria: technical risk, management effort, and cost control. Third, contractor general and administrative (G&A) expenses and independent research and development/bid and proposal (IR&D/B&P) expenses were removed from the cost base. A number of commentors were critical of the third step, claiming that G&A and IR&D/B&P expenses were ordinary and necessary to the conduct of business and allowable under DoD's contract cost principles. No change was made to the interim rule on this issue because, while these expenses are necessary and allowable, they are not product costs in the same sense as material, direct labor, and overhead. This step was not a profit reduction measure, and if G&A and IR&D/B&P were reinstated to the cost base, compensating adjustments would have been made by reducing the normal values for performance risk and contract type risk.

Working Capital.

The new profit policy integrates the contractor's cost of working capital into the profit analysis. The intent is to provide the contracting officer with a means of varying prenegotiation profit objectives with the economic environment, DoD contract financing policies, and contract characteristics. Commentors generally agreed with the concept, but there were a number of practical application problems with the working capital adjustment factor included in the interim rule. A number of changes were made. First, two sets of contract type values were created: one for contracts that do not have contract financing provisions (e.g., progress payments) and one for contracts that do. The working capital considerations are only applied to contracts that have contract financing provisions. Second, small businesses were to be treated as if they received progress payments at the customary rate for large businesses. This removed differences in profit that would occur because small businesses receive a higher customary progress payment rate than large businesses. Third, a contract length factor table was created to simplify the calculation of the working capital adjustment. Fourth, instead of using a DoD published interest factor for computing working capital costs, contracting officers are to use the interest rate published by the Secretary of the Treasury (same rate used for facilities capital cost of money). A number of commentors challenged the assumptions and decisions that formed the baseline values of the working capital adjustment as being too conservative and not reflective of contractor costs. In addressing these comments, it was concluded that there was not enough empirical information presented to revise the analysis presented in DoD's profit study, entitled "Defense Financial and Investment

Reveiw". DoD's management information systems on contracting officer profit objectives will collect this information in the future, allowing for a more meaningful follow-up assessment in this area in the future.

Undefinitized Contract Actions.

The interim rule had stated that no profit for contract type risk should be paid on costs incurred by a contractor while performing on an undefinitized contract arrangement. This policy was modified to give the contracting officer more flexibility in this area. DoD's intent is to preclude giving fixed-price type profit rewards to contracts that were not prospectively priced and involve risk to the contractor. The contracting officer is expected to cosider the extent that costs have been incurred when setting the prenegotiation profit objective. The contracting officer should generally regard the contract type risk to be below normal within the designated range of the contract type selected. In cases where a substantial portion of the costs have been incurred prior to definitization, the contracting officer may assign a value as low as 0 percent for contract type risk.

Facilities Capital Employed.

One of the major thrusts of the new profit policy is to increase the emphasis on capital investment that will yield higher productivity. This was accomplished by increasing the overall distribution of emphasis for facilities capital and skewing normal profit values to investment in equipment. It was observed that the limitations inherent in the mechanism for deriving facilities capital cost of money under Cost Accounting Standard 414, "Cost of Money as an Element of the Cost of Facilities Capital", were producing distortions in profit objectives on contracts for research and development and service efforts performed by highly facilitized manufacturing firms. Therefore, an alternate set of values for facilities capital employed was created to give the contracting officer more flexibility in this situation. Some commentors complained that no profit consideration was given to land. They argued that land is an integral part of contractor capital investment decisions, and DoD's policy would affect such considerations. DoD's policy remained unchanged in this area because land is not a depreciable asset that is consumed in the production of goods and services. Further, removing land from the capital base was not a profit reduction measure, and if it were reinstated, compensating adjustment would have to be made by reducing normal values for buildings and equipment.

The DoD FAR Supplement is codified in Chapter 2, Title 48 of the Code of Federal Regulations.

Interested parties may submit proposed revisions to this Supplement directly to the DAR Council.

B. Regulatory Flexibility Act Information

DoD certifies that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the Weighted Guidelines Method is only mandatory on negotiated contract actions exceeding $500,000 (optional between $100,000 and $500,000). As such, small business involvement is not expected to be significant as the majority of negotiated contracts awarded at this level are to large businesses. Therefore, Regulatory Flexibility Act requirements do not apply. This view had been expressed when the new profit policy was issued as an interim rule, due to the DoD Appropriations Act of 1987, in the **Federal Register** on December 1, 1986. Although some commentors offered criticisms on the structure of the revised Weighted Guidelines method, the view of Regulatory Flexibility Act application was not challenged.

C. Paperwork Reduction Act Information

The Office of Management and Budget approved on October 24, 1986, paperwork burden of 750 hours under OMB Control No. 0704-0267.

List of Subjects in 48 CFR Parts 204, 215, 230, and 253

Government procurement.

Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

Adoption of Amendments

Therefore, the DoD FAR Supplement contained in 48 CFR Chapter 2 is amended as set forth below.

PARTS 204, 215, 230, AND 253—[AMENDED]

1. The authority for 48 CFR Parts 204, 215, 230, and 253 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

PART 204—ADMINISTRATIVE MATTERS

2. Sections 204.673 and 204.673-1 through 204.673-4 are revised to read as follows:

204.673 Record of Weighted Guidelines Method Application (DD Form 1547).

204.673-1 Purpose.

The DD Form 1547 is the principal source document for maintaining a DoD-wide management information system on profit and fee statistics, as required under DoD Instruction 7730.27, "Reporting of Planned and Negotiated Contract Profit Rates" (see 215.970). The management information system is extensively used within the Office of the Secretary of Defense to serve a wide variety of purposes ranging from evaluating profit and fee policies to responding to information requests received from all Branches of the Government, Congress, and the public.

204.673-2 Responsibilities.

The Heads of the Military Departments shall develop the necessary policies, procedures, and internal controls for implementing this reporting system. The contracting officer is responsible for properly preparing the DD Form 1547 and forwarding a copy of it to the designated office within 30 calendar days after the date of contract award. The contracting officer is also responsible for the correction of any errors detected by the system's auditing processes.

204.673-3 Applicability.

For the field contracting offices specified below, a copy of the completed DD Form 1547 shall be forwarded to the office designated for all contract actions valued $500,000 or more where the contracting officer employed either the Weighted Guidelines Method (215.970), an alternate structured approach (215.971), or the Modified Weighted Guidelines Method (215.972). Offices located outside the United States, its possessions, and Puerto Rico are exempt from this reporting requirement.

(a) *Army.* Contracting officers from all field contracting offices shall forward completed DD Forms 1547 directly to the Office of the Assistant Secretary for Research, Development and Acquisition (SARD-KS), Washington, DC, 20310-0600 or through intermediate office shown below:

(1) For Army Materiel Command field contracting offices, send through Army Materiel Command, ATTN: AMCPP-SC, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001; and

(2) For U.S. Army Corps of Engineers contracting offices, send through Office of the Chief of Engineers, HQDA (DAEN-PRP), Washington DC 20314-1000.

(b) *Navy.* (1) Contracting officers from the contracting offices specified below

and all subordinate field offices shall forward completed DD Forms 1547 to the office designated in (b)(2):

(i) Naval Air Systems Command;

(ii) Naval Sea Systems Command;

(iii) Space and Naval Warfare Systems Command;

(iv) Naval Facilities Engineering Command;

(v) Naval Supply Systems Command;

(vi) Office of Naval Research;

(vii) Headquarters, United States Marine Corps; and

(viii) Strategic Systems Project Office.

(2) Designated Office: Commander, Naval Supply Systems Command (SUP 024B), Washington, DC 20376.

(c) Air Force: (1) Contracting officers from all field contracting offices in the Air Force Systems Command and Air Force Logistics Command shall forward completed DD Forms 1547 to HQ AFLC/LMSC/SORS, Wright-Patterson Air Force Base, Ohio 45433.

204.673-4 Procedures.

(a) All elements of the DD Form 1547 shall be completed by the contracting officer as instructed in 215.970-2, 215.971-3, and 215.972-2.

(b) Completed forms shall be sent to the designated office, as an unclassified document, within 30 days after contract award. Classified information shall not be entered into the management information system on profit. The designated office will perform the necessary audit tests to ensure that the information on the DD Form 1547 is accurate. Use of mechanized or automated systems is desirable.

(c) The designated offices shall transmit the DD Form 1547 information in the manner and format specified in DoD Instruction 7730.27.

(d) The reporting requirements of this part have been assigned RCS: A&L(Q) 1751.

204.673-5 [Removed]

3. Section 204.673—5 is removed.

PART 215—CONTRACTING BY NEGOTIATION

4. Subpart 215.9, consisting of sections 215.900 through 215.973, is revised to read as follows:

Sec.

Subpart 215.9—Profit

215.900 Scope of subpart.

This subpart prescribes additional policies and procedures which DoD contracting officers shall use in developing a prenegotiation profit or fee objective (hereafter collectively called "profit objective") on negotiated defense contracts.

215.902 Policy.

(a)(1)(i) The Weighted Guidelines Method described in 215.970 is DoD's structured approach for performing a profit analysis on contract actions where price is to be negotiated. Its purpose is to provide a uniform and consistent manner for rewarding risk, motivating efficient and quality performance, and stimulating capital investment in the defense industrial base. The contracting officer shall use the Weighted Guidelines Method, or an alternate structured approach as authorized in 215.902(a)(1)(ii), for any negotiated contract action that requires cost analysis (215.805-3). A profit analysis shall not be performed on contract actions to be awarded on the basis of adequate price competition (215.804-3(b)). Furthermore, practices which produce an arbitrary profit objective or accomplish a profit analysis on an after-the-fact basis are unacceptable.

(ii) The contracting officer may use an alternate structured approach, described in 215.971, in lieu of the Weighted Guidelines Method for the types of contract actions listed immediately below. The alternate structured approach must specifically address performance risk, contract type risk (including contractor working capital), and contractor facilities capital.

(A) Contract actions under $500,000;

(B) Architect-engineer contracts;

(C) Construction contracts;

(D) Contracts primarily requiring delivery of material supplied by subcontractors;

(E) Termination settlements; and

(F) Cost-plus-award-fee cotracts.

(iii) Although it is intended that the Weighted Guidelines Method be applied to most negotiated contract actions, there may be unusual situations where this method may not produce a reasonable overall profit objective. An alternate structured approach may be used by the contracting officer, provided that approval has been obtained in writing from the head of the contracting activity. This approval authority may be redelegated in accordance with Departmental procedures.

(iv) The contracting officer shall use the modified Weighted Guidelines Method for contract actions with nonprofit organizations (see 215.972).

(S-70) If the contract action involves a modification to an existing contract, the contracting officer may apply the profit rate in the existing contract to the modification if all of the following conditions are met:

(1) Modification is a relatively small dollar amount;

(2) Work to be performed under the modification is similar to that required in the existing contract; and

(3) Other relevant variables have not materially changed (e.g., performance risk, interest rates, progress payment rates, distribution of facilities capital).

(S-71) The Weighted Guidelines Method shall be used to establish a basic profit rate under a formula type pricing agreement, and this basic rate may be used on all contract actions issued under that agreement, provided that conditions affecting profit do not change materially.

(S-72) The prime contractor should be encouraged to use the Weighted Guidelines Method or similar structured approach in developing profit objectives for negotiated subcontracts.

215.903 Contracting officer responsibilities.

(b) The Weighted Guidelines Method of profit analysis shall not be used in instances where cost analysis is being performed to assess cost realism on competitive acquisitions.

(e) The contractor should be encouraged to present the details of proposed profit amounts in the format described in 215.970, if application of the Weighted Guidelines Method is anticipated. This will facilitate a more complete discussion of the individual factors which will determine the overall profit objective. Specific agreement on the applied weights or values for individual profit factors shall not be attempted.

(S-70) The contracting officer's price negotiation memorandum shall fully document the profit analysis performed,

whether it be accomplished through the Weighted Guidelines Method or an alternate structured approach.

(S–71) The contracting officer is responsible for the accuracy and timeliness of profit reporting under DoD's management information system (see 204.673). Such reporting should be accomplished within 30 calendar days after the date of contract award. The contracting officer is responsible for the correction of any errors detected by the system's auditing processes.

215.905 Profit-analysis factors.

215.905–1 Common factors.

It is not necessary for the contracting officer to give consideration to the common factors beyond the means included in the Weighted Guidelines Method and alternate structured approaches.

215.970 Weighted Guidelines Method.

The Weighted Guidelines Method requires application of a DD Form 1547, "Record of Weighted Guidelines Method Application" (see 253.303–70–DD–1547). This method is DoD's structured approach for (a) performing the profit analysis necessary to develop a prenegotiation objective, (b) summarizing profit amounts subsequently negotiated as part of the contract price, and (c) serving as the principal source document for reporting profit statistics through DoD's management information system. The Weighted Guidelines Method expressly takes into account the contractor's degree of performance risk in producing the goods or services being acquired, the contract type risk assumed by the contractor under varied contract and incentive arrangements, and the nature and extent of facilities capital to be employed by the contractor. A normal value and designated range have been established for each profit factor. The normal value is the expected profit assignment where average conditions exist when compared to all goods and services acquired by DoD. The contracting officer may assign any value within the designated range if conditions warrant.

215.970–1 Procedures for establishing a profit objective.

(a) *Performance Risk.* This profit factor addresses the contractor's risk in fulfilling the contractual requirements to provide the supplies or to perform the services being acquired.

(1) *Profit base.* The profit amount for performance risk is computed by multiplying a composite profit value assigned by the contracting officer times total contract costs, *excluding* general and administrative (G&A) expenses, contractor independent research and development/bid and proposal (IR&D/B&P) expenses, and facilities capital cost of money.

(2) *Normal values and designated ranges.—(i) Standard.* Except for limited cases as provided in 215.970–1(a)(2)(ii), the normal value and designated range for the performance risk profit factor are as shown below. It is expected that the standard will be used on most contracts.

	Normal value	Designated range
Performance Risk (Standard)	4%	2% to 6%

(ii) *Alternate.* It is DoD's intent to base a substantive portion of total profit on contractor investment in facilities capital. However, some research and development and service contractors require relatively low capital investment in buildings and equipment when compared to the defense industry overall. For such contractors, the contracting officer may use the alternate normal value and designated range shown below. If the alternate is used, the contractor may not be given any profit for facilities capital employed (215.970–1(c)).

	Normal value (percent)	Designated range (percent)
Performance Risk (Alternate)	6	4 to 8

(3) *Evaluation criteria.* Performance risk shall be evaluated using three criteria: technical, management and cost control. Each is an integral part of developing the composite profit value for performance risk. The contracting officer shall weight each criterion as judged appropriate for the supplies or services being acquired. The profit value assigned will vary according to the contractor's performance risk in providing the supplies or services required by the contract. While any value may be assigned within the designated range, it is expected that the maximum and minimum values will be restricted to cases where performance risk is substantially above or below normal. The following example demonstrates how a composite profit value for performance risk is calculated.

	Weight assigned (percent)	Value assigned (percent)	Weighted value (percent)
Technical	30	5.0	1.5
Management	30	4.0	1.2
Cost Control	40	4.5	1.8
Composite Value			4.5

(i) *Technical.* This criterion focuses on the technical risk associated with providing the goods and services being acquired. The contracting officer's evaluation should address such factors as the technology being applied or developed by the contractor, technical complexity, program maturity, performance specifications and tolerances, and delivery schedule. The contracting officer is expected to carefully review the contract requirements and focus on the critical performance elements in the statement of work or specifications. The extent of a warranty or guarantee coverage should also be considered. Conditions which might justify higher or lower values are discussed below.

(A) *Above normal conditions.* The contracting officer may assign a higher than normal value in those cases where there is substantial technical risk. The following are indicators that such a condition may exist: the contractor is either developing or applying advanced technologies; items are being manufactured using specifications with stringent tolerance limits; the efforts require highly skilled personnel or require the use of state of the art machinery; the services and analytical efforts are of utmost importance to the Government and must be peformed to exacting standards; the contractor's independent development and investment has reduced the Government's risk or cost; the contractor has accepted an accelerated delivery schedule to meet DoD requirements; the contractor has assumed additional risk through warranty provisions. A maximum value may be justified in the development or initial production of a new item, particularly if performance or quality specifications are tight, or if there is a high degree of development or production concurrency. Extremely complex, vital efforts to overcome difficult technical obstacles which require personnel with exceptional abilities, experience and professional credentials may also justify a value significantly above normal.

(B) *Below normal conditions.* The contracting officer may assign a lower than normal value in those cases where the technical risk is low. The following are indicators that such a condition may exist: off the shelf items are being acquired; relatively simple requirements are specified; there is little application of complex technology; efforts that do not require highly skilled personnel or which are relatively routine; mature programs; follow-on efforts and repetitive type procurements. A profit

value significantly below normal may be justified for circumstances such as the following: routine services; production of simple items; rote entry or routine integration of government furnished information; simple operations within government owned facilities.

(ii) *Management.* This criterion considers the management effort involved on the part of the contractor to integrate the resources necessary to meet contract requirements. Resources include raw materials, labor, technology, information, and capital. The contracting officer should assess the contractor's management and internal control systems as well as the management involvement expected on the individual contract action. The contracting officer should consider the degree of cost mix as an indication of the types of resources applied and value-added by the contractor. The cost elements should not, themselves, be a basis for profit assignment. In evaluating management efforts, the contracting officer should use reviews made by the field contract administration office or other pertinent DoD field offices. The contracting officer should also give consideration to the contractor's support of federal socioeconomic programs, such as small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, handicapped sheltered workshops, labor surplus areas, and energy conservation. Conditions which might justify higher and lower values are discussed below.

(A) *Above normal conditions.* The contracting officer may assign a higher than normal value in those cases where the management effort is intense. The following are indicators that such a condition may exist: the value-added by the contractor is both considerable and reasonably difficult; the effort involves a high degree of integration or coordination; the contractor has a substantial record of active participation in federal socioeconomic programs. A maximum value for management may be justified under conditions such as the following: efforts requiring large scale integration of the most complex nature; major international activities requiring significant management coordination; or efforts with management milestones of critical importance.

(B) *Below normal conditions.* The contracting officer may assign a lower than normal value in those cases where the management effort is minimal. The following are indicators that such a condition may exist: a mature program where many end item deliveries have been made; the contractor adds minimum value to an item; routine efforts which require minimal supervision; the contractor provides poor quality, untimely proposals; the contractor fails to provide an adequate analysis of subcontractor costs; the contractor does not cooperate in the evaluation and negotiation of the proposal. A significantly below normal profit value may be justified if reviews performed by the field contract administration offices disclose unsatisfactory management and internal control systems (e.g., quality assurance, property control, safety, security) or if the effort requires an unusually low degree of management involvement.

(iii) *Cost control.* This criterion focuses on the contractor's efforts to reduce and control costs. The principal areas for evaluation are the expected reliability of cost estimates, cost reduction initiatives, and cost control management. Other factors which bear on the contractor's ability to meet the cost targets, such as foreign currency exchange rates and inflation rates, may also be considered. The contracting officer should assess the reliability of the contractor's estimating system and the extent of the contractor's cost reduction initiatives (e.g., competition advocacy programs, dual sourcing, spare parts pricing reforms, value engineering). In evaluating cost control management, the contracting officer should consider the adequacy of the contractor's management approach to the control of cost and schedule. Conditions which might justify higher or lower values are discussed below.

(A) *Above normal conditions.* The contracting officer may assign a higher than normal value if the contractor can demonstrate a highly effective cost control program. The following are indicators that such a condition may exist: the contractor provides fully documented and reliable cost estimates; the contractor has an aggressive cost reduction program that has demonstrable benefits; the contractor uses a high degree of subcontract competition (e.g., aggressive dual sourcing); the contractor has a proven record of cost tracking and control.

(B) *Below normal conditions.* The contracting officer may assign a lower than normal value if the contractor demonstrates minimal concern for cost control. The following are indicators that such a condition may exist: the contractor has a marginal cost estimating system; the contractor has made minimal effort to initiate cost reduction programs; the contractor's cost proposal is inadequate; or the contractor has a record of cost overruns or other indications of unreliable cost estimates and lack of cost control.

(b) *Contract type risk.* This factor focuses on the degree of cost risk accepted by the contractor under varying contract types.

(1) *Profit base.* The amount of profit for contract type risk is computed by multiplying the value assigned by the contracting officer times total allowable costs *excluding* G&A expenses, IR&D/B&P expenses, and facilities capital cost of money.

(2) *Normal values and designated ranges.* (i) The following normal values and designated ranges are applicable to contracts that contain no provisions or limited (first article financing) provisions for progress payments:

Contract type	Normal value (percent)	Designated range (percent)
Firm fixed-price	5	4 to 6
Fixed-price-incentive-fee	3	2 to 4
Cost-plus-incentive fee	1	0 to 2
Cost-plus-fixed-fee	.5	0 to 1

(ii) For fixed-price type contracts that contain provisions for progress payments, the normal value and designated ranges shown below shall be used. The value assigned by the contracting officer shall be further adjusted by adding an amount to recognize the contractor's investment in working capital, as described in 215.970–1(b)(4).

Contract type	Normal value	Designated range [1] (percent)
Firm fixed-price	3	2 to 4
Fixed-price-incentive-fee	1	0 to 2

[1] Add working capital adjustment to value assigned.

(iii) Time and material contracts; labor-hour contracts; overhaul contracts priced on a time and material basis; and firm fixed-price-level-of-effort-term contracts shall be considered to be cost-plus-fixed-fee contracts for the purpose of establishing a profit value for contract

type risk and shall not receive the working capital adjustment described in 215.970–(b)(4). However, higher profit values within the designated range may be justified to the extent that portions of cost are fixed.

(iv) Fixed-price contracts with redeterminable provisions should be considered as a fixed-price-incentive-fee contract with below normal conditions.

(3) *Evaluation criteria.* (i) When assigning a profit value, the contracting officer should consider elements that affect contract type risk such as: length of contract; adequacy of cost data for projections; economic environment; nature and extent of subcontracted activity; protection provided to the contractor under contract provisions (e.g., Economic Price Adjustment clauses); the ceilings and share lines contained in incentive provisions. Conditions which might justify higher or lower values are discussed immediately below.

(A) *Above normal conditions.* The contracting officer may assign a higher than normal value in those cases where there is substantial contract type risk. The following are indicators that such a condition may exist: efforts where there is minimal cost history; long-term contracts without provisions protecting the contractor, particularly when there is considerable economic uncertainty; if the contract includes incentive provisions (e.g., cost and performance incentives) which place a high degree of risk on the contractor.

(B) *Below normal conditions.* The contracting officer may assign a lower than normal value in cases where contract type risk is low. The following are indicators that such conditions may exist: contracts involving a very mature product line with extensive cost history; relatively short-term contracts; contracts that contain provisions that substantially reduce the contractor's risk; the contract includes incentive provisions which place a low degree of risk on the contractor. Considerations regarding contract type risk on incurred costs are separately discussed below.

(ii) The contracting officer's assessment of contract type risk shall address the extent that costs have been incurred prior to definitization of the contract action (see also 217.7503(b)(8)). This assessment shall include any reduced contractor risk on both (A) the contract before definitization and (B) the remaining portion of the contract. The contracting officer should generally regard the contract type risk to be below normal within the designated range of the contract type. However, in cases where a substantial portion of the costs have been incurred prior to definitization, the contracting officer may assign a value as low as 0% for contract type risk, regardless of contract type. The contracting officer's risk assessment may consider the limitations placed on the contractor for the period prior to definitization.

(4) *Working capital adjustment (Maximum Value 4%).* For fixed-price type contracts that contain provisions for progress payments, the contracting officer shall calculate a working capital adjustment. This adjustment is added to the contract type risk and it shall not exceed 4% of contract costs. Although the working capital adjustment employs a formula approach, the intent is only to give general recognition to the contractor's cost of working capital under varying contract circumstances, financing policies and the economic environment. It is not intended to be an exact calculation of such costs.

The formula is discussed below:

Contract Costs

Multiply by Portion Financed by Contractor

Contract Costs Financed by Contractor

Multiply by Contract Length Factor

Working Capital Investment

Multiply by Interest Rate

Working Capital Adjustment

(i) *Contract costs.* This represents all allowable costs, *including* contractor G&A expenses and IR&D/B&P expenses (but not facilities capital cost of money). The contracting officer may adjust this amount where the contractor has a minimum cash investment (e.g., subcontractor progress payments liquidated late in period of performance). The contracting officer should also consider the degree which some costs are covered by special financing provisions, such as advance payments, and special funding arrangements on multi-year contracts.

(ii) *Portion financed by contractor.* The contractor's share of financing is generally the portion not covered by progress payments. Typically, this will be 100% minus the customary progress payment rate (232.501–1). For example, if the contract provides for progress payments at 75%, then the contractor's share of financing would be 25% (100% minus 75%). On contracts that provide progress payments to small businesses or flexible progress payments (252.232–7004), the contractor's share shall be computed using the customary progress payment rate for large businesses.

(iii) *Contract costs financed by contractor.* Multiply contract costs by portion financed by contractor.

(iv) *Contract length factor.* This factor represents the period of time that the contractor has a working capital investment in the contract. It is to be based on the time necessary for the contractor to complete the substantive portion of the work. The contract length factor is not necessarily the period of time between contract award and final delivery (or final payment), as periods of minimal effort should be excluded. It also should not include periods of performance contained in option provisions. The contracting officer should use the table below to establish the contract length factor. On contracts with multiple deliveries, the contracting officer should develop a weighted average contract length. Sampling techniques are permissible, so long as they provide a representative result.

Period to perform substantive portion	Factor
21 months or less	.40
22 to 27 months	.65
28 to 33 months	.90
34 to 39 months	1.15
40 to 45 months	1.40
46 to 51 months	1.65
52 to 57 months	1.90
58 to 63 months	2.15
64 to 69 months	2.40
70 to 75 months	2.65
76 months or more	2.90

(v) *Working capital investment.* Multiplying the contract costs financed by contractor by the contract length factor.

(vi) *Interest rate.* The contracting officer shall use the interest rate promulgated by the Secretary of the Treasury (230.7003(c)). No other interest rate is authorized.

(vii) *Working capital adjustment.* Multiply the working capital investment by the interest rate. The result is the working capital adjustment. It may not exceed 4% of contract costs.

Example

JIC Manufacturing is to be awarded a negotiated contract for four assemblies. The contracting officer's prenegotiation cost objective for each is $500,000. The period of performance is 40 months with assemblies being delivered in the 34th, 36th, 38th, and 40th month of the contract (average period is 37 months). JIC Manufacturing will receive progress payments at 75% (contractor portion is 25%), and the current interest rate is 8%.

Contract Costs	$2,000,000
Portion Financed by Contractor	25%
Costs Financed by Contractor	$500,000
Contract Length Factor	1.15
Working Capital Investment	$575,000
Interest Rate	8%

Working Capital Adjustment	$46,000*

* Equates to 2.3% profit on total costs.

(c) *Facilities capital employed.* The intent of this profit factor is to encourge and reward aggressive capital investment in facilities that benefit DoD. This factor recognizes both the facilities capital to be employed by the contractor in the performance of the contract and the contractor's commitment to improving productivity. The amount of recognition is differentiated among asset categories in proportion to the potential for productivity increases. In addition to the net book value of facilities capital employed, the contracting officer may consider facilities capital that is part of a formal investment plan if the contractor submits reasonable evidence that (i) achievable benefits to DoD will result from the investment, and (ii) the benefits of the investment are included in the forward pricing structure.

(1) *Profit base.* The profit amount for facilities capital employed is computed by multiplying the values assigned times the allocated facilities capital attributable to buildings and equipment, as derived in DD Form 1861, "Contract Facilities Capital Cost of Money" (see 230.7004).

(2) *Normal values and designated ranges.*

(i) Except as provided in 215.970-1(c)(2)(ii), the normal values and designated ranges for land, buildings, and equipment are as shown below.

Asset type	Normal value	Designated range
Land	0%	N/A
Buildings	15%	10% to 20%
Equipment	35%	20% to 50%

(ii) It is recognized that the method used to allocate facilities capital cost of money may produce disproportionate allocation of assets to research and development and services efforts which are being provided to the government by highly facilitized manufacturing firms. In such cases the contracting officer should use the alternate normal values and designated ranges shown below.

Asset type	Normal value	Designated range
Land	0%	N/A
Buildings	5%	0% to 10%
Equipment	20%	15% to 25%

(iii) If the contracting officer selected the alternate for performance risk (215.970-1(a)(2)(ii)), no profit for facilities capital employed may be assigned.

(3) *Evaluation criteria.* The contracting officer's assessment should relate the usefulness of the facilities capital to the goods or services being acquired under the individual contract action, as well as to the broader perspective of defense programs. The contracting officer may assign any appropriate profit value within the designated range. It is expected that the maximum values will be restricted to those cases where the benefits of the facilities capital investment are substantially above normal. The contracting officer should analyze the productivity improvements and other anticipated industrial base enhancing benefits resulting from the facilities capital investment. The assessment should consider the economic value of the facilities capital, such as physical age, undepreciated value, idleness, and expected contribution to future defense needs. The contractor's level of investment in defense related facilities as compared with the portion of the contractor's business which is derived from DoD may be a useful indicator for the contracting officer in evaluating the contractor's commitment to improving the productivity of defense program efforts. The contracting officer should consider any special protection provisions that may be included in the contract which reduce the contractor's risk of investment recovery (termination protection clauses, capital investment indemnification, productivity savings rewards (215.872). Conditions which might justify higher or lower values are discussed below.

(i) *Above normal conditions.* The contracting officer may assign a higher than normal value if the facilities capital investment has direct and identifiable benefits which are considered exceptional. The following are indicators that such a condition may exist: new investments in state-of-the-art technology which reduce acquisition costs or yield other tangible benefits such as improved produce quality or accelerated deliveries; investments in new equipment for research and development applications; or the contractor can demonstrate that the investments are over and above the normal capital investments necessary to support anticipated requirements of DoD programs. A value significantly above normal may be justified when there are direct and measurable benefits in efficiency and significantly reduced acquisition costs on the effort being priced.

(ii) *Below normal conditions.* The contracting officer may assign a lower than normal value if the facilities capital investment has little benefit to DoD. The following are indicators that such a condition may exist: allocations of capital which are predominantly applied to commercial product lines; furniture and fixtures, home or group level administrative offices, corporate aircraft and hangars, gymnasiums; old facilities or extensive idle facilities. A value significantly below normal may be justified when a significant portion of defense manufacturing is done in an environment characterized by outdated, inefficient, and labor-intensive capital equipment.

(iii) The contracting officer shall ensure that increases in facilities capital investments are not merely asset revaluations attributable to mergers, stock transfers, takeovers, sales of corporate entities, or similar actions.

215.970-2 Instructions for completing DD Form 1547.

The DD Form 1547 not only assists the contracting officer in establishing a profit objective under the Weighted Guidelines Method, but it also serves as the principal source document for reporting profit statistics to DoD's management information system. It is essential that this form be prepared accurately.

(a) *General guidance.* The items contained on the DD Form 1547 shall be completed as shown below. All amounts are those related to the price of the contract action without regard to funding status (e.g., amounts obligated). Option amounts for additional quantities shall be handled as a separate contract action when exercised. Items marked with an asterisk (*) do not have to be completed by the contracting officer if exempted from the profit reporting requirement (204.673-3). In some cases, the information required will be identical to information provided on the related DD Form 350, "Individual Contracting Action Report."

(1) *Item 1—Report Number **. Each field contracting office designated for profit reporting shall establish a control system for consecutively numbering completed DD Forms 1547. A number does not have to be assigned until contract negotiations have been completed. This number is intended to identify the specific DD Form 1547 in DoD's management information system and will be used for follow-up actions. The control number shall be four-digits starting with 0001 at the beginning of each fiscal year. The four-digit number shall be followed by a dash and the last two digits of the fiscal year (e.g., 0004-87 for 4th action in fiscal year 1987). Numbers less than 1000 shall still be assigned four digits (e.g., 0004, 0055, 0123).

(2) *Item 2—Basic Procurement Instrument Identification No. (PIIN).* This is a four-part designation in the manner prescribed in 204.671–5(b)(1) for completing DD Form 350. The parts are as follows:

Subitem A—Purchasing Office;

Subitem B—Fiscal Year (FY);

Subitem C—Type Procurement Instrument Code (TPIC); and

Subitem D—Procurement Instrument Serial Number (PRISN).

(3) *Item 3—Supplemental Procurement Instrument Identification No. (SPIIN).* Enter supplemental agreement or other modification number in the manner prescribed for the DD Form 350 in 204.671–5(b)(2).

(4) *Item 4—Date of Action* *. Enter the date when the price of the contract action was negotiated in the following manner:

Subitem A—Year: Use last two digits (e.g., 87 for 1987).

Subitem B—Month: Use two digit number (e.g., 03 for March).

(5) *Item 5—Contracting Office Code* *. Enter the code assigned to the contracting office in accordance with DoD Procurement Coding Manual, Volume 3.

(6) *Item 6—Name of Contractor* *. Enter the name of the contractor (including division name) in manner prescribed for the DD form 350 in 204.671–5(b)(5).

(7) *Item 7—Data Universal Numbering System (DUNS) Number* *. Enter number in the manner prescribed for the DD Form 350 in 204.671–5(b)(4)(i).

(8) *Item 8—Federal Supply Code* *. Enter the appropriate Federal Supply Class or Service Code in accordance with instructions shown in 204.671–5(b)(8)(i).

(9) *Item 9—DoD Claimant Program* *. Enter the code in the manner prescribed for the DD Form 350 in 204.671–5(b)(8)(ii).

(10) *Item 10—Type of Contract Code* *. Enter the appropriate code as follows:

Description	Code
FPR (all types)	A
FPI (all types)	L
FFP	J
FP(E)	K
CPAF	R
CPFF	U
CPIF (all types)	V

(11) *Item 11—Type Effort* *. Enter the appropriate code as follows:

Description	Code
Manufacturing	1
Research and Development	2
Services	3

(12) *Item 12—Use Code* *. Enter the appropriate code for use of the Weighted Guidelines Method as follows:

Description	Code
Alternate Performance Risk	1
Standard Facilities Capital Employed	2
Alternate Facilities Capital Employed	3
Alternate Structured Approach	4
Modified Weighted Guidelines Method	5

(13) *Items 13 thru 20—Cost Category.* Enter the dollar values of the prenegotiation objectives for each cost category. All dollar values shall be expressed to nearest whole value (e.g., $200,008.55=$200,009). The amount for G&A expenses in Item 19 shall also include contractor IR&D/B&P expenses.

(14) *Items 21 thru 29—Weighted Guidelines Profit Factors.* Enter dollar values, factors, and percentages in spaces provided. All dollar values shall be expressed to nearest whole value (e.g., $200,008.55=$200,009). The contract length factor and all percentages shall be expressed to nearest hundredth (e.g., contract length factor=1.65 or interest rate=8.25%).

(15) *Total Profit Objective.* Enter the total of items 24, 25, 26, 28, 29.

(16) *Items 31 thru 35—Negotiation Summary.* Enter dollar values and percentages as indicated. All dollar values shall be expressed to nearest whole value (e.g., $200,008.55=$200,009). Percentages shall be expressed to nearest hundredth (e.g., profit-rate=10.25%).

(17) *Items 36 thru 39—Contracting Officer Approval.* All forms shall be signed by the contracting officer. Include complete commercial telephone number (e.g., area code) so that follow-up actions can be accomplished quickly.

(18) *Items 96 thru 99—Optional Use.* These blocks have been reserved for optional use by Military Services and Agencies.

(b) *Special guidance.* (1) While it is recognized that fixed-price type contract actions are negotiated on the basis of total price, the negotiation summary portion of the DD Form 1547 shall be prepared showing the contracting officer's best estimates of cost and profit.

(2) Where multiple profit rates apply to a single negotiation, a consolidated DD Form 1547 shall be prepared.

(3) The profit analysis for indefinite delivery-type contracts is generally based on the annual requirements. If the annual requirement is expected to exceed $500,000, a DD Form 1547 summarizing cost and profit estimates for the annual requirement shall be submitted.

215.971 Alternate approaches to Weighted Guidelines Method.

As provided in 215.902(a)(1)(ii) and (iii), alternate structured approaches may be used in lieu of the Weighted Guidelines Method. The contracting officer shall adhere to the provisions on profit factors and offset policy described below. See also guidance on cost-plus-award-fee contracts in 215.973.

215.971–1 Recognized profit factors.

The basic structure of the Weighted Guidelines Method establishes a uniform approach for examining the three components of profit: performance risk, contract type risk (including working capital), and facilities capital employed. Alternate approaches should also consider these factors using the general principles described in 215.970.

215.971–2 Offset policy for facilities capital cost of money.

The values of the profit factors used in the Weighted Guidelines Method have been adjusted to recognize the shift in facilities capital cost of money from an element of profit to an element of contract cost (231.205–10). Reductions have been made directly to the profit factors for performance risk. In order to assure that this policy is applied to all DoD contracts which allow facilities capital cost of money, similar adjustments shall be made to contracts which use alternate structured approaches. Therefore, the contracting officer shall reduce the overall prenegotiation profit objective derived from alternate structured approaches by 1% of total cost or the amount of facilities capital cost of money, whichever is less.

215.971–3 Instructions for Completing DD Form 1547.

For all selected field contracting offices identified in 204.673–3, the contracting officer shall report Items 1 through 12 and 31 through 39 on all contract actions of $500,000 or more. A DD Form 1547 is necessary, even where an alternate structured approach is used because it is the principal source document for DoD's management information system on profit. Profit amounts in the negotiation summary shall be net of offset for facilities capital cost of money (215.971–2). Only the base fee shall be reported on cost-plus-award-fee contracts.

215.972 Modified Weighted Guidelines Method for nonprofit organizations.

215.972-1 Procedures for establishing fee objectives.

It is DoD's policy to establish the fee objective on defense contracts with nonprofit organizations in a manner that will stimulate efficient contract performance. To achieve this, the contracting officer shall use the Modified Weighted Guidelines Method described below. For purposes of applying this method, a nonprofit organization is a business entity which operates exclusively for charitable, scientific, or educational purposes; whose earnings do not benefit any private shareholder or individual; whose activities do not involve influencing legislation or political campaigning for any candidate for public office; and is exempted from Federal income taxation under section 501 of the Internal Revenue Code.

(a) The contracting officer shall use the guidelines described in 15.970 but make the following adjustments to the fee objectives:

(1) If the standard performance risk factor is used (215.970-1(a)(2)(i)), the fee objective shall be reduced by an amount equal to 1% of total costs, *excluding* G&A expenses, IR&D/B&P expenses, and facilities capital cost of money. If the alternate performance risk factor is used (15.970-1(a)(2)(ii)), then the reduction shall be 2%.

(2) The designated range for the contract type risk shall be −1% to 0% of total costs, *excluding* G&A expenses, IR&D/B&P expenses, facilities capital cost of money, for a cost-plus-fixed-fee contract with nonprofit organizations or elements that have been identified by the Secretary of Defense or Secretary of a Department, or their designees, as receiving sustaining support on a cost-plus-fixed-fee basis from a particular Department or Agency of the Department of Defense.

(b) In addition to the fee amounts computed in 215.972-1(a) above, the contracting officer shall consider the need for fee on contracts to be awarded to a nonprofit organization designated as a Federally Funded Research and Development Center (FFRDC). Such consideration shall include the FFRDC's proportion of retained earnings, as established under generally accepted accounting methods, that is relatable to DoD contracted effort. The need for fee may be based on the FFRDC's facilities capital acquisition plans, working capital funding as assessed on operating cycle cash needs, contingency funding, and provision for funding unreimbursed costs deemed ordinary and necessary to the FFRDC.

215.972-2 Instructions for completing DD Form 1547.

A DD Form 1547 shall be prepared on all contract actions using the Modified Weighted Guidelines Method if the applicability criteria specified for structured approaches in 15.902 are met. The instructions contained in 215.970-2 should be applied. Fee amounts included in the negotiation summary shall be net of offsets and need for fee considerations.

215.973 Cost-plus-award-fee contracts.

The policies and procedures for establishing fee provisions on cost-plus-award-fee contracts are contained in 216.404-2. Although these procedures prohibit application of the Weighted Guidelines Method to cost-plus-award-fee contracts, and similarly the general guidance on alternate structured approaches contained in 215.971-1, the offset policy for facilities capital cost of money shall apply. Therefore, the contracting officer shall reduce the base fee on cost-plus-award-fee contracts by the lesser of (a) 1% of total costs; or (b) the amount of facilities capital cost of money.

PART 230—COST ACCOUNTING STANDARDS

5. Subpart 230.70, consisting of sections 230.7001 through 230.7007, is revised to read as follows:

Subpart 230.70—Facilities Capital Employed for Facilities in Use

Sec.

Subpart 230.70—Facilities Capital Employed for Facilities in Use

230.7001 Policy.

(a) It is the policy of the Department of Defense to recognize facilities capital employed as an element in establishing the price of certain negotiated defense contracts when such contracts are priced on the basis of cost analysis. The inclusion of this recognition is intended to reward contractor investments, motivate increased productivity and reduced costs through the use of modern manufacturing technology, and to generate other efficiencies in the preformance of defense contracts.

(b) Separate recognition shall be given to the cost of capital and the special risk associated with the facilities capital employed for defense contract purposes.

(1) Guidance for establishing a prenegotiation profit objective on contractor facilities capital employed is contained in 215.970-1(c).

(2) Cost of money for facilities capital will be recognized as an allowable cost in those negotiated defense contracts priced on the basis of cost analysis. [See FAR 31.205-10(a).]

230.7002 Definitions, Measurement, and Allocation.

Cost Accounting Standard (CAS) No. 414, "Cost of Money as an Element of the Cost of Facilities Capital" (See Appendix 0), establishes criteria for the measurement and allocation of the cost of capital committed to facilities, as an element of contract cost for historical cost determination purposes. Important features of the CAS are its definitions, techniques for application, and a prescribed Form CASB-CMF with instructions. This Subpart adopts techniques of CAS 414 as the approved methods of measurement and allocation of facilities cost of money to overhead pools at the business unit level, and adds only such supplementary procedures as are necessary to extend those techniques to contract forward pricing and administration purposes. Therefore, these procedures are intended to be completely compatible with, and an extension of, the definitions, criteria and techniques of CAS 414. Contractors who computerize their financial data are encouraged to meet the requirements of both CAS 414 and this Subpart from the same data bank and programs.

230.7003 Estimating Business Unit Facilities Capital and Cost of Money.

The method of estimating the business unit facilities capital and cost of money utilizes the techniques of CAS 414. Cost of money factors (CMF) by overhead pools at the business unit are developed using Form CASB-CMF. Three elements are required to develop cost of money factors: business unit facilities capital data, overhead allocation base data, and the interest rate promulgated by the Secretary of the Treasury pursuant to Pub. L. 92-41. These elements are discussed below.

(a) *Business unit facilities capital data.* The net book value (acquisition cost less accumulated depreciation) is used for each cost accounting period. The net book value used is the total of

(1) the net book value of facilities recorded on the accounting records of the business unit, (2) the capitalized value of leases (see FAR 31.205–2 and FAR 31.205–36), and (3) the net book value of facilities at the corporate or group level that support depreciation charges allocated to the business unit in accordance with the provisions of CAS 403. Projections of facilities capital will be supported by budget plans and/or similar type documentation and the estimated depreciation will be the same as used in projected overhead rates. Projections will accommodate changes in the level of facilities net book value, e.g., facilities additions, deletions of facilities by sale, abandonment or other disposal, idle facilities (see FAR 31.205–17).

(b) *Overhead allocation bases.* The base data used to compute the CMF must be the same as that used to compute the proposed overhead rates. CMF's should be submitted and evaluated as part of the proposal.

(c) *Interest rate.* For purpose of projection, the most recent interest rate promulgated by the Secretary of the Treasury will be used as the cost of money rate in Column 1 of Form CASB–CMF and the same rate must be used on the DD Form 1861, "Contract Facilities Capital Cost of Money" (see 230.7004 below). Where actual costs are used in definitization actions, the actual treasury rate(s) applicable to the period(s) of the incurred cost will be recognized by development of a composite rate.

(d) *Determination of final cost of money.* CMF's estimated in accordance with the above procedures are used to develop the facilities investment base used in the prenegotiation profit objectives. Actual CMF's are required when it is necessary to determine final allowable costs for cost settlement and/or repricing in accordance with CAS 414 and FAR 31.205–10.

230.7004 Contract facilities capital estimates.

(a) After the appropriate Forms CASB–CMF have been analyzed and CMF's have been developed, the contracting officer is in a position to estimate the facilities capital cost of money and capital employed for a contract proposal. A form has been provided for linking the Form CASB–CMF and DD Form 1547, "Record of Weighted Guidelines Method Application": DD Form 1861, Contract Facilities Capital Cost of Money. This is necessary to provide the degree of differentiation sought in the profit to be established for varying asset types (land, buildings, equipment). An evaluated contract cost breakdown, reduced to the contracting officer's prenegotiation cost objective, must be available. The procedure is similar to applying overhead rates to appropriate overhead allocation bases to determine contract overhead costs.

(b) DD Form 1861 provides for listing overhead pools and direct-charging service centers (if used) in the same structure they appear on the contractor's cost proposal and Form CASB–CMF. The structure and allocation base units-of-measure must be compatible on all three displays. The base for each overhead pool must be broken down by year to match each separate Form CASB–CMF. Appropriate contract overhead allocation base data are extracted by year from the evaluated cost breakdown or prenegotiation cost objective, and are listed against each separate Form CASB–CMF. Each allocation base is multiplied by its corresponding cost of money factor to get the Facilities Capital Cost of Money estimated to be incurred each year. The sum of these products represents the estimated Contract Facilities Capital Cost of Money for the year's effort. Total contract facilities cost of money is the sum of the yearly amounts.

(c) Since the Facilities Capital Cost of Money Factors reflect the applicable cost of money rate in Column 1 of Form CASB–CMF, the Contract Facilities Capital Employed can be determined by dividing the contract Cost of Money by that same rate. DD Form 1861 has been designed to record and compute all the above in the most direct way possible, and the end result is the Contract Facilities Capital Cost of Money and Capital Employed which is carried forward to DD Form 1547.

230.7005 Pre-award facilities capital applications.

Facilities Capital Cost of Money and Capital Employed as determined above, are applied in establishing cost and price objectives as follows:

(a) *Cost of money.*—

(1) *Cost objective.* This special, imputed cost of money shall be used, together with normal, booked costs, in establishing a cost objective or the target cost when structuring an incentive type contract. Target costs thus established at the outset, shall not be adjusted as actual cost of money rates become available for the periods during which contract performance takes place.

(2) *Profit objective.* Cost of money shall not be included as part of the cost base when measuring the contractor's effort in connection with establishing a prenegotiation profit objective. The cost base for this purpose shall be restricted to normal, booked costs.

(b) *Facilities capital employed.* The profit objective as it relates to the risk associated with facilities capital employed shall be assessed and weighted in accordance with the profit guidelines set forth in 215.970–1(c).

230.7006 Post-award facilities capital applications.

(a) *Interim billings based on costs incurred.* Contract Facilities Capital Cost of Money may be included in cost reimbursement and progress payment invoices. The amount that qualifies as cost incurred for purposes of the "Cost Reimbursement, Fee and Payment" or "Progress Payment" clause of the contract is the result of multiplying the incurred portions of the overhead pool allocation bases by the latest available Cost of Money Factors. Like applied overhead at forecasted overhead rates, such computations are interim estimates subject to adjustment. As each year's data are finalized by computation of the actual Cost of Money Factors under CAS 414 and FAR 31.205–10, the new factors should be used to calculate contract facilities cost of money for the next accounting period.

(b) *Final settlement.* Contract facilities capital cost of money for final cost determination or repricing is based on each year's final Cost of Money Factors determined under CAS 414 and supported by separate Forms CASB–CMF. Contract cost must be separately computed in a manner similar to yearly final overhead rates. Also like overhead costs, the final settlement will include an adjustment from interim to final contract cost of money. However, estimated or target cost will not be adjusted.

230.7007 Administrative procedures.

(a) Contractor submission of Forms CASB–CMF will normally be initiated under the same circumstances as Forward Pricing Rate Agreements (see FAR 15.809), and evaluated as complementary documents and procedures. Separate forms are required for each prospective cost accounting period during which Government contract performance is anticipated. If the contractor does not annually negotiate FPRA's, submissions may nevertheless be made annually *or* with individual contract pricing proposals, as agreed to by the contractor and the cognizant ACO. The cognizant ACO shall, with the assistance of the cognizant auditor, evaluate the cost of money factors, and retain approved

factors with other negotiated forward pricing data and rates.

(b) The contracting officer using the Weighted Guidelines Method under 215.970 will complete a DD Form 1861 only after evaluating the contractor's cost proposal and establishing a prenegotiation objective on cost. Computer generated forms for completing a DD Form 1861 are acceptable, provided all essential data elements are adequately identified. The contracting officer may also request completion of these forms in connection with normal field pricing support under 215.805 by the cognizant contract administration office.

(c) If the Weighted Guidelines Method is to be used, it will be necessary for the contracting officer to obtain information from the contractor that is not included on the Form CASB–CMF. The DD Form 1861 requires the distribution percentages of land, buildings, and equipment for the business unit performing the contract (distribution by indirect expense pool is not necessary). This information is needed to compute capital employed profit rewards, which are differentiated among the asset types. The contracting officer may choose the most practical method for obtaining this information from the contractor. The following are some possible approaches:

(1) Contract administration offices located at contractor business segments which expect to have a reasonably large number of negotiated contract awards could obtain the information through the process used to establish factors for facilities capital cost of money. Contract administration offices could establish advance agreements on distribution percentages for inclusion in field pricing reports presented to the contracting officer.

(2) The distribution percentages could be obtained by the corporate administrative contracting officer and sent to interested contract administration offices or purchasing offices.

(3) In cases where such information cannot be reasonably provided through the contract administration office or corporate administrative contracting officer, the contracting officer could request the information through a solicitation provision.

(d) A final Form CASB–CMF must be submitted by the contractor under CAS 414 as soon after the end of each cost accounting period as possible for the purpose of final cost determinations and/or repricing. The submission should accompany the contractor's proposal for actual overhead costs and rates and be evaluated as complementary documents and procedures.

PART 253—FORMS

253.270 [Amended]

6. The list of forms following section 253.270 is amended by removing 253.303–70–DD–1499 DD Form 1499: Report of Individual Contract Profit Plan; by revising 253.303–70–DD 1547, the title for DD Form 1547 to read "Record of Weighted Guidelines Application" in lieu of "Weighted Guidelines Profit/Fee Objective;" and by revising 253.303–70–DD–1861, the title for DD Form 1861 to read "Contract Facilities Capital Cost of Money" in lieu of "Contract Facilities Capital and Cost of Money."

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DEPARTMENT OF ENERGY

48 CFR Parts 904, 952 and 970

Acquisition Regulations on Uniform Reporting System

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This final rule amends the Department of Energy Acquisition Regulation (DEAR). The revisions update the DEAR to include guidance on the application of the Uniform Reporting System to Department of Energy (DOE) contracts. Including this guidance in the DEAR is necessary to ensure that this reporting system is applied, as appropriate, to DOE contracts.

EFFECTIVE DATE: This rule will be effective September 2, 1987.

FOR FURTHER INFORMATION CONTACT:
Karl Stoeckle, Office of Project and Facilities Management (MA–224.2), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202/586–9711
Christopher Smith, Office of Assistant General Counsel for Procurement and Finance (GC–34), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, 202/586–1526.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of this rulemaking is to adopt, as a final rule, guidance on the application of the Uniform Reporting System to DOE contracts. The Uniform Reporting System is a collection of standard plan and report forms used by contractors to report contract status. The proposed rule on this subject was published April 3, 1986 (51 FR 11457) and allowed a 60-day public comment period, which ended June 2, 1986. Only one public comment was received and it is discussed at III below.

This rule amends Subpart 904.6—Contract Reporting, Subpart 952.2—Text of Provisions and Clauses, and Subpart 970.04—Administrative Matters, to describe the contents of DOE 1332.1A, Uniform Reporting System, of October 15, 1985, (Order) and the situations in which this Order applies to DOE contractors and to require the inclusion of a new clause implementing this Order in appropriate Department of Energy contracts.

II. Procedural Requirements

A. Review Under Executive Order 12291

The Executive Order entitled "Federal Regulation" requires that certain regulations be reviewed by the Office of Management and Budget (OMB) prior to their promulgation. Procurement regulations are exempt from this review except for regulations involving specific procurement topics listed in OMB Bulletin No. 85–7, dated December 14, 1984. This rule does not include any of the specific procurement topics listed as exceptions to the exemption.

B. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act (Pub. L. 96–354), which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certificates that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

The information collection requirements contained in the Uniform Reporting System have been approved by the Office of Management and Budget (OMB No. 1910–0200).

D. National Environmental Policy Act

DOE has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.* (1976)), the Council on Environmental Quality regulations (40 CFR Parts 1500–1508) or the DOE Guidelines (10 CFR Part 1021), and therefore does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

III. Public Comments

One comment was received from the Office of Management and Budget, Office of Federal Procurement Policy. This comment was editorial in nature and was incorporated. Other editorial modifications were made as a result of further internal review.

List of Subjects in 48 CFR Parts 904, 952 and 970

Government Procurement.

For the reasons set out in the preamble, Subparts 904.6 and 952.2 and Subsection 970.0406 of Chapter 9 of Title 48 of the Code of Federal Regulations are amended as set forth below.

Issued in Washington, DC on July 21, 1987.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate.

1. The authority citations for 48 CFR Parts 904, 952, and 970 continue to read as follows:

Authority: Sec. 644 of the Department of Energy Organization Act, Public Law 95-91 (42 U.S.C. 7254); and section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168).

PART 904—[AMENDED]

2. Subsection 904.601-71 is added to read as follows:

904.601-71 Uniform Reporting System.

(a) The Uniform Reporting System (URS) is the Department of Energy's system for collection of uniform, timely, and valid information on cost, schedule, and technical performance of contracts and financial incentives (e.g., loan guarantee) arrangements. This subsection applies only to DOE contracts.

(b) The current version of DOE 1332.1A, Uniform Reporting System, of October 15, 1985 (Order) establishes the Uniform Reporting System. With the exception of special research contracts and management and operating contracts, this subsection requires that this Order, or any later version of the Order in effect on the effective date of the contract, be applied, as appropriate, to all DOE contracts, including inter-agency agreements for work for DOE. This subsection and the Order do not apply to special research contracts for which reporting requirements are prescribed in DEAR 917.7109 and 917.7113. In the case of management and operating contracts, see DEAR 970.0406 regarding application of the URS. Application of the URS to subcontractors is a matter for agreement between the prime contractor and the subcontractor based on the degree to which URS plans and reports are needed by the prime to fulfill the requirements of the prime contract.

(c) DOE 1332.1A provides a compendium of standard reports, procedures, and terminology from which a program or project manager selects those applicable to a specific contractual effort. Reporting requested from contractors or subcontractors shall in all cases be limited to only that information which is essential for effective management control. To apply this Order to a contract the contracting officer shall include the clause at DEAR 952.212-72 in the contract. DOE specifies which management planning and status reporting requirements pertain to a contract by use of DOE Form 1332.1, Reporting Requirements Checklist, which is included in each solicitation and contractual agreement.

PART 952—[AMENDED]

3. Subsection 952.212-72 is added to read as follows:

952.212-72 Uniform Reporting System.

Reporting on cost, schedule, and technical performance related to DOE contracts (excluding special research contracts and management and operating contracts) is controlled by DOE Order 1332.1A, Uniform Reporting System, of October 15, 1985, or any later version of the Order in effect on the effective date of the contract, and by 5 CFR 1320.6. As discussed in DEAR 904.601-71, the following clause is to be included in a contract when plans and reports are required under the Uniform Reporting System:

Uniform Reporting System (May 1987)

Contractor shall prepare and submit (postage prepaid) the plans and reports indicated on the DOE Form 1332.1, Reporting Requirements Checklist or amendments to this checklist included in this contract, to the addressees and in the specified number of copies as designated in the attachment to the checklist. The contractor shall prepare the specified plans and reports in accordance with the formats and structure set forth in DOE Order 1332.1A, or any later version in effect on the effective date of the contract. The contractor shall be responsible for levying appropriate reporting requirements on any subcontractors in such a manner to ensure that data submitted by the subcontractor to the contractor is timely and compatible with the data elements that the contractor is responsible for submitting to DOE. Plans and reports submitted in compliance with this clause are in addition to any other reporting requirements of this contract.

PART 970—[AMENDED]

4. Subsection 970.0406 is added to read as follows:

970.0406 Uniform reporting system.

DOE 5700.7B, Work Authorization System, of September 24, 1986, provides specific guidance with respect to the applicability of the Uniform Reporting System to management and operating contracts. It provides that the Uniform Reporting System plans and reports be used whenever management reports on work packages or tasks are necessitated by the nature of the work package. The specific plans and reports to be used and their frequency are negotiated between the program manager, through the responsible operations office, and the contractor, and will be negotiated based on the versions of the DOE Orders cited in 904.601-71 and this subsection 970.0406 in effect at the time of negotiation, and 5 CFR 1320.4 and 1320.6

[FR Doc. 87-17572 Filed 7-31-87; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Final Frameworks for Selecting Open Season Dates for Hunting Migratory Game Birds in Alaska, Puerto Rico and the Virgin Islands for the 1987-88 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes final frameworks (i.e., the outside limits for dates and times when shooting may begin and end, and the number of birds that may be taken and possessed) from which wildlife conservation agency officials in Alaska, Puerto Rico and the Virgin Islands may select season dates for hunting certain migratory birds during the 1987-88 season. Selected season dates will then be transmitted to the U.S. Fish and Wildlife Service (hereinafter the Service) for publication in the **Federal Register** as amendments to §§ 20.101 and 20.102 of 50 CFR Part 20.

DATES: Effective on August 3, 1987. Season selections due from Alaska, Puerto Rico and the Virgin Islands by August 7, 1987.

ADDRESS: Season selections from Alaska, Puerto Rico and the Virgin Islands are to be mailed to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Matomic Building—Room 536,

Washington, DC 20240. Public documents may be inspected in the Service's Office of Migratory Bird Management, Room 536, Matomic Building, 1717 H Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Rollin D. Sparrowe, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC (202 254–3207)

SUPPLEMENTARY INFORMATION: On March 13, 1987, the Service published for public comment in the **Federal Register** (52 FR 7900) a proposal to amend 50 CFR Part 20. That document dealt with the establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107, 20.109 and 20.110 of Subpart K of 50 CFR Part 20, including frameworks for Alaska, Puerto Rico and the Virgin Islands. A supplemental proposed rulemaking appeared in the **Federal Register** on June 3, 1987 (52 FR 20757) and another on July 2, 1987, (52 FR 25170). The July 2, 1987, document contained no information relevant to Alaska, Puerto Rico and the Virgin Islands. This final rulemaking is the fourth in a series of proposed and final rulemaking documents for migratory bird hunting regulations and deals specifically with final frameworks for the 1987–88 season from which wildlife conservation agency officials in Alaska, Puerto Rico and the Virgin Islands may select season dates for hunting certain migratory game birds.

Public Hearing

A public hearing was held in Washington, DC, on June 18, 1987, as announced in the **Federal Register** dated March 13, 1987, (52 FR 7900). The public was invited to participate in the hearing and/or submit written statements.

Presentations at Public Hearing

Dr. James C. Bartonek, Pacific Flyway Representative, discussed the status of certain Alaska-nesting geese that have undergone recent declines warranting special management considerations.

Cackling Canada geese, for which there have been no open seasons since 1983, had a fall index of 51,400 geese—an encouraging 60 percent increase above that of 1985.

The fall index for Pacific Flyway Population white-fronted geese was 107,100—a 14 percent increase over the 1985 index. The management strategy continues to aim for 50 percent or fewer birds being harvested than in 1983.

The normal January survey for brant in Mexico was unavoidably delayed by 4 weeks, thereby casting doubt on the significance of the resulting estimates because a portion of the population may have already departed on their northward migration and were missed by the survey. At face value the survey in Mexico suggested a 7 percent decrease in brant numbers over last year. The population in Washington indicated a 14 percent increase; while those in Oregon and California were unchanged. The "Yukon-Kuskokwim Delta Cooperative Goose Management Plan" calls for a continuation of a greatly reduced harvest throughout the flyway. Changes in frameworks are being proposed to allow brant hunting in Alaska, Washington, Oregon, and California by redistributing the existing harvest.

The spring index of emperor geese in southwestern Alaska was 51,700 birds—a 23 percent increase from last year's record-low index.

No estimate was made of the dusky Canada goose population this past winter. Strategies to redirect harvests away from the less numerous dusky towards more numerous populations of Canada geese have been successful. State-Federal-private cooperative ventures are underway to reduce predation on the nesting grounds, which is a major factor in the decline of dusky Canada geese.

Comments Received at Public Hearing

Ms. Jennifer Lewis, representing The Humane Society of the United States and the World Society for the Protection of Animals, indicated she would be submitting written comments relative to proposed frameworks for Puerto Rico on behalf of both organizations. Those comments have been received and are addressed below under the heading *Written Comments Received.*

Mr. John M. Anderson, speaking for the National Audubon Society, expressed support for the management strategies for goose populations in Alaska.

Response: The Service notes and appreciates Mr. Anderson's support.

Written Comments Received

Interested persons were given until June 18, 1987, to comment on the March 13 proposed rulemaking. They were also invited to participate in the June 18 public hearing. Since responding to comments in the June 3, 1987, **Federal Register** (52 FR 20757), one additional comment was received on the proposed regulations frameworks for Alaska, Puerto Rico, and the Virgin Islands.

Migratory bird hunting seasons in Alaska

In the June 3, 1987, **Federal Register** (52 FR 20761), the Service noted the Pacific Flyway Council's recommendations that frameworks for brant seasons in Washington, Oregon and California be modified to restrict season length and period, and that the frameworks for brant seasons in Alaska remain unchanged from those of 1986–87. At that time the Service deferred recommending frameworks. In order to retain the reduced harvests of brant prescribed by the "Yukon-Kuskokwim Delta Cooperative Goose Management Plan" a redistribution of the harvest is required. The Service believes the Council's proposal would increase harvests over recent years and, therefore, recommends uniform bag limits of 2 brant daily and 4 in possession in all Pacific Flyway States having brant seasons, including Alaska, and uniform frameworks of 16 consecutive days for Washington, Oregon and California. The frameworks for brant seasons in Alaska presented in this document reflect the uniform bag limits and a reduction in season length to 50 days. The uniform bag limits, uniform season length of 16 consecutive days in Washington, Oregon and California, and the reduction in season length in Alaska will have potential for not increasing the flyway-wide harvest of brant. The Service is concerned regarding any increased brant harvest because the brant population is near the level below which hunting will be closed throughout the flyway.

Migratory game birds in Puerto Rico and the Virgin Islands

Comments on behalf of The Humane Society of the United States and the World Society for the Protection of Animals, submitted by Ms. Jennifer Lewis, noted continued progress by the Puerto Rico Department of Natural Resources and the Service in gathering data on nesting chronology and population trends of waterfowl. However, Ms. Lewis asserted more needs to be done and the Service should close all migratory bird hunting seasons in Puerto Rico to protect them while the vital management information is being collected. Ms. Lewis also stated that in addition to the population trend and nesting chronology data, more work needs to be done on basic life history characteristics, movement patterns and habitat needs. She indicated the additional information is essential because four of Puerto Rico's resident waterfowl species are designated

Category 2 under the Endangered Species Act and more data is needed to determine if listing of any of these is warranted. Ms. Lewis stated that questions remain about the impacts of hunting on nesting species and that all data gathering needs to be done for doves and pigeons as well as waterfowl. With regard to the proposed frameworks, she urged that the split season for duck, snipe and moorhen hunting be dropped if the Service does not close the season because the split doubles the hunting impact on hunted and non-hunted birds.

Response: The Service and the Puerto Rico Department of Natural Resources continue to work cooperatively to develop improved guidelines to manage the harvest of migrant game species while protecting certain resident species. As outlined in a Memorandum of Understanding (MOU) signed by the Service and Puerto Rico, data will continue to be collected on breeding chronology and population indices of waterfowl in the Commonwealth. It is planned that additional data will be collected in 1987–88 via aerial flights in the summer to discern nesting activity and preferred habitats. The MOU addresses the course being taken on basic life history, habitat needs and movement patterns of resident waterfowl. Currently there are four major ongoing Pittman-Robertson Act projects in Puerto Rico involving doves and pigeons, and Puerto Rico recently met with Service personnel to discuss ways to improve census techniques that gauge the population status of doves and pigeons in the Commonwealth. Also, additional emphasis will be placed on improving studies of nesting doves and pigeons in 1987–88. The impacts of hunting on nesting species and of the split season will both be identified in the results of existing studies. The Service notes that no data were provided that indicate that opening any migratory game bird hunting seasons in Puerto Rico would be inappropriate while various migratory bird management studies are underway.

NEPA Consideration

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75–54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). In addition, numerous environmental assessments have been prepared on specific matters which serve to supplement the material in the FES. Copies of these environmental assessments are available from the Service at the address indicated under the caption ADDRESS.

As noted in the March 13, 1987, **Federal Register** (52 FR 7905), the Service is preparing a supplemental environmental impact statement (SEIS) on the FES. The Service anticipates a mid-July 1987 publication date for a draft SEIS to be followed by public meetings prior to preparation of the final SEIS.

Endangered Species Act Consideration

Section 7 of the Endangered Species Act provides that, "The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act" [and shall] "insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of such endangered and threatened species or result in the destruction or modification of [critical] habitat . . . "

The Service therefore initiated section 7 consultation under the Endangered Species Act for the proposed hunting season frameworks.

On June 15, 1987, the Office of Endangered Species gave a biological opinion that the proposed action is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of their critical habitats.

As in the past, hunting regulations this year are designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Examples of such consideration include closures of designated areas in Puerto Rico for the Plain pigeon (*Columba inornata wetmorei*) and the Puerto Rican parrot (*Amazona vittata*), and in Alaska for the Aleutian Canada goose (*Branta canadensis leucopareia*).

The Service's biological opinion resulting from its consultation under Section 7 is considered a public document and is available for inspection in or available from the Office of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240.

Regulatory Flexibility Act, Executive Order 12291, and the Paperwork Reduction Act

In the **Federal Register** dated March 13, 1987, (52 FR 7900) the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. These regulations have been determined to be major under Executive Order 12291 and they have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act. This determination is detailed in the aforementioned documents which are available upon request from the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. These regulations contain no information collections subject to Office of Management and Budget review under the Paperwork Reduction Act of 1980.

Memorandum of Law

In the **Federal Register** dated March 13, 1987, (52 FR 7900) the Service stated that it planned to publish its Memorandum of Law for the 1987–88 migratory bird hunting regulations with its first final rulemaking.

Memorandum of Law. Section 4 of Executive Order 12291 requires that certain determinations be made before any final major rule may be approved. Section 4(a) specifies that the regulation must be clearly within the authority of law and consistent with congressional intent, and that a memorandum of law be provided to support that determination. Also, the agency must state that the factual conclusions upon which the law is based have substantial support in the agency record and that full attention has been given to public comments in general, and to comments of persons directly affected by the rule in particular.

The development of the annual migratory bird hunting regulations is provided for under Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–708h). Such regulations have been promulgated annually since 1918. They appear in 50 CFR Part 20, Subpart K. Congressional support for the development of these rules and ancillary activities involved in their development is reflected in the U.S. Fish and Wildlife Service's budget. Among these activities are biological surveys, hunter activity and harvest surveys, research investigations, law enforcement, and administrative costs associated with the development and publication of the proposed and final rules. Many other Service activities, such as the acquisition and management of habitats for migratory birds, indirectly assist in maintaining the migratory bird resource

at levels which allow reasonable sport hunting harvest.

In developing its annual hunting rules for 1987–88, the Service has published three proposed rules for public comment and conducted one public hearing to facilitate public input into the rulemaking process. Five additional proposed and final rulemakings, and another public hearing, are included in the remaining schedule for establishing the annual hunting regulations for 1987–88. Numerous public comments summarized and responded to in **Federal Registers** listed in the preamble of this document describe the Service's consideration of the impacts of its proposed rules on the public. Many of these comments originated from affected State conservation agencies, while others were submitted by the affected public. In general, the comments supported the Service's initial or supplementary regulatory proposals. Comments which do not support proposed Service action have been adequately addressed. Additional public comments are invited and will be addressed in subsequent **Federal Register** documents. The complete administrative record, including copies of public comments, is available for inspection at the Office of Migratory Bird Management.

Consequently, the Department has determined that it has fulfilled requirements of section 4 of Executive Order 12291 and the Migratory Bird Treaty Act in developing the 1987–88 migratory bird hunting regulations which are adequately supported by the Service's records.

Regulations Promulgation

The rulemaking process for migratory bird hunting must, by its nature, operate under severe time constraints. However, the Service is of the view that every attempt should be made to give the public the greatest possible opportunity to comment on the regulations. Thus, when the proposed rulemaking was published March 13, 1987, the Service established what it believed was the longest period possible for public comment. In doing this, the Service recognized that at the period's close, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the governments of Alaska, Puerto Rico, and the Virgin Islands would have insufficient time to select their season dates, shooting hours, and limits; to communicate those selections to the Service; and establish and publicize the necessary regulations and procedures to implement their decisions.

Therefore, the Service, under authority of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 701–708h), prescribes final frameworks setting forth the species to be hunted, the daily bag and possession limits, the shooting hours, the season lengths, the earliest opening and latest closing season dates, and special closures, from which officials of the Alaska Department of Fish and Game, Puerto Rico Department of Natural Resources, and the Virgin Islands Department of Conservation and Cultural Affairs may select open season dates. Upon receipt of season selections from Alaska, Puerto Rico and the Virgin Islands, the Service will publish in the **Federal Register** a final rulemaking amending 50 CFR 20.101 and 20.102 to reflect seasons, limits, and shooting hours for these areas for the 1987–88 season.

The Service therefore finds that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act and these frameworks will, therefore, take effect immediately upon publication.

Authorship

The primary author of this final rule is Morton M. Smith, Office of Migratory Bird Management, working under the direction of Rollin D. Sparrowe, Chief.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1987–88 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 701–708h); the Fish and Wildlife Improvement Act of 1978 (92 Stat. 3112; 16 U.S.C. 712); and the Alaska Game Act of 1925 (43 Stat. 739, as amended, 54 Stat. 1103–04).

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Alaska, 1987–1988

Outside Dates: Between September 1, 1987, and January 26, 1988, Alaska may select seasons on waterfowl, snipe and cranes, subject to the following limitations:

Shooting hours: One-half hour before sunrise to sunset daily.

Hunting seasons:

Ducks, geese and brant—107 consecutive days for ducks and geese but only 50 consecutive days for brant in each of the following: North Zone (State Game Management Units 11–13 and 17–26); Gulf Coast Zone (State Game Management Units 5–7, 9, 14–16, and 10—Unimak Island only); Southeast Zone (State Game Management Units 1–4); Pribilof and Aleutian Islands Zone (State Game Management Unit 10—except Unimak Island); Kodiak Zone (State Game Management Unit 8). The season may be split without penalty in the Kodiak Zone. *Exceptions:* The season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain. Throughout the State there is no open hunting season for Aleutian Canada geese, crackling Canada geese and emperor geese.

Snipe and sandhill cranes—An open season concurrent with the duck season.

Daily Bag and Possession Limits:

Ducks—Except as noted, a basic daily bag limit of 7 and a possession limit of 21 ducks. Daily bag and possesssion limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and Common and red-breasted mergansers, singly or in the aggregate of these species.

Geese—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be greater white-fronted or Canada geese, singly or in the aggregate of these species.

Brant—A daily bag limit of 2 and a possession limit of 4.

Common snipe—A daily bag limit of 8 and a possession limit of 16.

Sandhill cranes—A daily bag limit of 3 and a possession limit of 6.

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in Puerto Rico, 1987–88

Shooting hours: Between one-half hour before sunrise and sunset daily.

Doves and Pigeons:

Outside Dates: Puerto Rico may select hunting seasons between September 1, 1987, and January 15, 1988, as follows:

Hunting Seasons: Not more than 60 days for Zenaida, mourning, and white-winged doves, and scaly-naped pigeons.

Daily Bag and Possession Limits: Not to exceed 10 doves of the species named herein, singly or in the aggregate, and not to exceed 5 scaly-naped pigeons.

Closed Areas:

Municipality of Culebra and Desecheo Island—closed under Commonwealth regulations.

Mona Island—closed in order to protect the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as "Paloma cabeciblanca."

El Verde Closure Area—consisting of those areas of the municipalities of Rio Grande and Loiza delineated as follows:

(1) all lands between Routes 956 on the west and 186 on the east, from Route 3 on the north to the juncture of Routes 956 and 186 (Km 13.2) in the south; (2) all lands between Routes 186 and 966 from the juncture on 186 and 966 on the north, to the Caribbean National Forest Boundary on the south; (3) all lands lying west of Route 186 for one kilometer from the juncture of Routes 186 and 956 south to Km 6 on Route 186; (4) all lands within Km 14 and Km 6 on the west and the Caribbean National Forest Boundary on the east; and (5) all lands within the Caribbean National Forest Boundary whether private or public. The purpose of this closure is to afford protection to the Puerto Rican parrot (*Amazona vittata*) presently listed as an endangered species under the Endangered Species Act of 1973.

Cidra Municipality and Adjacent Areas—consisting of all of Cidra Municipality and portions of Aguas Buenas, Caguas, Cayer, and Comerio Municipalities as encompassed within the following boundary: beginning on Highway 172 as it leaves the Municipality of Cidra on the west edge, north to Highway 156, east on Highway 156 to Highway 1, south on Highway 1 to Highway 765, south on Highway 765 to Highway 763, south on Highway 763 to the Rio Guavate, west along Rio Guavate to Highway 1, southwest on Highway 1 to Highway 14, east on Highway 14 to Highway 729, north on Highway 729 to Cidra Municipality, and westerly, northerly, and easterly along the Cidra Municipality boundary to the point of beginning. The purpose of this closure is to protect the Plain pigeon (*Columba inornata wetmorei*), locally known as "Paloma Sabanera," which is present in the above locale in small numbers and is presently listed as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Moorhens, Gallinules and Snipe

Outside Dates: Between November 5, 1987, and February 28, 1988, Puerto Rico may select hunting seasons as follows:

Hunting Seasons: Not more than 55 days may be selected for hunting ducks, common moorhens, and common snipe. The seasons may be split into two segments.

Daily Bag and Possession Limits:

Ducks—Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); the White-cheeked pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*), which are protected by the Commonwealth of Puerto Rico.

Common moorhens—Not to exceed 6 daily and 12 in possession; the season is closed on purple gallinules (*Porphyrula martinica*).

Common snipe—Not to exceed 6 daily and 12 in possession.

Coots—There is no open season on coots, i.e. common coots (*Fulica americana*) and Caribbean coots (*Fulica caribaea*).

Closed Areas: No open season for ducks, common moorhens, and common snipe is prescribed in the Municipality of Culebra and on Desecheo Island.

Final Frameworks for Selecting Open Season Dates for Hunting Migratory Birds in the Virgin Islands, 1987–88

Shooting Hours: Between one-half hour before sunrise and sunset daily.

Doves and Pigeons

Outside Dates: The Virgin Islands may select hunting seasons between September 1, 1987, and January 15, 1988, as follows.

Hunting Seasons: Not more than 60 days for Zenaida doves and scaly-naped pigeons throughout the Virgin Islands.

Daily Bag and Possession Limits: Not to exceed 10 Zenaida doves and 5 scaly-naped pigeons.

Closed Seasons: No open season is prescribed for ground or quail doves, or other pigeons in the Virgin Islands.

Local Names for Certain Birds.

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Common Ground dove (*Columba passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaled pigeon.

Ducks

Outside Dates: Between December 1, 1987, and January 31, 1988, the Virgin Islands may select a duck hunting season as follows.

Hunting Seasons: Not more than 55 consecutive days may be selected for hunting ducks.

Daily Bag and Possession Limits: Not to exceed 4 daily and 8 in possession, except that the season is closed on the ruddy duck (*Oxyura jamaicensis*); the White-cheeked pintail (*Anas bahamensis*); West Indian whistling (tree) duck (*Dendrocygna arborea*); fulvous whistling (tree) duck (*Dendrocygna bicolor*), and the masked duck (*Oxyura dominica*).

Date: July 21, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-17530 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 70845-7085]

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

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

ACTION: Notice of closure and request for comments.

SUMMARY: NOAA announces the closure of the commercial salmon fishery in the exclusive economic zone (EEZ) from the Queets River, Washington, to Cape Falcon, Oregon, at 2400 hours local time, July 29, 1987, to ensure that the chinook salmon quota is not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined in consultation with representatives of the Pacific Fishery Management Council (Council), Oregon Department of Fish and Wildlife (ODFW), and Washington Department of Fisheries (WDF), that the commercial fishery quota of 17,600 chinook salmon for the subarea will be reached by that time. The closure is necessary to conform to the preseason announcement of 1987 management measures. This action is intended to ensure conservation of chinook salmon.

EFFECTIVE DATE: Closure of the EEZ from the Queets River to Cape Falcon to commercial salmon fishing is effective at 2400 hours local time, July 29, 1987. Comments on this closure will be received until August 12, 1987.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, NMFS, BIN C15700, 7600 Sand Point Way N.E., Seattle, WA 98115–0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten at 206–526–6150.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR Part 661 specify at § 661.21(a)(1) that "When a quota for the

commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by publishing a notice in the **Federal Register** under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

Management measures for 1987 were effective on May 1, 1987 (52 FR 17264, May 6, 1987). The 1987 commercial fishery for all salmon species from the Queets River to Cape Falcon was established as July 25 through July 27, and from July 31 through the earlier of the attainment of either 121,200 coho salmon or 15,000 chinook salmon. The subarea chinook quota subsequently was increased to 17,600 fish (52 FR 24296, June 30, 1987). In addition, the initial three-day opening was shortened to two days, July 25 and July 26; the closed period was changed from July 28–30 to July 27–29; the conservation zone at the mouth of the Columbia River was extended to 10 nautical miles for this fishery; and the area 3–10 miles offshore from North Head to the Queets River was closed (52 FR 28321, July 29, 1987).

Based on the best available information, the commercial fishery catch in the subarea is projected to reach the 17,600 chinook quota by midnight, July 29, 1987.

Therefore, NOAA issues this notice to close the commercial salmon fishery in the EEZ from the Queets River, Washington, to Cape Falcon, Oregon, effective 2400 hours local time, July 29, 1987. This notice does not apply to treaty Indian fisheries or to other fisheries which may be operating in this or other areas.

The Regional Director consulted with the Chairman of the Council and the representatives of WDF and ODFW regarding a closure of the commercial fishery between the Queets River and Cape Falcon. The WDF and ODFW representatives confirmed that Washington and Oregon will close the commercial fishery in state waters adjacent to this subarea of the EEZ effective midnight, July 29, 1987.

Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

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

Dated: July 29, 1987.

William E. Evans,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87-17575 Filed 7-29-87; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 675

[Docket No. 70103-7003]

Groundfish of the Bering Sea and Aleutian Islands Area; Closure Modification

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

ACTION: Notice of closure modification.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that U.S. fishing vessels working in joint ventures with foreign processing vessels (JVP) may conduct a directed fishery for "other flatfishes" in the Bering Sea north of 61 degrees N. latitude. JVP directed fishing for "other flatfishes" (1) east of 165 degrees W. longitude and south of 56 degrees 30 minutes N. latitude and (2) east of 170 degrees W. longitude and north of 56 degrees 30 minutes N. latitude previously was prohibited on June 29, 1987, to prevent overfishing of yellowfin sole in this area. Subsequent reassessment of data on the distribution of yellowfin sole in the Bering Sea indicates that incidental catches of yellowfin sole in a directed fishery for "other flatfishes" north of 61 degrees N. latitude would be minimal and would not cause a significant risk of overfishing yellowfin sole. Therefore, the previous closure notice is modified to rescind the restriction on fishing for "other flatfishes" east of 170 degrees W. longitude and north of 61 degrees N. latitude. This action is necessary to allow domestic fishermen to make the fullest possible use of the Bering Sea groundfish resource without significantly risking overfishing of any one species. The intended effect is to allow some relaxation of a restriction on domestic fishermen while maintaining conservation of the yellowfin sole resource.

EFFECTIVE DATE: From noon, Alaska Daylight Time, July 29, 1987, until midnight, Alaska Standard Time, December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Jay J.C. Ginter, Fishery Management Biologist, NMFS, 907-586-7229.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands (BSAI) area are managed under the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP). Federal regulations implementing the FMP and governing domestic fisheries in the BSAI are at 50 CFR Part 675.

A principal purpose of these regulations is to prevent overfishing of the BSAI area groundfish resources. Authority to control the risk of overfishing is provided under § 675.20(a)(7), (8), and (9). This authority requires the Secretary of Commerce (Secretary) to limit the catch of any groundfish species for which the TAC is nearly or has been fully harvested in fisheries for other groundfish species. Such limits may include (1) prohibition of directed fishing for the species for which the TAC is nearly harvested or (2) treatment of the species for which the TAC is fully harvested in the same manner as a prohibited species (§ 675.20(c)). Under § 675.20(a)(9), the Secretary may limit fishing for groundfish other than the species for which the TAC is achieved by any method, including area closures, gear restrictions or prohibition of directed fishing, that will prevent overfishing of the species for which the TAC is achieved.

This authority was exercised recently to protect yellowfin sole in the BSAI area from overfishing by the JVP fishery. In response to a determination by the Regional Director that the amount of yellowfin sole apportioned to the JVP fishery would be fully harvested on June 29, 1987, the Secretary issued a notice (52 FR 25232, July 6, 1987) closing the JVP fishery for yellowfin sole in the BSAI area and requiring incidental catches of that species in JVP fisheries for other groundfish to be treated in the same manner as prohibited species for the remainder of the fishing year. In addition, the Secretary prohibited directed fishing by the JVP fishery for "other flatfishes" in that part of the Bering Sea subarea east of 165 degrees W. longitude and south of 56 degrees 30 minutes N. latitude and east of 170 degrees W. longitude and north of 56 degrees 30 minutes N. latitude. This additional prohibition responded to a determination by the Regional Director that directed fishing for "other flatfishes" in this area would involve high incidental catch rates of yellowfin sole which may lead to overfishing of that species.

Data on the distribution of yellowfin sole subsequently has been reassessed by NMFS scientists at the Northwest and Alaska Fisheries Center. The yellowfin sole population in the extreme northeastern part of the Bering Sea

appears to be sparse relative to the populations of species in the "other flatfishes" category such as Alaska plaice, flathead sole, and rock sole. The yellowfin sole population also is distributed primarily south of 61 degrees N. latitude. Based on this reassessment, the Regional Director has determined that incidental catches of yellowfin sole would not be significant in a JVP directed fishery for "other flatfishes" north of 61 degrees N. latitude and would not lead to overfishing of yellowfin sole. Hence, the prohibition against JVP directed fishing for "other flatfishes" east of 170 degrees W. longitude and north of 61 degrees N. latitude is not necessary.

Therefore, the Secretary modifies the notice of closure published in the **Federal Register** on July 6, 1987 (52 FR 25232), to prohibit JVP directed fishing for "other flatfishes" in the Bering Sea subarea (1) east of 165 degrees W. longitude and south of 56 degrees 30 minutes N. latitude, and (2) in that portion of the subarea east of 170 degrees W. longitude between 56 degrees 30 minutes N. latitude and 61 degrees N. latitude.

The closure of the JVP fishery for yellowfin sole in the BSAI area is not changed by this action. Incidental catches of yellowfin sole in JVP fisheries for other groundfish must continue to be treated in the same manner as prohibited species.

This action relieves, to some extent, a restriction on U.S. fishermen operating in the JVP groundfish fishery off Alaska. This action also will allow more efficient exploration and development of the JVP directed fishery for "other flatfishes" than was possible under the previous closure notice. However, the Regional Director will continue to monitor closely the incidental catches of yellowfin sole in the JVP directed fishery for "other flatfishes." If the Regional Director determines that such incidental catches of yellowfin sole may lead to its being overfished, the Secretary may impose further restrictions on JVP fishing for other groundfish species.

Classification

This action is required under 50 CFR 675.20 and complies with Executive Order 12291. In view of the need to avoid disruption of U.S. fisheries and afford U.S. vessels the opportunity to take available species, NOAA has determined that notice and prior public comment on this action would be impracticable and contrary to the public interest. For the same reasons, and because the action relieves a restriction, the effective date of this action is not delayed.

List of Subjects in 50 CFR Part 675

Fisheries.

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

Dated: July 28, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87-17487 Filed 7-29-87; 11:08 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 148
Monday, August 3, 1987

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

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
7 CFR Part 920

Kiwifruit Grown in California; Proposed Change in Quality and Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would tighten minimum quality requirements for California kiwifruit in order to provide better quality fruit for both domestic and export markets. Export markets are particularly sensitive to lower quality fruit. In order to facilitate compliance with order requirements, this action would also require handlers to inform the California Kiwifruit Administrative Committee whenever cull fruit is returned to growers. The committee needs to be able to identify sources of cull fruit to prevent its being sold in established markets. These actions are not expected to short the market, as ample supplies of good quality kiwifruit are expected to be available to meet market needs.

DATES: Comments must be received by August 18, 1987.

ADDRESSES: Comments should be sent to: Docket Clerk, F&V, AMS, Room 2085–S, U.S. Department of Agriculture, Washington, DC 20250–0200. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. Comments should reference the date and page number of this issue of the Federal Register.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250–0200 (202) 475–3914.

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

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the information collection provision that is included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). It will not become effective until OMB approval is obtained.

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

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

Approximately 65 handlers of kiwifruit will be subject to regulation under the California Kiwifruit Marketing Order during the current season. In addition, there are about 1,100 producers of kiwifruit in California. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having average annual gross revenues for the last three years of less than $100,000 and agricultural service firms which would include handlers are defined as those whose gross annual receipts are less than $3,500,000. The majority of California kiwifruit producers and handlers may be classified as small entities.

California kiwifruit are grown throughout the entire State of California. Kiwifruit shipments in 1986–87 totaled 6,525,000 trays and tray equivalents. Shipments in 1987–88 are expected to be 10 to 20 percent greater. Most of the crop is marketed fresh.

This proposal is being issued under the Marketing Agreement and Order No. 920 regulating the handling of kiwifruit grown in California. The agreement and order are effective under the Act. These actions were recommended unanimously by the Kiwifruit Administrative Committee. The committee works with the USDA in administering the marketing agreement and order program.

The regulatory action in this instance is a proposal to up-grade the quality requirements for kiwifruit and develop a way for the committee to gather information on the movement of cull fruit within the production area. Current quality requirements specify that California kiwifruit must grade at least 85 percent U.S. No. 2 provided that no more than 8 percent be allowed for defects other than badly misshapen fruit. Under the standards for U.S. No. 2 fruit, such defects may constitute "serious damage." U.S. No. 2 fruit must contain at least 6.5 percent soluble solids, unless otherwise specified. Since, under current regulations, kiwifruit must grade at least 85 percent U.S. No. 2, badly misshapen fruit is limited to 15 percent. Included in the 8 percent allowed for serious damage defects under the standards for U.S. No. 2 fruit is not more than 4 percent for sunscald, insects, internal breakdown or decay, and in this latter amount not more than 1 percent for fruit affected by internal breakdown or decay.

Export markets demand high quality fruit, although lower grade shape requirements are acceptable. However, the existing tolerances for defects have led to problems involving the breakdown of fruit both in storage and during shipment to export markets. This has caused some domestic marketing problems and aggravated the existing image problem for California kiwifruit in certain countries, notably Japan. This proposal would require that a lot of kiwifruit contain not more than 8 percent defects causing "damage" other than shape, and would result in requiring U.S. No. 1 grade fruit except for the shape requirement which would continue to be that specified for U.S. No. 2 grade. This is because, under the grading standards, No. 2 grade allows for "serious damage." Since the U.S. No. 2 shape requirements have not been a problem in domestic and export markets, tightening the grade requirements for shape to U.S. No. 1 is not necessary at this time. Tightening the requirements to permit only those defects causing damage would serve to help provide better quality fruit and thus enhance the image of California kiwifruit. This would tend to increase

domestic and export sales, thus helping growers to move their crop at a profit.

The committee also recommended requiring a mandatory 6.5 percent soluble solids content. The current grading standards require 6.5 percent "unless otherwise specified." Fruit harvested when the sugar (soluble solids) content is below 6.5 percent indicates a less mature product and the fruit may not ripen properly. Because some packers are harvesting and packing fruit below the 6.5 percent level, the committee believes this action is necessary to maintain a high quality product. Requiring a 6.5 percent soluble solids content in kiwifruit would assure a sweet, mature product that should prompt repeat sales by consumers.

The committee also recommended that a form be sent to the committee office by handlers returning fruit to their growers. This would enable the committee to gather information on the movement of cull fruit in the production area.

The committee believes that peddlers of cull fruit are buying the culls and selling them in established markets. This is a very disruptive practice that adversely affects the market for all kiwifruit. When cull fruit is sold in established markets, it puts downward pressure on grower prices for all fruit, including that of good quality, and tends to bring about disorderly marketing conditions. Requiring handlers to report returned fruit should help compliance by pinpointing potential sources of cull fruit entering established markets. The necessary information would be minimal and would be recorded on a new committee form. The total time required to fill out the form should not exceed five minutes per form.

Although this proposal would upgrade the quality and increase the reporting requirements for kiwifruit shipped from the production area, regulatory exemptions would continue in effect. For example, any handler may handle, other than for resale, up to, but not to exceed 200 pounds net weight of kiwifruit per day without regard to the requirements of the handling regulation. In addition, shipments for charity, relief, and commercial processing are exempt from the grade, size, container, and inspection requirements of the order and the handling regulation. Reporting provisions of the handling regulation apply to such shipments.

The actual cost to handlers for complying with these proposed changes cannot be precisely determined, but it is expected to be minimal. On the other hand, the increased returns expected from both domestic and export sales of better quality kiwifruit and better compliance controls on cull fruit movement should more than offset the anticipated slight increase in handler costs in meeting the proposed requirements. On the basis of the foregoing, the impact of these proposed changes on growers and handlers is expected to be beneficial.

A comment period of 15 days is appropriate on this proposal because the harvest and packing of 1987 crop California kiwifruit is expected to begin in September. It is important that any changes resulting from this rulemaking be in effect prior to that time so producers and handlers have adequate time to plan accordingly.

List of subjects in 7 CFR Part 920

Marketing agreements and orders, Kiwifruit, California.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 920 be amended as follows:

PART 920—[AMENDED]

1. The authority citation for 7 CFR Part 920 continues to read as follows:

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

2. Section 920.302 is amended by revising paragraph (a)(1); redesignating (a)(4) as (a)(5), redesignating (a)(3) as (a)(4), and adding a new (a)(3), to read as follows:

§ 920.302 Grade, size, pack, and container regulations.

(a)* * *

(1) *Grade requirements.* Fresh shipments of kiwifruit shall grade at least 85 percent U.S. No. 2: *Provided,* That not more than 8 percent shall be allowed for defects other than shape causing damage, not more than 4 percent of that amount shall be allowed for defects other than shape causing serious damage, and not more than 1 percent of that amount shall be allowed for fruit affected by internal breakdown or decay.

* * * * *

(3) *Maturity requirements.* Such kiwifruit shall have a minimum of 6.5 percent soluble solids at the time of inspection.

* * * * *

3. Section 920.160 is amended by adding a new § 920.160(c) as follows:

§ 920.160 Reports.

* * * * *

(c) *Handler report of returned fruit.* After fruit is returned to a grower, each handler shall file with the committee, no later than five days from the date the fruit is returned, or such other time as the committee may establish, a Return Receipt of Kiwifruit to Grower Form.

Dated: July 28, 1987.

Ronald L. Cioffi,

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

[FR Doc. 87-17497 Filed 7-31-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-ANM-10]

Proposed Revision of Transition Area, Evanston, WY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the transition area at Evanston, Wyoming, to accommodate a new VOR/DME–A approach procedures to the Evanston-Unita County Airport. This action is necessary to ensure segregation of aircraft using the approach procedure in instrument weather conditions and other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before September 15, 1987.

ADDRESSES: Send comments on the proposal to: Manager, Airspace & System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 87–ANM–10, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

The official docket may be examined in the Office of Regional Counsel at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM–535, Federal Aviation Administration, Docket No. 87–ANM–10, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, Telephone: (206) 431–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal.

Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-ANM-10". The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain in a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation administration, Airspace & System Management Branch, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the transition area at Evanston, Wyoming. This action will provide controlled airspace for aircraft executing new VOR/DME-A instrument approach procedure to the Evanston-Uinta County Airport.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

Evanston, Wyoming, Transition Area (Revised)

That airspace extending upward from 700 feet above the surface between lat. 41°18'30"N., long. 111°33'00"W to lat. 41°32'00"N., long. 110°47'00"W, to lat. 41°27'00"N., long. 110°20'00"W to lat. 41°18'30"N., long. 110°24'00"W, to lat. 41°15'00"N., long. 110°37'00"W to lat. 40°51'00"N., long. 111°05'30"W, to lat. 41°05'00"N., long. 111°27'00"W, to point of beginning excluding that airspace within the Fort Bridger, Wyoming, 700 foot transition area; and that airspace extending upward from 1,200 feet above the surface between lat. 41°18'30"N., 111°33'00"W, to lat. 41°24'00"N., long. 111°36'00"W., to lat. 41°35'30"N., long. 110°56'00"W, to lat. 41°32'00"N., long. 110°47'00"W, to lat. 41°27'00"N., long. 110°27'00"W, to lat. 41°18'30"N., long. 110°24'00"W, to lat.41°15'00"N., long 110°37'00"W, to lat. 40°51'00"N., long. 111°05'30"W, to lat. 41°05'00"N., long. 111°27'00"W to point of beginning excluding the airspace within the Fort Bridger, Wyoming, 1,200 foot transition area.

Issued in Seattle, Washington, on July 24, 1987.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 87-17462 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AGL-14]

Proposed Alteration of Transition Area; Austin, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Austin, MN, transition area to accommodate a new VOR/DME-A Standard Instrument Approach Procedure (SIAP) to Austin Municipal Airport.

The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATES: Comments ust be received on or before September 3, 1987.

ADDRESS: Send comments on the proposal in triplicate to:
Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 87-AGL-14, 2300 East Devon Avenue, Des Plaines, Illinois 60018

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Air Traffic Division, Airspace Branch, AGL-520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The present transition area is being altered to accommodate a new VOR/DME-A SIAP. The alteration will consist of a 2 mile extension to the northeast with a 3 mile width each side of the Rochester VOR/DME 240 radial extending from the Austin Municipal Airport 5 mile radius to 7 miles northeast of the airport.

The development of the procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may

be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written date, views, or argument as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should indentify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rule Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the designated transition area airspace near Austin, MN.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administation proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1248(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

Austin, MN [Amended]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Austin Municipal Airport (lat. 43°40'00"N, long. 92°56'00"W); within 3 miles each side of the Austin VOR 350 radial extending from the 5 mile radius to 8 miles north of the VOR; and within 3 miles each side of the Austin VOR 175 radial extending from the 5 miles radius to 8 miles south of the VOR; and within 3 miles each side of the Rochester VOR/DME 240 radial extending from the Austin Municipal Airport 5 mile radius to 7 northeast of the airport.

Issued in Des Plaines, Illinois, on July 20, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-17464 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918

[Docket No. H-004I]

Occupational Exposure to Lead

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

ACTION: Notice of limited reopening of the lead rulemaking records; notice of comment period and informal public hearing.

SUMMARY: This notice reopens the rulemaking record for the OSHA lead standard to receive specific information relating to the feasibility of meeting the permissible exposure limit (PEL) specified in the lead standard (29 CFR 1910.1025(e)(1)) through engineering and work-practice controls in nine industry sectors: lead chromate pigments (SIC 2816), lead chemicals (SIC 2816/2819), nonferrous foundries (SIC 3362/3369), brass and bronze ingot production (SIC 3341/3362), secondary copper smelting (SIC 3341), battery breaking (when not part of secondary lead smelting) (SIC 5093), leaded steel (SIC 3312/3313), shipbuilding and ship repair (SIC 3731), and stevedoring (SIC 4463).

This notice is published pursuant to the March 31, 1987, order of the U.S. Court of Appeals for the District of Columbia Circuit, which remanded the record to OSHA for reconsideration of the feasibility of meeting the 50 $\mu g/m^3$ PEL through the use of engineering and work-practice controls in the nine specified industry sectors.

This notice also schedules a period for receipt of written comments and an informal public hearing on the question of feasibility of complying with the standard.

DATE: Written comments will be received until September 2, 1987. An informal public hearing will begin September 15, 1987. All notices of intention to appear at the public hearing and all written testimony and documentary evidence to be introduced into the hearing record must be received by September 2, 1987.

ADDRESSES: The hearing will start at 9:30 A.M. in Room C2318, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210. Comments, in quadruplicate, should be mailed or delivered to the Docket Office, Occupational Safety and Health Administration, Docket No. H-004I, Room N-3670, U.S. Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210; telephone (202) 523-7894. Notices of intention to Appear, in quadruplicate, should be mailed to Mr. Tom Hall, OSHA Division of Consumer Affairs, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; telephone (202) 523-8615.

All materials submitted will be available for public inspection and copying at this address.

FOR FURTHER INFORMATION CONTACT: James F. Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N-3641, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:

I

(a) Background and Judicial History

On November 14, 1978, OSHA promulgated the lead standard (29 CFR 1910.1025), which, in part, limited occupational exposure to airborne concentrations of lead to 50 micrograms per cubic meter of air ($\mu g/m^3$), based on an 8-hour time-weighted average (TWA) (43 FR 52952; and 43 FR 54354, November 21, 1978). Immediately after promulgation, the lead standard was challenged by both industry and labor in several U.S. Courts of Appeals. All cases were transferred to, and consolidated in the U.S. Court of Appeals for the District of Columbia Circuit.

In a lengthy opinion issued on August 15, 1980, the United States Court of Appeals for the District of Columbia Circuit upheld the validity of OSHA's lead standard in most respects. The court found OSHA's analysis of the feasibility of the standard to be adequate and upheld the validity of the entire standard for the following industry sectors: primary lead smelting, secondary lead smelting, printing, can manufacturing, battery manufacturing, paint and coating manufacturing, ink manufacturing, wallpaper manufacturing electronics manufacturing, and gray-iron foundries. However, the Court found that OSHA had failed to present substantial evidence or adequate reasons to support the feasibility of paragraph (e)(1) of the standard for 38 industry sectors. (*United Steelworkers of America v. Marshall* 647 F. 2d 1189 (D.C. Cir. 1980), Cert. denied, 453 U.S. 913 (1981).)

The Court did not vacate any portion of the lead standard. Rather, for the 38 industry sectors, it stayed the enforcement of 29 CFR 1910.1025(e)(1), which requires compliance with the PEL through engineering and work-practice controls. The Court remanded the record to OSHA for reconsideration of the question of technological and economic feasibility for these industry sectors and gave OSHA six months in which to complete its reassessment of the feasibility issue.

In accordance with the court order, the Agency conducted an expedited rulemaking (45 FR 63476; September 24, 1980). On January 19, 1981, OSHA filed its response to the remand order, in which it concluded that attainment of the 50 ug/m^3 PEL through the use of engineering and work-practice controls was generally feasible in an expanded list of remand industries. A Supplemental Statement of Reasons and Amendment of the Standard containing this conclusion was published on January 21, 1981 (46 FR 6134).

In response to industry petitions for reconsideration, OSHA subsequently requested and was granted a deferral of further court action pending reconsideration of its January 21, 1981 feasibility findings. Upon reconsideration, OSHA reaffirmed its conclusion that compliance with the PEL was generally feasible for most of the remand industries, either because exposure levels did not generally exceed the PEL, thus requiring minimal or no compliance actions, or because exposure levels above the PEL could be controlled by available engineering controls or work practices. A Revised Statement of Reasons containing this conclusion was published on December 11, 1981 (46 FR 60758). In this notice, OSHA stated that it could not reach a conclusion regarding feasibility on the existing record for eight specified industry sectors, and that it wished to reexamine the applicability of the lead standard for the stevedoring industry. OSHA, therefore, requested the court on December 10, 1981 to remand the record concerning these industry sectors for supplementary administrative proceedings (46 FR 60761).

In its December 11, 1981 Revised Statement of Reasons, OSHA also amended the Lead Standard (29 CFR 1910.1025 in several important respects, one of which was to exempt employers from the requirement to implement engineering controls for employees who are exposed above the PEL for 30 days or less annually.

Consistent with the December 11, 1981 notice (46 FR 60758), OSHA, on February 26, 1982, published a Proposed Administrative Stay on applying the lead standard to the stevedoring industry (47 FR 8381). However, OSHA did not thereafter issue a stay.

On March 31, 1987, the Court of Appeals for the District of Columbia granted OSHA's request of December 10, 1981 and remanded the record to OSHA for further administrative proceedings to determine the feasibility of paragraph (e)(1) of the lead standard for the nine industry sectors listed above. The Court further ordered OSHA to return the record on or before October 1, 1987.

On June 17, 1987, OSHA filed with the Court a motion requesting a 90-day extension of time, from October 1, 1987 to January 1, 1988, in which to return to the court the record of the nine remand industry sectors.

(b) Supplementing and Updating the Record Concerning Feasibility

As indicated in its December 11, 1981 Revised Supplemental Statement of Reasons (46 FR 60758), OSHA in 1981 had insufficient information upon which to base a determination of the feasibility of complying with paragraph (e)(1) of the lead standard in the nine remand industries. In that year, OSHA commissioned JACA, a private consulting firm, to conduct an assessment of the technological and economic feasibility of meeting the 50 ug/m^3 PEL through engineering and work practice controls in eight of the nine remand industries. The resulting study, which was completed in 1982, is now part of the record (JACA Report, Ex. 553). However, five years have passed since the study was completed and certain of the relevant industries appear to have changed considerably during that period. Consequently, OSHA needs to supplement and update the information in the record. In particular, OSHA needs to assure itself that information upon which it will base its feasibility determinations represents a current cross section of each industry sector.

Because OSHA does not know whether the information in the record accurately represents current conditions in each of the remand industries, it is refraining at this time from assessing feasibility for these industries. To supplement and update the record, OSHA has contracted with Meridian Research, Inc., a private consulting firm, to collect and develop new data to

support a new feasibility study for the nine remand industry sectors. The Meridian report is expected to be submitted to the docket by August 3, 1987, for public review and comment.

Through this notice, OSHA also is requesting the submission of new information pertaining to exposure data, engineering and work practice controls currently in use, potential feasible modifications in both process and control technologies and cost and time needed for meeting the PEL by means of engineering work practice controls, as well as any other relevant information that will facilitate OSHA's final determination of the feasibility issue.

II. Request for Information and Comments

Interested parties are requested to submit, in quadruplicate, written comments and additional data related to the rulemaking described in this notice. To supplement previous submissions, new information or written comments and suggestions on the technological and economic feasibility of compliance with the 50 ug/m ^{3} PEL by means of engineering and work-practice controls, including exposure data, are hereby solicited. It would facilitate the Agency's action if interested parties address their comments to the issues listed below as they pertain to each plant and/or industry sector.

1. Please submit the following information from your plant and/or industry sector:

a. Job categories for each operation or process in which workers are potentially exposed to lead;

b. Number of workers in each job category;

c. A brief description of each operation, production techniques, and associated engineering controls; and

d. Exposure data, if available, before and after installing existing engineering controls.

2. In each job category, for all employees exposed to lead, provide the last two years of air lead monitoring results, as an 8-hour time-weighted average (TWA). To the extent that representative sampling is used, clearly indicate which employees within each job category were monitored, the corresponding results, and which employees were represented by the results. Please also provide the dates of all monitoring.

3. Identify any job category and employees whose exposure to lead is so varied, intermittent, short etc. that the monitoring data provided in response to question 2 do not adequately portray the nature of the exposures. Please explain, indicating peak levels, duration, and frequency of exposure.

4. Please list the operations or processes in which current air lead levels exceed the 50 ug/m ^{3} permissible exposure limit (PEL) and describe or provide:

a. Existing engineering and work-practice controls, if any;

b. Additional engineering and work-practice controls that could be implemented to further reduce exposure levels;

c. The level to which exposures can be expected to be reduced from implementing the additional controls; and

d. Estimates of the costs and time needed to develop, install, and/or implement such controls.

5. What are the benefits, other than reducing workers' exposure to lead, that can be derived from implementing engineering controls? (e.g. reduced exposure to other contaminants, increased productivity, product improvement, reduced absenteeism, reduction in medical expenses or in workers' compensation payments, etc.). Please annualize.

6. Are control technologies that have been proven effective in industry sectors not included in this notice applicable to the remand industry sectors? Please explain or describe the nature and extent of compatibility and provide supporting documents.

7. Are there any processes or operations in your plant and/or industry sector in which it is not reasonably possible to implement engineering and work-practice controls within six months to one year to achieve the PEL? If so, would allowing employers additional time to come into compliance with requirements of paragraph (e)(1) make compliance reasonably possible? Please identify the processes or operations, explain, and provide supporting data, including needed compliance time.

8. Within your industry sector, are there variations among plants in process or production technology? If so, describe the variations and explain how those variations impact on:

a. Workers' exposure;

b. Implementation of engineering and work-practice controls to achieve the PEL; and

c. Product quality and productivity (volume and cost).

9. In operations where the air lead level is greater than 50 ug/m^3, what processes can be automated or remotely controlled? For example: (a) In the production of leaded steel, can lead shot be injected by remote control blast guns instead of by dropping canvas bags of lead shot into the molds? (b) In battery breaking, can scrap batteries be fed into an automated shredder or crusher through the use of an enclosed conveyor belt?

10. Are there any restrictions on the use of automated or remote control techniques? Please explain and provide supporting data.

11. For material handling and transport, what are:

a. The current techniques;

b. Engineering controls in place to reduce workers' exposure;

c. Exposure data before and after the implementation of existing engineering controls (e.g. enclosure of equipment, cabs for operators); and

d. Techniques for further automation; e.g. the use of screw or pneumatic conveyors instead of cranes and front-end loaders?

12. In operations with existing engineering controls, are current exposure levels below the 50 ug/m^3 PEL? If not, please state the reasons (e.g. filters are not maintained properly, inappropriate work practices, etc.).

13. What are the operations or products for which substitutes (total or partial) for lead are available? Please cite any examples, indicating the extent of success.

14. What is the expected reduction in workers' exposures that would occur from total or partial substitution for lead? How efficient are substitutes in terms of product quality and cost?

15. Are there known hazards associated with these substitutes?

16. What was the labor turnover rate in your plant and/or industry sector for each of the last 5 years for jobs involving exposure to lead?

17. What were the rates of return on assets, equity, and net worth of your company and/or industry sector for each of the last 5 years, and how much of those are lead-related?

18. What were the total annual volume and dollar value of production, shipments, and inventories for your company and/or industry sector for each of the last 5 years? What percentages are lead-related?

19. What is the age, production capacity, and estimated remaining useful life of your plant and equipment?

20. Will major renovation or reconstruction of your plant be required to bring air lead exposures into compliance? If so, please provide costs and time necessary for renovation/construction, as well as expected exposure reductions and associated benefits.

21. What portion, if any, of the costs that would be incurred for coming into

compliance with the PEL by engineering and work practice controls (or for achieving the lowest air lead level feasible, whichever is higher) cannot be passed backward or forward? Please explain.

22. Are there reasons why the stevedoring industry should be exempt from the requirements of paragraph (e)(1) of the lead standard? If so, please explain and provide suporting evidence.

III. Public Participation and Notice of Public Hearing

Interested persons are invited to submit comments and data on the above-listed and other pertinent issues related to the technological and economic feasibility of meeting the 50 ug/m^3 PEL by means of engineering and work-practice controls in the remand industry sectors.

Comments must be received by September 2, 1987 and should be sent in quadruplicate to the Docket Office at the address noted above, where they will be available for inspection and copying. All timely written submissions will be made a part of the record of the proceeding. Any submissions made prior to September 24, 1980 should be resubmitted if they are to be considered as part of the record in this rulemaking.

Pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised in this document will be provided at an informal public hearing scheduled to begin at 9:30 a.m. on September 15, 1987 in Room C2318, Frances Perkins Building, 200 Constitution Avenue, NW., Washington, DC 20210.

(a) Notice of Intention to Appear

All persons desiring to participate at the hearing must file in quadruplicate a notice of intention to appear by September 2, 1987 addressed to Mr. Tom Hall, OSHA Division of Consumer Affairs, Docket No. H–0041, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone (202) 523–8615.

This notice of intention to appear, which will be available for inspection and copying at the OSHA Docket Office (Room N–3670), telephone (202) 523–7894, must contain the following information:

(1) The name, address, and telephone number of each person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time requested for the presentation;

(4) The specific issues that will be addressed;

(5) A detailed statement of the position that will be taken with respect to each issue addressed, and;

(6) Whether the party intends to submit documentary evidence, and if so, a brief summary of the evidence.

(b) Filing of Testimony and Evidence Before Hearing

Any party requesting more than 10 minutes for a presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of the testimony, including any documentary evidence to the OSHA Division of Consumer Affairs. This material must be received by September 2, 1987 and will be available for inspection and copying at the Technical Data Center-Docket Office. Each such submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, less time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 10–minute presentation and may be requested to return for questioning at a later time.

(c) Conduct of Hearing

In view of the nature of this rulemaking proceeding, the hearing will be conducted in as expedited a manner as possible consistent with full development of the record and the rights of the parties. The hearing will commence at 9:30 A.M., September 15, 1987 with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge, who will have all the powers necessary and appropriate to conduct a full and fair informal hearing, as provided in 29 CFR Part 1911, including the powers—

1. To regulate the course of the proceeding;

2. To dispose of procedural requests, objections, and comparable matters;

3. To confine the presentation to the matters pertinent to the issues raised;

4. To regulate the conduct of those present at the hearing by appropriate means; and

5. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The proposed standard will be reviewed in light of all oral and written submissions received as part of the record.

The determination on the feasibility issue will be made based upon the entire record as a whole, which is limited to dockets H–004E, F, G, H, and I.

List of Subjects

29 CFR Part 1910

Hazardous materials, Health, Lead, Lead poisoning, Occupational Safety and Health Administration, Occupational safety and health, Protective equipment, Respiratory protection.

29 CFR Part 1915

Hazardous materials, Health, Lead, Lead poisoning, Occupational Safety and Health Administration, Occupational safety and health, Protective equipment, Respiratory protection, Shipyard employment, Vessels.

29 CFR Part 1917

Hazardous materials, Health, Lead, Lead poisoning, Marine terminals, Occupational Safety and Health Administration, Occupational safety and health, Protective equipment, Respiratory protection, Vessels.

29 CFR Part 1918

Hazardous materials, Health, Lead, Lead poisoning, Longshoremen, Occupational Safety and Health Administration, Occupational safety and health, Protective equipment, Respiratory protection, Vessels.

V. Authority

This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, DC 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), and section 41 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941).

Signed at Washington, D.C., this 30th day of July 1987.

John A. Pendergrass,

Assistant Secretary of Labor.

[FR Doc. 87–17623 Filed 7–31–87; 8:45 am]

BILLING CODE 4510–26–M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 86-7]

Extension of Comment Period: Notice of Inquiry on Definition of Cable Systems

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of comment period.

NOTICE: On October 15, 1986, the Copyright Office in a Notice of Inquiry (51 FR 36705) invited public comment on the definition of the term "cable system" as it concerns the operation of the compulsory licensing mechanism in 17 U.S.C. 111 (1976). Comments were invited through December 15, 1986, and reply comments through January 13, 1987.

Since the closing of the comment and reply period, the Copyright Office has received four comments including a supplemental comment from The Microband Companies Incorporated, ("Microband") a letter responding to Microband's comments from Major League Baseball, ("MLB") and a reply letter responding to MLB's letter from Microband. In the interest of allowing full public comment, the Copyright Office hereby extends the comment period until thirty days from the date of publication of this notice in the **Federal Register**. Reply comments may be submitted during this extended comment period. The late comments already received will be made part of the record.

DATE: Comments should be received on or before September 2, 1987.

ADDRESSES: Ten copies of written comments should be addressed, if sent by mail, to: Library of Congress, Department 100, Washington, DC 20540.

If delivered by hand, copies should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room 407, First and Independence Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, DC 20559. Telephone (202)287-8380.

List of Subjects in 37 CFR Part 201

General provision on copyrights, Cable television, Cable compulsory license.

Dated: July 13, 1987.

Ralph Oman,

Register of Copyrights.

Approved by:

Daniel J. Boorstin,

Librarian of Congress.

[FR Doc. 87-17484 Filed 7-31-87; 8:45 am]

BILLING CODE 1410-07-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 83-525]

Policies To Be Followed in the Authorization of Common Carrier Facilities to Meet Caribbean Region Telecommunications Needs During the 1985-1995 Period

AGENCY: Federal Communications Commission.

ACTION: Order establishing comment period.

SUMMARY: This document accepts for filing and consideration, a pleading submitted by the American Telephone and Telegraph Company on July 1, 1987 in reference to the Commission's Proposed Rule, published on March 19, 1986 at 51 FR 9470. As a result of this filing, the Commission is establishing a filing period for comments and reply comments and requesting additional information from the US International Service Carriers. The AT&T pleading sets forth, among other things, a revised configuration for the proposed Transcaribbean Cable System (TCS-1).

DATES: Information requested of the US International Service Carriers shall be filed on July 27, 1987. Comments and reply comments must be filed on or before August 17 and August 27, 1987, respectively.

FOR FURTHER INFORMATION CONTACT: Robert E. Gosse, (202) 632-7834.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted on July 14, 1987 by delegated authority and released July 16, 1987. The full text of this action may be obtained from the International Transcription Service, 1919 M Street NW., Washington, DC 20036, Tel. (202) 857-3800.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-17539 Filed 7-31-87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-260, RM-5728]

Radio Broadcasting Services; Olive Branch, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by J.J. Kirk, proposing the allocation of FM Channel 239A to Olive Branch, Mississippi, as that community's first FM broadcast service. There is a site restriction 2.5 kilometers (1.5 miles) northeast of the community.

DATES: Comments must be filed on or before September 14, 1987, and reply comments on or before September 29, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Earl N. Hodges, Mid-South Frequency, Monitoring Service, 4004 Clay Drive, Jonesboro, Arkansas 72401, (Consultant to the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-260, adopted July 9, 1987, and released July 21, 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 involve 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 73

Radio Broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-17546 Filed 7-31-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-256, RM-5793]

Radio Broadcasting Services; Kill Devil Hills, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Joseph A. Booth to allocate Channel 281C1 to Kill Devil Hills, North Carolina, as the community's first local FM service. Channel 281C1 can be allocated to Kill Devil Hills in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.6 kilometers (7.2 miles) southeast in order to avoid a short-spacing to the licensed site of Station WKTC, Channel 282C1, Tarboro, North Carolina. No site restriction would be necessary if Station WKTC is licensed at the site specified in its construction permit (BMPH-860421ID).

DATES: Comments must be filed on or before September 14, 1987, and reply comments on or before September 29, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence J. Bernard, Jr., Ward & Mendelkson, P.C., 1100 17th Street, NW., Suite 900, Washington, DC 20036 (Counsel to petitioner).

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-256 adopted July 9, 1987, and released July 21, 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 involve 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 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-17547 Filed 7-31-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-258, RM-5796]

Radio Broadcasting Services; New London and Merrill, WI

AGENCY: Federal Communications Commissions.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Goetz Communications Corporation, licensee of Station WNBK(FM), Channel 228A New London, Wisconsin, proposing the substitution of Channel 228C2 for Channel 228A at New London and the modification of its license to specify operation on the higher class of channel. In addition the proposal requires the substitution of Channel 281A for Channel 228A at Merrill, Wisconsin in order to accomplish the New London substitution. A first wide coverage area FM station could be provided to the community. Also a site restriction of 17 kilometers (10.6 miles) northest of the community is required. Concurrence by the Canadian government must be obtained for the substitution at Merrill.

DATES: Comments must be filed on or before September 14, 1987, and reply comments on or before September 29, 1987.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows:

Samuel Miller, Miller & Fields, P.C., P.O. Box 33003, Washington, D.C. 20033 (Counsel to petitioner)

Goetz Communications Corporation, Station WNBK, P.O. Box 935, New London, WI 54961 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-258, adopted July 9, 1987, and released July 23, 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 involve 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 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-17551 Filed 7-31-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

[Docket No. 70756-7156]

American Lobster Fishery

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement Amendment 2 to the Fishery Management Plan for the American Lobster Fishery (FMP), which would (1) increase the minimum legal carapace length for American lobsters; (2) prohibit the possession of V-notched female American lobster throughout the range of the stock; and (3) prohibit throughout the Nation the possession of egg-bearing or V-notched female American lobsters, or lobsters under the legal minimum size taken in violation of the Magnuson Fishery Conservation and Management Act. The intended effect is to conserve and manage the American lobster resource to promote full utilization by the U.S. fishing industry.

DATE: Comments on the proposed rule are invited until September 10, 1987.

ADDRESSES: Send comments to Richard Roe, Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930–3799. Mark the outside of the envelope "Comments on the lobster regulations."

Copies of the amendment incorporating the environmental assessment and supplemental regulatory impact review/regulatory flexibility analysis are available from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, Saugus, MA 01906.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, Resource Management Specialist, 617–281–3600, ext. 324.

SUPPLEMENTARY INFORMATION: The FMP, which was prepared by the New England Fishery Management Council (Council), is implemented by regulations appearing at 50 CFR Part 649. The objective of the FMP is a unified regional management program for American lobsters *(Homarus americanus)*, to promote conservation, to reduce the possibility of recruitment failure, and to allow full utilization of the resource by the U.S. fishing industry. Amendment 2 proposes to (1) increase the 3$\frac{3}{16}$-inch minimum legal carapace length for American lobsters to 3$\frac{5}{16}$ inches in $\frac{1}{32}$-inch increments, effective January 1, 1988, 1989, 1991, and 1992; (2) prohibit the posssession of V-notched female American lobsters throughout the range of the stock; and (3) prohibit throughout the Nation the possession of egg-bearing lobsters, V-notched female lobsters, and lobsters that are smaller then the minimum size set forth in the FMP taken in violation of the Magnuson Act. Two of the largest American lobster producing States (Maine and Massachusetts) have initiated complementary laws that would be triggered by implementation of this rule.

The first proposal, to increase the minimum carapace length, is based on the scientific finding that fewer than one percent of the inshore northern Gulf of Maine female lobsters attain sexual maturity and extrude their first clutch of eggs before reaching the current minimum carapace length of 3-$\frac{3}{16}$ inches. A similar situation exists in the offshore fishery on Georges Bank and off Southern New England. Together these areas account for approximately 80 percent of the total American lobster landings. Thus, the continuing viability of the overall resource may be in jeopoardy through recruitment failure. To guard against such an eventuality, it is proposed to increase the minimum carapace length from 3-$\frac{3}{16}$ inches to 3-$\frac{5}{16}$ inches in four increments of $\frac{1}{32}$ of an inch between January 1, 1988, and January 1, 1992. Rectangular or circular escape vents compatible with a minimum carapace length of 3-$\frac{5}{16}$ inches would be required by January 1, 1990. The exact specifications of the escape vents will be published by January 1, 1989.

The increase in the minimum carapace length to 3-$\frac{5}{16}$ inches is expected to result in an overall gain of more than 45 percent in total egg production relative to current management standards. After five years, the management program is expected to result in an overall increase in landings of 35.2 percent based upon prospects for enhanced recruitment. The specific intent of this proposal is to increase spawning potential while miminizing the short-term effects on landings. This rule would allow a 180-day grace period following the effective date of each carapace length increase for any dealer/wholesaler to dispose of any American lobsters purchased or received in the prior year which do not meet the minimum carapace length increase. The grace period recognizes the traditional industry practice of holding lobsters in pounds in order to take advantage of seasonal market opportunities.

The second proposal would prohibit the possession of V-notched female American lobsters throughout the range of the stock. For the past 40 years, Maine has required the V-notching of berried female lobsters for conservation and administrative purposes. Under Maine law it is unlawful to possess a V-notched lobster. This proposal recognizes that V-notched lobsters may migrate out of the Gulf of Maine and be encountered in the gear of fishermen who operate in the southern portion of the range of the stock.

The Council intends that V-notched female lobsters be left in the population to reproduce and add to the spawning potential. The Council recognizes that their infrequent occurence outside the Gulf of Maine may result in unintentional retention by fishermen unaccustomed to inspecting lobsters for V-notching. Accordingly, the Council has recommended that any person found in violation of this provision not be subject to a civil penalty, provided that the V-notched lobsters are viably returned to the natural environment. NOAA will consider the Council's recommendation in establishing its enforcement practices and penalty schedules, but has an obligation to enforce all regulations implementing fishery management plans.

The third proposal would prohibit throughout the Nation the possession of egg-bearing or V-notched female American lobsters, and American lobsters smaller than the minimum size set forth in the regulations taken in violation of the Magnuson Act. The Council finds that it is necessary to extend these management measures throughout the Nation to promote compliance, assure effective enforcement, and achieve the objectives of the FMP. Because management measures of the States where the American lobster resource predominantly occurs (i.e., Maine, Massachusetts, Rhode Island) will become fully consistent with the management measures of the FMP upon final promulgation of this rule, and because of the number of fishermen in these States holding permits to fish for lobsters in the exclusive economic zone (EEZ), it is presumed that any non-conforming lobsters in interstate commerce were taken in violation of the Magnuson Act. Evidence that such lobsters were harvested by a vessel not holding a permit to fish for lobsters in the EEZ and fishing exclusively within State or foreign waters would be sufficient to rebut the presumption.

This proposed rule also changes all references to the fishery conservation zone (FCZ) to exclusive economic zone (EEZ) in accordance with the 1986 amendments to the Magnuson Act (Pub. L. 99–659) and removes obsolete material in the regulations.

Classification

Section 304(a)(1)(ii) of the Magnuson Act, as amended by Pub. L. 99–659, requires the Secretary of Commerce (Secretary) to publish regulations proposed by the Council 15 days after receipt of the amendment and regulations. At this time the Secretary

has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views and comments received during the comment period.

The Council prepared an environmental assessment for this amendment and concluded that there will be no significant impact on the environment as a result of this rule (see **ADDRESSES**).

The Council prepared a supplementary regulatory impact review/initial regulatory flexibility analysis. The Administrator of NOAA determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. A determination as to whether or not the proposed rule would have a significant economic impact on a substantial number of small entities will be made in conjunction with publication of the final rule. If found to be significant, a final regulatory flexibility analysis will be prepared and made available; otherwise, the General Counsel of the Department of Commerce will certify to the Small Business Administration that the rule will not have a significant economic impact.

This rule would have the following economic effects. The proposed rule is expected to reduce ex-vessel revenues by $4.2 million in the first year, assuming that all other factors, such as recruitment, remain constant, and increase revenues after the fifth year. There are an estimated 8,400 commercial lobstermen, both full- and part-time, not including those employed on trawlers which occasionally land lobsters. The average loss per lobsterman is expected to be about $500 in the first year of implementation. From the tenth year onward, the increase in exvessel revenues would be from $2.0 million (if there are no positive stock size-recruitment effects) to $38.6 million (if positive stock size-recruitment effects are considered). The average expected gain would be about $4,800 per lobsterman, using the average of the estimates derived from biological models.

The proposal to extend the prohibition against the landing of V-notched lobsters will initially decrease the exvessel revenues of about 2,100 commercial lobstermen in Massachusetts and New Hampshire by about $259,000, or an average of about $123 per lobsterman. However, it should be noted that V-notched lobsters might have already been voluntarily released by other lobstermen who could have landed them and that this measure is expected to increase the spawning potential of Gulf of Maine lobsters by 47 percent. In public hearings held in Portsmouth, New Hampshire, and Peabody, Plymouth, and Provincetown, Massachusetts, there was nearly unanimous support by lobstermen for extending the protection of V-notched lobsters throughout their range. This measure is not expected to have any impacts on lobstermen in the Georges Bank fishery or south of Cape Cod.

Administrative, enforcement, and paperwork and recordkeeping requirements are expected to remain unchanged, thus there are no impacts on Federal, State, or local government agencies. Lobstermen's operating expences are not expected to be affected in any way. Rather than a decrease in employment, it is expected that inshore lobstermen will initially experience a general decrease in revenues without any substantial change in employment, and then an increase after five years. Offshore lobstermen are not expected to experience any decrease in revenues; however, there is insufficient data on employment per vessel and a lack of models to determine the employment response to revenue changes in this sector.

The purpose of Amendment 2 is to enhance productivity. It is expected to increase annual lobster landings from 2.3 to 35.2 percent after five years, increase the size of the average chicken lobster by 12 percent, and increase egg production by 92 percent due to the larger carapace size and the V-notch program.

This proposed rule is exempt from the procedures of Executive Order 12291 under section 8(a)(2) of that order. Deadlines imposed under the Magnuson Act require the Secretary to publish this proposed rule 15 days after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of the order.

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

The Council determined that this rule will be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal zone management programs of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Delaware, Maryland, and New Jersey. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

List of Subjects in 50 CFR Part 649

Fisheries, Reporting and recordkeeping requirements.

Dated: July 29, 1987.

William E. Evans,

Assistant Administrator For Fisheries National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 649 is proposed to be amended as follows:

PART 649—[AMENDED]

1. The authority citation for 50 CFR Part 649 continues to read as follows:

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

2. In § 649.2, the definition of *Fishery conservation zone (FCZ)* and *V-notch conservation area* are removed and a new definition for *Exclusive economic zone (EEZ)* is added in alphabetical order to read as follows:

§ 649.2 Definitions.

* * * * *

Exclusive economic zone (EEZ) means the zone established by Presidential Proclamation 5030, dated March 10, 1983, and is that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

3. In § 649.7, paragraph (a)(5) is revised and a new paragraph (c) is added to read as follows:

§ 649.7 Prohibitions.

* * * * *

(a) * * *

(5) To possess any V-notched female American lobsters throughout the range of the stock;

* * * * *

(c) The possession for sale of egg-bearing female American lobsters, V-notched female American lobsters, or American lobsters that are smaller than the minimum size set forth in § 649.20(b) of this part, will be *prima facie* evidence that such lobsters were taken or imported in violation of these regulations. Evidence that such lobsters were harvested by a vessel not holding a permit under this part and fishing exclusively within State or foreign waters will be sufficient to rebut the presumption.

4. In § 649.20, paragraphs (b) and (c) are revised and paragraph (f) is removed, to read as follows:

§ 649.20 Harvesting and landing requirements.

* * * * *

(b) *Carapace length.* All American lobsters landed on the dates set forth must have a minimum carapace length as follows:

Effective dates:	Minimum carapace length:
January 1, 1985, through December 31, 1987.	3 5/16 inches.
January 1, 1988, through December 31, 1988.	3 1/32 inches.
January 1, 1989, through December 31, 1990 [1].	3 1/4 inches.
January 1, 1991, through December 31, 1991.	3 9/32 inches.
January 1, 1992, and beyond.....	3 5/16 inches.

[1] By January 1, 1990, escape vents in traps must be compatible with a minimum carapace length of 3 5/16 inches.

(c) *Mutilation.* It is unlawful for any person to remove meat or any body appendages from any lobster before landing, or to have in possession on board any lobster part other than whole lobsters.

* * * * *

5. In § 649.21, paragraphs (c)(1), (2), and (3) are redesignated (c)(1)(i), (ii), and (iii); paragraph (c) introductory text is designated (c)(1), an initial phrase is added, and the word "All" is set in lower case; a new paragraph (c)(2) is added; the text of paragraph (d) is designated (d)(1); and a new paragraph (d)(2) is added, to read as follows:

§ 649.21 Gear identification, marking, and escape vent requirements.

* * * * *

(c) *Escape vents.* (1) Until January 1, 1990, all * * *

* * * * *

(2) On January 1, 1990, rectangular or circular escape vents compatible with a minimum carapace length of 3 5/16 inches will be required.

(d) * * *

* * * * *

(2) Following the effective date of each carapace length increase set forth in § 649.20(b) of this part, any dealer/wholesaler will have 180 days in which to dispose of any lobsters purchased or received in the prior year which do not meet the new minimum carapace length increase.

§§ 649.4, 649.7, 649.20, 649.21, and 649.22 [Amended]

6. In addition to the amendments set forth above, the initials "FCZ" are removed and the initials "EEZ" are added in their place in the following places:

§ 649.4(a)(1), (2), and (3);
§ 649.7(a) introductory text and (b)(2);
§ 649.20(a)
§ 649.21(a) introductory text, (b) introductory text and (b)(4)(i), (ii), (iii), and (iv), and (c) introductory text; and
§ 649.22(b)(1).

[FR Doc. 87-17576 Filed 7-31-87; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 148
Monday, August 3, 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

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Marketing Policy

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Marketing Policy.

SUMMARY: This notice sets forth a summary of the 1987–88 marketing policy for lemons grown in California and Arizona. The marketing policy was discussed and approved on June 30, 1987, by the Lemon Administrative Committee, which locally administers the marketing order covering California-Arizona lemons. The marketing policy contains information on crop and market prospects for the 1987–88 season.

DATE: Written suggestions, views, or pertinent information will be considered if received by August 18, 1987.

ADDRESS: Interested persons are invited to submit written statements in triplicate to: Docket Clerk, Room 2085–S, F&V, AMS, U.S. Department of Agriculture, Washington, DC 20250. Such submissions should reference the date and page number of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250, telephone (202) 447–5697.

SUPPLEMENTARY INFORMATION: Pursuant to § 910.50 of the marketing order covering lemons grown in California and Arizona, the Lemon Administrative Committee, hereinafter referred to as the "committee", is required to hold a marketing policy meeting not later than August 15 of each fiscal year and thereafter submit such marketing policy to the Secretary. The order authorizes volume and size regulations applicable to fresh shipments of lemons to domestic markets including Canada. Regulation of export shipments of lemons and lemons utilized in the production of processed lemon products are not authorized under the order.

Section 910.50 of the marketing order reads as follows:

> Each year not later than August 15 of the fiscal year (or such later date as the committee may establish with the approval of the Secretary) the committee shall hold a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such fiscal year, to continue in force until revised, or superseded by the adoption of a new marketing policy. The marketing policy shall contain the following information: (a) The available supplies of lemons in each prorate district, including estimated quality and composition of size; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the fiscal year; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify the marketing policy the committee shall submit to the Secretary a revised marketing policy or a new marketing policy setting forth the information as required in this section.

Marketing policies for California-Arizona lemons are intended to apply to a 12-month period beginning on August 1 and ending on July 31 of the following year. This 12-month period contains a full production cycle in all of the regulated districts and serves to define an annual marketing season.

The committee has prepared a marketing policy for the 1987–88 marketing season. The marketing policy is intended to inform the Secretary and persons in the industry of the committee's evaluation of supply and demand factors expected during the marketing season. This information is essential to the review and evaluation of committee recommendations for the issuance of regulations. The committee evaluates market conditions and makes such recommendations to the Secretary as to the quantity of lemons that can be shipped each week to domestic outlets during the season, without disrupting markets. The committee may also recommend size regulations applicable to fresh domestic shipments.

The committee identified an array of general considerations in forming its 1987–88 marketing policy. It indicated that a satisfactory supply-demand relationship is necessary for a satisfactory price structure for any product but that the California-Arizona lemon industry, which produces more than 90 percent of the U.S. supply, is faced with unique problems and challenges that distinguish it from other perishable food industries. The committee pointed out that unlike other fruits, lemons are generally not consumed independently but are used as ingredients for flavoring or decorative purposes. These characteristics contribute to a highly inelastic demand for fresh lemons.

The committee also called attention to the seasonality of demand for fresh lemons which peaks when supplies are traditionally lowest. According to the committee, the California-Arizona lemon industry expanded into different geographic areas with different climatic production patterns in order to deal with this paradox but has experienced a surplus production capacity in part as a result of this expansion. The committee pointed out that the California-Arizona lemon industry has dealt with the overproduction problem by reducing acreage from a high of over 91,000 acres ten years ago to approximately 63,000 acres currently, and that such adjustments are an ongoing process.

It is the committee's contention, however, that further acreage reduction is not a complete solution to the industry's supply problem, citing sharp weather-related variations in output in the past several years, and that use of the marketing order to stabilize supplies is vital to the survival of the current California-Arizona lemon industry.

In its 1987–88 marketing policy, the committee specifically projected the California-Arizona lemon crop at 46,913 cars (1,000 cartons at 37-1/2 pounds net weight each equal one car). This compares with last year's estimated total production of 57,312 cars and an estimated output of 37,483 carloads in 1985–86, when no regulations were in effect.

The production area is divided into three districts. The current production estimates by district (with last year's

production in parentheses) are as follows: District 1—6,400 cars (6,917); District 2—25,640 cars (27,584); and District 3—14,873 cars (22,811).

The committee projects that the fruit sizes in the 1987–88 fiscal year will fall within normal ranges and that approximately 80–85 percent of the 1987–88 crop will average size 165's (2.13 inches in diameter) or larger. Current regulation limits domestic fresh market shipments of lemons to size 235's (1.82 inches in diameter) and larger. The committee estimates that less than 3 percent of production is smaller than this size and that the most efficient utilization of such fruit is in product outlets.

The committee estimates that 1987–88 shipments to domestic fresh market outlets, including Canada, may total 15,250 cars. This would be 6 percent above the preceding 4-year average but below the relatively large movement being marketed in the marketing season now drawing to a close (1986–87 shipments of fresh lemons to domestic markets are estimated to reach 15,500 cars). The committee anticipates an "opportunity" for fresh export shipments to total 10,000 cars in 1987–88 compared to 9,000 cars in 1986–87. Processing and other disposition is forecast at 21,663 cars compared to 32,400 cars in 1986–87.

In terms of total crop utilization, 33 percent of the 1987–88 crop is expected to be accounted for in domestic fresh markets compared with 27 percent in 1986–87; fresh exports are projected to require 21 percent of total 1987–88 utilization compared with 16 percent in 1986–87; processed and other uses would account for a residual 46 percent compared with 57 percent in the season now ending. In terms of changes in volume, domestic fresh market shipments would be down about 2 percent from 1986–87's estimates; export shipments would be up about 11 percent and processed and other utilization would fall approximately 33 percent.

The committee noted that in 1985–86, when production was relatively low and regulations were suspended for the entire season, utilization shares in both fresh market outlets were considerably higher. In real terms, however, shipments to both fresh domestic and export outlets in 1987–88 would exceed those to the same outlets during the unregulated 1985–86 season.

The market for California-Arizona fresh lemons is influenced by the availability of substitutes. Fresh lemons face competition from other varieties of citrus fruit, lemon juice, lemonade, and a number of soft drink products. Moreover, the California-Arizona lemon crop is also in direct competition with Florida and foreign lemons. Florida shipments of lemons are estimated at 600–700 cars for 1987–88. These shipments are expected to be confined to the mid and late summer. The potential for import competition is much larger both in quantity and seasonally. However, imports in the last five years have accounted for less than 2 percent of total domestic consumption. The committee portrays this as evidence that the weekly volumes that it recommends for supplying U.S. markets with fresh domestic fruit precludes the need for reliance on import sources.

With respect to the use of periods of open movement (i.e. no volume regulation), the committee, in its 1987–88 marketing policy stated that, if, during the fiscal year, supply and demand conditions are such that a relaxation in weekly volume regulation or open movement is the appropriate recommendation, the committee would present such a recommendation to the Secretary.

Based on the most recent data available, it appears that the 1986–87 season average fresh equivalent on-tree parity price for California-Arizona lemons will average $5.95 per carton. The projected season average parity price for the 1987–88 season is $6.15 per carton. The Agricultural Marketing Service (AMS) is currently evaluating the 1987–88 price outlook and when this process is completed will use the results of this evaluation in reviewing the committee's marketing policy for the 1987–88 season.

In order to provide an opportunity for public input, the Department will accept written views and information pertinent to the marketing policy and the need for, or level of, regulation for the 1987–88 season. Interested persons are also invited to comment on the possible regulatory and informational impact of this marketing policy and seasonal volume regulations on small businesses.

Publication of this summary of the marketing policy is to provide information as to potential regulations. This action does not create any legal obligations or rights, either substantive or procedural.

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

Dated: July 28, 1987.

Ronald L. Cioffi,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87–17496 Filed 7–31–87; 8:45 am]

BILLING CODE 3410–02–M

Establishment of a New Official Mailing Address for the Agricultural Marketing Service, Headquarters

AGENCY: Agricultural Marketing Service, USDA.

SUMMARY: This notice serves to advise all interested persons of a change in the official mailing address for the Washington, DC, offices of the Agricultural Marketing Service (AMS).

EFFECTIVE DATE: August 17, 1987.

FOR FURTHER INFORMATION CONTACT: Gerald Mainer, Mail Manager, Mail and Records Management Section, Information Management Branch, Administrative Services Division, Animal and Plant Health Inspection Service, 1400 Independence Avenue, Washington, DC 20250. Telephone (202) 447–5366.

SUPPLEMENTARY INFORMATION: The Agricultural Marketing Service has established a new official mailing address for the Washington, DC, offices. A Washington DC post office box was established to provide mail services more economically and efficiently. The Washington DC post office box conversion will preserve and protect the security of all mail from unauthorized operating, inspection, or reading of contents or covers, tampering, delay, or other unauthorized acts. Any interested person intending to mail to AMS offices located in Washington, DC, should use the new post office box address.

New official mailing address: USDA/AMS (Name of Division & Office), (Room Number), P.O. Box 96456, Washington, DC 20090–6456.

Old mailing address: USDA/AMS/(Name of Division & Office), (Room Number), 1400 Independence Ave., SW., Washington, DC 20250.

Done in Washington, DC, this 29th day of July 1987.

William T. Manley,

Acting Administrator.

[FR Doc. 87–17571 Filed 7–31–87; 8:45 am]

BILLING CODE 3410–02–M

Federal Grain Inspection Service

Designation Renewal of the Central Iowa Agency (IA), State of Maine, and State of Montana

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Central Iowa Grain Inspection Service, Inc. (Central Iowa), Maine Department of Agriculture (Maine), and Montana Department of

Agriculture (Montana), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

EFFECTIVE DATE: September 1, 1987.

ADDRESS: James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Central Iowa's, Maine's, and Montana's designations terminate on August 31, 1987, and requested applications for official agency designation to provide official services within specified geographic areas in the March 2, 1987, **Federal Register** (52 FR 6204). Applications were to be postmarked by April 1, 1987. Central Iowa, Maine, and Montana were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency.

The Service announced the applicant names in the May 1, 1987, **Federal Register** (52 FR 15967) and requested comments on the designation renewal of Central Iowa, Maine, and Montana. Comments were to be postmarked by June 15, 1987; none were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act, and in accordance with section 7(f)(1)(B), determined that Central Iowa, Maine, and Montana are able to provide official services in the geographic area for which the Service is renewing their designation. Effective September 1, 1987, and terminating August 31, 1990, Central Iowa, Maine, and Montana will provide official inspection services in their entire specified geographic area, previously described in the March 2 **Federal Register**.

A specified service point, for the purpose of this notice, is a city, town, or other location specified by an agency for the performance of official inspection or Class X or Class Y weighing services and where the agency and one or more of its inspectors or weighers is located. In addition to the specified service points within the assigned geographic area, an agency will provide official services not requiring an inspector or weigher to all locations within its geographic area.

Interested persons may receive a listing of an agency's specified service points by contacting either the Review Branch, Compliance Division, at the address listed above or the agencies at the following addresses:

Central Iowa Grain Inspection Service, Inc., 125 S.E. 18th Street, P.O. Box 1562, Des Moines, IA 50306,

Maine Department of Agriculture, State House, Station No. 28, Augusta, ME 04333

Montana Department of Agriculture, Agriculture/Livestock Bldg., Capitol Station, Helena, MT 59620

Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Date: July 17, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87–17376 Filed 7–31–87; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to the Aberdeen Agency (SD), McGregor Agency (IA), and State of Missouri

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to Aberdeen Grain Inspection, Inc. (Aberdeen), McGregor Grain Inspection and Weighing Corporation, Inc. (McGregor), and Missouri Department of Agriculture (Missouri).

DATE: Comments to be postmarked on or before September 17, 1987.

ADDRESS: Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Staff, FGIS, USDA, Room 1661 South Building, 1400 Independence Avenue, SW., Washington, DC 20250.

Telemail users may respond to [IRSTAFF/FGIS/USDA] telemail.

Telex users may respond as follows: To: Lewis Lebakken, TLX:7607351, ANS:FGIS UC.

All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–1738.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service requested applications for official agency designation to provide official services within specified geographic areas in the June 1, 1987, **Federal Register** (52 FR 20434). Applications were to be postmarked by July 1, 1987. Aberdeen, McGregor, and Missouri were the only applicants for designation in their geographic area and each applied for designation renewal in the area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the designation of the applicants. Commenters are encouraged to submit reasons for support or objection to these designation actions, and include pertinent data to support their views and comments. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: July 17, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87–17375 Filed 7–31–87; 8:45 am]

BILLING CODE 3410-EN-M

Request for Designation Applicants To Provide Official Services in the Geographic Area Currently Assigned to the State of California and State of Washington

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies

currently designated, interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agencies. The official agencies are the California Department of Food and Agriculture and Washington Department of Agriculture.

DATE: Applications to be postmarked on or before September 2, 1987.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

California Department of Food and Agriculture (California), 1220 N. Street, Sacramento, CA 95814, and Washington Department of Agriculture (Washington), 406 General Administration Building, AX–41, Olympia, WA 98504, were each designated under the Act as an official agency to provide inspection and weighing functions on February 1, 1985.

Each official agency's designation terminates on January 31, 1988. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to California, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows: The entire State of California, except those export port locations within the State, and the area assigned to Los Angeles Grain Inspection Service, Inc., which is as follows:

Bounded on the North by the Angeles National Forest southern boundary from State Route 2 east; the San Bernadino National Forest southern boundary east to State Route 79;

Bounded on the East by State Route 79 south to State Route 74;

Bounded on the South by State Route 74 west-southwest to Interstate 5; Interstate 5 northwest to Interstate 405; Interstate 405 northwest to State Route 55; State Route 55 northeast to Interstate 5; Interstate 5 northwest to State Route 91; State Route 91 west to State Route 11; and

Bounded on the West by State Route 11 north to U.S. Route 66; U.S. Route 66 west to Interstate 210; Interstate 210 northwest to State Route 2; State Route 2 north to the Angeles National Forest boundary.

The geographic area presently assigned to Washington, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is as follows: The entire State of Washington, except those export port locations within the State.

Interested parties, including California and Washington are hereby given opportunity to apply for official agency designation to provide the official services in each geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning February 1, 1988, and ending January 31, 1991. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above, for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Date: July 17, 1987

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87–17377 Filed 7–31–87; 8:45 am]

BILLING CODE 3410-EN-M

Cancellation of Designation Issued to Kankakee Grain Inspection Bureau, Inc., and Request for Designation Applicants (IL).

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: This notice announces that the Kankakee Grain Inspection Bureau, Inc., has requested the cancellation of its designation, effective January 31, 1988. A request for designation applicants is also included in this notice.

DATE: Applications to be postmarked on or before September 2, 1987.

ADDRESS: Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, 1400 Independence Avenue, SW., Room 1647 South Building, Washington, DC 20250. All applications received will be made available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Department Regulation 1512–1; therefore, the Executive Order and Department Regulation do not apply to this action.

This notice announces that the Kankakee Grain Inspection Bureau, Inc. (Kankakee), has requested the cancellation of its designation, effective January 31, 1988. A request for designation applicants is also included in this notice.

Section 7(f)(1) of the U.S. Grain Standards Act, as amended (Act) specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area in the State of Illinois, which is available for assignment to the applicant selected for designation, is as follows:

Bounded on the North by the northern Bureau County line; the northern LaSalle and Grundy County lines; the northern Will County line east-southern to Interstate 57;

Bounded on the East by Interstate 57 south to U.S. Route 52; U.S. Route 52 south to the Kankakee County line;

Bounded on the South by the southern Kankakee and Grundy County lines; the southern LaSalle County line west to State Route 17; State Route 17 west to U.S. Route 51; U.S. Route 51 north to

State Route 18; State Route 18 west to State Route 26; State Route 26 north to Interstate 180; Interstate 180 west to State Route 29; State Route 29 south to the Bureau County line; the southern Bureau County line west to State Route 88; and

Bounded on the West by State Route 88 north to the Bureau County line.

An exception to the described geographic area is the following location situated inside Kankakee's area which has been and will continue to be serviced by Eastern Iowa Grain Inspection and Weighing Service, Inc.: Leland Farmers Company, Leland, LaSalle County.

Interested parties are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section7(f) of the Act and §800.196(d) of the regulations issued thereunder. Designation in the specified geographic area is for the period beginning February 1, 1988, and ending January 31, 1991. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above, for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

Pub. L. 94-582, 90 Stat. 2867, as amended. (7 U.S.C. 71 *et seq.*)

Date: July 29, 1987.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 87-17570 Filed 7-31-87; 8:45 am]

BILLING CODE 3410-EN-M

COMMISSION ON CIVIL RIGHTS

South Carolina Advisory Committee; Meeting Postponement and Revision of Agenda

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 South Carolina Advisory Committee to the Commission originally scheduled for July 28, 1987, in Columbia, SC, has been postponed and the agenda revised. The meeting will convene at 10:30 a.m. and adjourn at 3:30 p.m. on September 23, 1987, at the Radisson Hotel, 937 Assembly Street, Columbia, South Carolina, 29202. The purpose of the meeting will be to hear reports from the Chairman and the regional director on the outcome of a recent conference of SAC chairpersons and the status of the Commission and its State Advisory Committees. The committee will also conduct a community forum on civil rights enforcement in the juvenile justice system in the state. These revisions amend the notice previously published in 52 FR 25288 (July 6, 1987).

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Vice Chairperson Dr. Oscar Butler (803) 777-4155 or John I. Binkley, Director of the Eastern Regional Division, at (202) 523-5264; TDD (202) 376-8117. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

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

Dated at Washington, DC, July 27, 1987.

Susan J. Prado,

Acting Staff Director.

[FR Doc. 87-17469 Filed 7-31-87; 8:45 am]

BILLING CODE 6335-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending the Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mauritius; Correction

July 29, 1987.

In the notice and the letter to the Commissioner of Customs published in the **Federal Register** on February 13, 1987 (52 FR 4644), correct the import restraint limit for Category 347/348 to read 421,730 dozen instead of 422,730 dozen.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-17565 Filed 7-31-87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustments of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Mexico

July 29, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on August 4, 1987. For further information contact Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the limits for cotton and man-made fiber textile products in Categories 347/348, 633 and 647/648, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Background

On December 5, 1986 a notice was published in the **Federal Register** (51 FR 43960), as amended on April 7, 1987 (52 FR 12230), which announced import restraint limits for certain cotton, wool and man-made fiber textile products, including Categories 347/348, 633 and 647/648, produced or manufactured in Mexico and exported during the current agreement year which began on January 1, 1987 and extends through December 31, 1987. The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 26, 1979, as amended and extended, between the Governments of the United States and the United Mexican States, under the terms of which these limits were established, also includes provisions for the carryover of shortfalls from the previous agreement year in certain categories (carryover). Under the foregoing provisions of the bilateral agreement and at the request of the Government of the United Mexican States, the limits established for Categories 347/348, 633 and 647/648 are being increased by application of carryover for goods exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

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

July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

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

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

July 29, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on November 28, 1986, as amended on April 7, 1987, by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on Aug. 4, 1987, the directive of November 28, 1986, as amended, is hereby further amended to adjust the previously established limits for cotton and man-made fiber textile products in Categories 347/348, 633 and 647/648, as provided under the terms of the bilateral agreement of February 26, 1979, as amended and extended [1]:

Category	Adjusted 1987 Limit [1]
347/348	1,441,335 dozen of which not more than 1,045,160 dozen shall be in Category 347 and not more than 1,045,160 dozen shall be in Category 348.
633	90,598 dozen.
647/648	1,764,900 dozen of which not more than 1,153,280 dozen shall be in Category 647 and not more than 1,153,280 dozen shall be Category 648.

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

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

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-17566 Filed 7-31-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The agreement provides, in part, that: (1) specific limits and sublimits may be exceeded by not more than seven percent for swing in any agreement period; (2) these same limits may be adjusted for carryforward and carryover up to 11 percent of the applicable category limit or sublimit; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

Announcing Import Restraint Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Polish People's Republic Effective on January 1, 1987; Correction

In the letter to the Commissioner of Customs published in the **Federal Register** on January 9, 1987 (52 FR 854), third column, correct the restraint limit for Category 459 to read 109,369 pounds instead of 12,152 dozen.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-17567 Filed 7-31-87; 8:45 am]

BILLING CODE 3510-DR-W

Amendment to the Export Licensing System to Include Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

July 29, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on August 3, 1987. For further information contact Diana Solkoff, International Trade Specialist (202) 377-4212.

Background

A CITA directive dated February 23, 1984 (49 FR 7269), as amended, established an export licensing system for certain cotton, wool and man-made fiber textiles and textile products, produced or manufactured in the People's Republic of China.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854) and exchange of letters dated July 17, 1987 and July 21, 1987 between the Governments of the United States and the People's Republic of China, agreement was reached to further amend the existing export licensing system to include the use of visas for shipments of silk blend and other vegetable fiber textiles and textile products in Categories 800-899, excluding merchandise in Categories 845(2) and 846(2) which are assembled in Hong Kong from parts made in the People's Republic of China provided these products have an appropriate export visa from Hong Kong (see 51 FR 27235 and 52 FR 3328, published on July 30, 1986 and February 3, 1987, respectively), produced or manufactured in China and exported on or after August 3, 1987. Shipments classified in these categories and exported from China on or after August 3, 1987 not visaed in accordance with the existing export licensing system will be denied entry.

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

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

July 29, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on February 23, 1984, as amended, by the Chairman of the Committee for the Implementation of Textile Agreements which established an export licensing system for certain cotton, wool and man-made fiber textile products, produced or manufactured in China.

Effective on August 3, 1987 and until further notice, you are directed to prohibit entry into the United States (i.e., the 50 States, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of silk blend and other vegetable fiber textiles and textile products in Categories 800-899, excluding merchandise in Categories 845pt.[1] and 846pt.[2] if these products have an appropriate export visa from Hong Kong, produced or manufactured in China and exported on or after August 3, 1987 for which the Government of the People's Republic of

[1] In Category 845, only TSUSA numbers 381.3578, 381.6685, 381.9985, 384.2735, 384.5316, and 384.9694.

[2] In Category 846, only TSUSA numbers 381.3574, 381.8554, 384.2733 and 384.7781.

China has not issued an appropriate visa. Shipments of merchandise in the foregoing categories exported before August 3, 1987 will not be denied entry for lack of an appropriate visa.

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

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-17581 Filed 7-31-87; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1987; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1987 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 2, 1987.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On January 20, 1987 the Committee for Purchase for the Blind and Other Severely Handicapped published notice (52 FR 2145) of addition to Procurement List 1987, November 3, 1986 (51 FR 39945).

Comments were received from the current contractor for the disposable coveralls, the subcontractor which is actually manufacturing the coveralls for the current contractor, a former contractor, an industry association representing the manufacturers of nowoven products, three firms which manufacture nonwoven apparel, two members of Congress, the National Industries for the Severely Handicapped, and the workshop proposing to produce the disposable coveralls. The major issues raised in the comments concerned the impact on the current contractor for the coveralls, the impact on the subcontractor who is manufacturing the coveralls, the impact on the nonwoven apparel manufacturing industry, the capability of the workshop to produce the coveralls, the proposed fair market prices, and the opportunity to submit comments to the Committee.

Impact on Contractor

The current contractor for the coveralls reports that the proposed addition would be a severe loss and hardship on that firm since its current contract represents over one-third of that firm's sales to the Government of almost $2.8 million. The value of the current contract for the coveralls of $946,408 represents less than 3% of that firm's total sales of $34,000,000. It was also noted that this firm is not manufacturing the coveralls but is only serving as a distributor or dealer. The procurement history for these coveralls shows that, of the awards of Government contracts for these coveralls since 1983, the current contractor had not received a contract for these items during the three years prior to 1986, the date of the current contract.

The current contractor claims that past additions to the Procurement List have reduced that firm's sales by 40%, that its product line closely resembles the items on the Procurement List, and that additions to the Procurement List over the past five years have included several of the items on its product line. A review of the Committee's records of additions to its Procurement List shows that, during the past 14 years, that firm was a current contractor for only one item added to the Procurement List, a cotton bed sheet with a value of $432,665. That sheet was added to the Procurement List in March 1980 at which time the firm's sales were $18,000,000. An analysis of the firm's product listing shows that less than 25% of the items on the list have the same name as an item on the Committee's Procurement List. However, the fact that items on the two lists have the same generic name does not necessarily mean that they are comparable.

In view of the above, the impact of the addition on the current contractor is not considered to be serious.

Impact on Subcontractor

The firm which is actually manufacturing the coveralls (the subcontractor) reports that these coveralls represent 6.25% of its total revenues and that the loss of this business would result in the layoff of about 10% of its workforce with little likelihood of their finding employment in the local area. Considering that the subcontracting firm would not receive the full contract value of $946,408 and the subcontractor's projected annual sales are $19,000,000, the possible loss of the business would represent less than 5% of that firm's projected sales. Impact in the range from 5% to 6.25% of annual sales is not considered to be serious. On the other hand, the workshop has indicated that the addition of these coveralls to the Procurement List would provide employment for about 31 severely handicapped persons.

Impact on Apparel Manufacturing Industry

An industry association representing the manufacturers of nonwoven apparel and several other firms submitting comments stated that the proposed addition of the coveralls would harm a large number of small apparel manufacturers who have already been hurt by foreign imports. The association was requested to provide data on the annual value of the total sales of nonwoven apparel in the United States which would show how the proposed action would harm a large number of apparel manufacturers. The association did not provide the data requested. However, an article in the January 1987 publication of "Nonwovens Industry" (Table 5 on page 58) shows that the value of industiral/institutional disposable apparel was $110 million and that projected growth was "above average." In this connection, the article states "We expect nonwoven disposable industrial/institutional apparel to continue to expand at a very attractive rate." From the above, it appears that the procurement of these disposable coveralls represents less than 1% of a growing market for these and similar apparel items.

It is notworthy that three of the firms which commented on the impact of the proposed addition on the apparel manufacturers' industry did not submit bids on the most recent procurement of these coveralls.

A former contractor for the coveralls commented that the proposed addition would be detrimental to that firm since it would lose the opportunity to compete for this business. The former contractor has not received a Government contract for these coveralls since 1983 and that award was for only 55% of the Government's procurement of these coveralls in that year. The loss of the opportunity to bid on future procurements as the result of the addition of an item to the Procurement List is not considered to be serious adverse impact and, therefore, would not justify the Committee's refusing to add the coveralls to the Procurement List.

The former contractor also commented that that firm has two contracts with the Defense Personnel

Support Center for disposable items and that the proposed action threatens that business. Those contracts are for different items from those being considered for addition to the Procurement List and, therefore, are not included in the current action. If those items were proposed for addition to the Procurement List at some future date, any cumulative impact of that action would be considered at that time.

Another member of the association reported that it supplies disposable coveralls to the General Services Adminsitration (GSA) under a three-year contract worth approximately $1 million and that the proposed action would jeopardize that contract. That firm's contract is to provide commercial type coveralls on a GSA Supply Schedule. The contract would be unaffected by the action being considered by the Committee which concerns only a particular type of coveralls being procured by the Defense Personnel Support Center and which are manufactured in accordance with a military specification.

The association also raised the point that there is only a limited supply of the Tyvek raw material which is used to manufacture these coveralls and that diverting the quantity of the raw material required for these coveralls to the workshop would reduce the amount available to other small apparel manufacturers. The specification for the disposable coveralls permits three types of nonwoven material, one of which is Tyvek. The workshop plans to use one of the other types of nonwoven material. Thus, the addition of these coveralls to the Procurement List would have no impact on the supply of Tyvek to the other apparel manufacturers who are using that material.

The association also pointed out that the addition of the coveralls would eliminate the technical expertise the Government receives through experienced contractors in the marketplace. There are already several disposable apparel items on the Procurement List. The workshops producing those items, as well as their central nonprofit agencies, are expanding their technical expertise in producing these types of items and they are able to share that expertise with the Government.

The proposed addition of the coveralls to the Procurement List would not cause significant harm to the apparel manufacturers of disposable garments.

Capability of Workshop to Produce Coveralls

The current subcontractor and the industry association questioned the capability of the workshop to produce a quality product and whether it would have the necessary production equipment on hand. The industry association also indicated that it would be difficult to measure the quality of disposable coveralls which might be manufactured by a workshop. The procuring activity, based on a recent on-site inspection of the workshop regarding its capability to produce disposable coveralls which are very similar to those being considered for addition to the Procurement List, has determined that the workshop is capable of producing the coveralls in accordance with Government specifications and either has or will have the necessary equipment to begin production by the time it would assume responsibility for supplying the coveralls.

The workshop reports that in the fall of 1986, it began the production of disposable coveralls, which are similar to the Government coveralls, for sale to commercial accounts and has produced 20,000 disposable coveralls to date. It reports that it has also produced 35,000 other sewing goods such as canvas bags for commercial customers.

In view of the above, the workshop has been determined to be capable of producing the Government's requirements for the coveralls.

Competitive Prices

The Committee's fair market prices for these coveralls are based on the median of the bids submitted in 1986 on the procurement which resulted in the current contract. A review of the bids submitted on the 1986 procurement by the four firms which had received awards by the Government to produce these coveralls from 1983 through 1985 shows that the proposed fair market prices of $1.98, plus $.044 for freight, fall within the range of the bids submitted by the four firms which had recently produced the coveralls for the Government. The bids submitted by those contractors ranged from $1.90 to $2.11, with the two firms which had been awarded contracts in the prior year, 1985, submitting bids of $2.05 and $2.11. Thus, the proposed prices are representative of the bids submitted by recent prior contractors and are fair market prices under the Committee's pricing procedures.

Opportunity to Submit Additional Comments

The notice of proposed addition to the Procurement List of these coveralls was published in the **Federal Register** on January 20, 1987, with comments due by February 19, 1987. The current contractor and a former contractor were notified directly by letter of the proposed action and were given until March 18, 1987, to submit comments. The time for submitting comments for the current contractor was extended until April 3, 1987. In late March 1987 an industry association requested additional time to submit comments. On April 2, 1987, the Committee staff reopened the comment period until April 24, 1987, and notified the current contractor that the period for receipt of that firm's comments was also extended until April 24, 1987. A request by the current contractor on April 23, 1987, for a further extension of the comment period was denied.

The Committee staff met with the Chairman and President of the Industrial Safety Equipment Association on April 17, 1987, to explain the Committee's program to them and to give them an opportunity to discuss the impact of the proposed addition action on the members of their association.

Several commentors requested that the Committee hold public hearings on this matter. The Committee provided an opportunity for the principal parties concerned to present views orally on this subject at its meeting on June 11, 1987.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1987:

Coveralls, Disposable
8415–00–601–0792
8415–00–601–0793
8415–00–601–0794
8415–00–601–0797
8415–00–601–0801
8415–00–601–0802

C.W. Fletcher,

Executive Director.

[FR Doc. 87–17535 Filed 7–31–87; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange; Proposed Amendments Relating to the Standard & Poor's 500 Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Proposed Contract Market Rule Change.

SUMMARY: The Chicago Mercantile Exchange ("CME" or "Exchange") has submitted a proposal to amend its Standard & Poor's (S&P) 500 futures contract. The proposed amendments would add an exemption from speculative position limits applicable to the S&P 500 futures contract for certain "cash-substitute" positions. The proposed amendments define such positions, the conditions under which cash-substitute exemptions would be granted by the Exchange and the procedures to be followed by traders seeking such exemptions.

In accordance with section 5a(12) of the Commodity Exchange Act ("Act") and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Act.

DATE: Comments must be received on or before September 2, 1987.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the CME S&P 500 futures contract.

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

SUPPLEMENTARY INFORMATION: The CME's S&P 500 futures contract is subject to a speculative position limit of 5,000 contracts net long or net short in all contracts months combined. This limit was adopted by the Exchange and approved by the Commission pursuant to the requirements of Commission Regulation 1.61. Consistent with this Regulation, Exchange rules provide for exemptions from the 5,000-contract limit for bona fide hedging, intercommodity spread and arbitrage positions along with specified procedures that traders must follow in order to obtain such exemptions.

The proposed amendments would add an additional category of exemptions from the 5,000-contract S&P 500 futures position limit for so-called "cash-substitute" positions. The amendments being proposed by the CME are printed below, using bracketing to indicate deletions and italics to indicate additions.

STANDARD & POOR's 500

4002. FUTURES CALL

F. Exemptions

The foregoing limits shall not apply to (*1*) bona fide hedge positions meeting the requirements of Regulation 1.3(z)(1) of the CFTC and the rules of the Exchange, [and shall not apply to] (*2*) arbitrage positions and inter-commodity spread positions subject to Rule 543.B *and (3) cash-substitute positions described in Rule 4006.*

4006. *CASH-SUBSTITUTE POSITIONS.—For purposes of this rule, the term "cash-substitute positions" means positions which are economically appropriate to the management of risks in the conduct and management of a commercial enterprise, including the following—*

Long positions in futures whose underlying commodity value does not exceed the sum of:

1. cash set aside in an identifiable manner, or short-term U.S. Treasury obligations or other U.S. dollar denominated, high-quality, short-term debt instruments so set aside, plus any funds deposited as margin on such positions; and

2. accrued profits on such positions held at the futures commission merchant.

A clearing member shall not carry a cash-substitute account which by itself or in accumulative total with other accounts of the owner exceeds the speculative position limits of Chapter 40, unless the President approves and unless—

The applicant has applied to the Market Surveillance Department on forms provided by the Exchange, wherein he requests a maximum number of positions and states under oath that:

1. The intended positions will be cash-substitute positions.

2. The positions are kept in a special account on the books of a clearing member.

3. The prospective applicant will comply with whatever limitations are applied by the Exchange with regard to said positions.

4. The applicant agrees to submit immediately a supplemental statement explaining any change in circumstances affecting his position.

5. The applicant complies with all other Exchange rules and requirements.

6. The positions are moved in an orderly manner in accordance with sound commercial practices, and are not initiated or liquidated in a manner calculated to cause unreasonable price fluctuations or unwarranted price changes. The applicant does not use said positions in an attempt to violate or avoid Exchange rules, or otherwise impair the good name or dignity of the Exchange.

The President shall, on the basis of the application and supplemental information which the Exchange may request, determine whether the positions shall be approved as cash-substitute positions. The President may impose such limitations as are commensurate with the applicant's business needs, financial ability and personal integrity. The President and the Business Conduct Committee may, from time to time, review approvals and, for cause, revoke said approvals or place limitations thereon.

The applicant may appeal any decision of the President or the Business Conduct Committee to the Board.

The applicant shall be exempt from emergency orders reducing speculative limits or restricting trading but only to the extent provided in such order and only if the approvals required by this rule are secured by the applicant.

* * * * *

In support of these proposed amendments, the Exchange noted that cash-substitute positions, as defined by the amendments, are used by money managers to create so-called synthetic index funds and "that such strategies are used to take advantage of daily liquidity and desirable transaction cost features" of the S&P 500 futures market. The Exchange stated further that the proposed amendments are consistent with the legislative history of the Futures Trading Act of 1986.[1] The Exchange also noted that the Commission's Financial Products Advisory Committee (FPAC) recently has recommended that the Commission allow the type of speculative limit

[1] H.R. Rep. No. 624, 99th Cong. 2d Sess. 1, 46 (1986).

exemption for which the CME is seeking approval.[2]

Finally, the Exchange argued that the proposed amendments are not inconsistent with the stated purpose of speculative limits, *viz.*, the prevention of excessive speculation arising from extraordinarily large futures contract positions in a commodity which may cause sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity. Commodity Exchange Act, section 4a(1); 17 CFR 1.61(a). In this regard, the CME stated its belief that

> * * * unleveraged cash substitute positions in S&P 500 futures do not have significantly greater potential to cause sudden fluctuations or unwarranted changes in futures prices than do bona-fide hedging positions (under the current Commission definition), spreads, straddles, and arbitrage positions, all of which are allowed to be exempted under Rule 1.61.

Interested persons are requested to comment on the general question of whether the proposed amendments are consistent with the objectives, noted above, of section 4a(1) of the Act and Commission Regulation 1.61. In this regard, it is noted that the Exchange believes that the set aside of cash or cash equivalents against a long S&P 500 futures position renders such futures position unleveraged. Is the CME requirement that the value not exceed cash or funds "set aside in an identifiable manner" sufficient to assure that such positions are "unleveraged" or, *e.g.*, should such funds be segregated from a firm's other capital or required to be deposited in an escrow account? Finally, since both the Congressional discussion and the FPAC recommendation noted above were made in the context of financial institutions' use of stock index and interest rate futures and options, comment is invited on providing such cash substitute exemptions only to financial institutions which normally engage in risk management activities in the underlying equity and debt markets.

The materials submitted by the Exchange in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1984)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by September 4, 1987.

Issued in Washington, DC, on July 29, 1987.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 87-17605 Filed 7-31-87; 8:45 am]

BILLING CODE 6351-01-M

[2] *The Hedging Definition and the Use of Financial Futures and Options: Problems and Recommendations for Reform*, Report of the Financial Products Advisory Committee of the Commodity Futures Trading Commission, June 1987

DEPARTMENT OF EDUCATION

[CFDA No. 84.031G]

Inviting Applications for New Awards Under the Endowment Challenge Grant Program for Fiscal Year 1987

Purpose: Provide grants to eligible institutions of higher education so that they can establish or increase their endowment funds.

Eligiblity: Potential applicants, including current grantees under any of the Institutional Aid Programs authorized by Title III of the Higher Education Act, are advised that a notice was published in the **Federal Register** on June 22, 1987, 52 FR 23492-23493, telling interested parties how to become eligible to receive Endowment Challenge Grant funds.

Deadline for Transmittal of Applications: Friday, September 25, 1987

Applications Available: August 17, 1987

Available Funds: $19.8 million

Estimated Range of Awards: Regular grants: $50,000-$250,000; large grants: Over $1,000,000.

Estimated Average Size of Awards: $200,000.

Estimated Number of Awards: 60 to 80

Project Period: 240 months

Applicable Regulations: The Endowment Challenge Grant Program Regulations, 34 CFR Part 628.

For Applications or Information Contact: Ms. Anne Price Collins, Chief, Challenge Grant and Endowment Branch, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3042, ROB-3, Washington, DC 20202, Telephone: (202) 732-3308.

Program Authority: 20 U.S.C. 1065a.

Dated: July 29, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87-17560 Filed 7-31-87; 8:45 am]

BILLING CODE 4000-01-M

National Board of the Fund for the Improvement of Postsecondary Education; Closed meeting

AGENCY: Department of Education.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under section10(a)(2) of the Federal Advisory Committee Act.

DATE: August 17, 1987 at 5:30 p.m. to August 19, 1987 at 12:00 p.m.

ADDRESS: Embassy Row Hotel, 2015 Massachusetts Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Charles H. Karelis, Director, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Room 3100, ROB #3, Washington, DC 20202 (202-245-8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under section 1001 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a-1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board is closed to the public. The meeting is for the purpose of reviewing and evaluating grant applications submitted to the Fund under the Innovative Projects for Community Services and Student Financial Independence Program.

The meeting of the National Board will be closed to the public from 5:30 p.m., August 17 until the conclusion of the agenda, approximately 12:00 p.m., August 19. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix 2) and under exemptions (4) and (6) of 5 U.S.C. 552b(c) (Pub. L. 94-409). The review and discussions of the applications and the qualifications of proposed staff may disclose commercial or financial information obtained from a

person and privileged or confidential or which would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the Fund for the Improvement of Postsecondary Education, Room 3100, Regional Office Building #3, 7th & D Streets, S.W., Washington, DC 20202 from the hours of 8:00 a.m. to 4:30 p.m.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87-17473 Filed 7-31-87; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

PLUS and Supplemental Loans for Students Programs

AGENCY: Department of Education.

ACTION: Notice of SLS and PLUS Interest Rate for the Period July 1, 1987, Through June 30, 1988.

The Assistant Secretary for Postsecondary Education announces the interest rate for variable rate Supplemental Loans for Students (SLS) and PLUS loans to be 10.27% for the period July 1, 1987, through June 30, 1988. The interest rate for these loans is provided under section 427A(c) of the Higher Education Act of 1965 (the Act), as amended (Pub. L. 89-329).

The Higher Education Amendments of 1986 (Pub. L. 99-498) established a new SLS and PLUS variable interest rate applicable on a calendar year basis, pursuant to section 427A(c) of the Act. This variable interest rate applied to SLS and PLUS loans for periods of enrollment beginning on or after July 1, 1987. The Assistant Secretary announced a variable rate for calender year 1987 of 10.03 percent (52 FR 6861).

The HIgher Education Technical Amendments Act of 1987 (Pub. L. 100-50) amended both the variable interest rate formula and the applicability of that rate. Section 427A(c) of the Act now provides that the variable interest rate applies for each 12-month period beginning July 1 and ending June 30, and equals the bond equivalent rate of the 52-week Treasury bills auctioned at the final auction prior to June 1, plus 3.25 percent. The revised variable rate applies to SLS and PLUS loans disbursed on or after July 1, 1987, and SLS and PLUS loans made prior to that date which are refinanced at the variable rate.

The interest rate for SLS and PLUS loans disbursed on or after July 1, 1987, or refinanced SLS and PLUS loans, will be set each year after the final auction (prior to June 1) of the 52-week Treasury bills.

Pursuant to section 427A(c) of the Act, as amended by Pub. L. 100-50, the Assistant Secretary has determined the interest rate for variable-rate PLUS and SLS loans for the period July 1, 1987 through June 30, 1988 in the following manner:

Step 1. By determining the bond equivalent rate of the 52-week Treasury bills auctioned at the final auction prior to June 1, 1987 (7.02 percent); and

Step 2. By adding 3.25 percent to that average.

FOR FURTHER INFORMATION CONTACT: Ralph B. Madden, Program Analyst, Division of Policy and Program Development, Department of Education on (202) 245-2475.

(20 U.S.C. 1077a(c))

(Catalog of Federal Domestic Assistance No. 94.032, Guaranteed Student Loan Program and PLUS Program)

Dated: July 29, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87-17562 Filed 7-31-87; 8:45 am]

BILLING CODE 4000-01-M

Guaranteed Student Loan Program, SLS Program, PLUS Program, and Consolidation Loan Program

AGENCY: Department of Education.

ACTION: Notice of Special Allowance for Quarter Ending June 30, 1987.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP), the Supplemental Loans for Students (SLS) Program, the PLUS Program or the Consolidation Loan Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087-1).

Pursuant to the requirements of section 252 of Pub. L. 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985 (popularly known as the Gramm-Rudman-Hollings Act), the President issued a sequestration order on February 4, 1986, directing implementation of the reductions contained in the law. Congress ratified and affirmed the order as law (Pub. L. 99-366; July 31, 1986). Section 256 of Pub. L. 99-177 provides that if a sequestration order is issued, the special allowance formula for loans made after the order takes effect and before the end of the fiscal year is adjusted by reducing the rate provided in section 438(b)(2)(A)(iii) of the Higher Education Act by 0.4 percent. The reduction will apply to the first four special allowance payments on loans made on or after March 1, 1986, and before October 1, 1986.

Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087-1(b)(2)(B), for the quarter ending June 30, 1987, the special allowance will be paid at the following rates:

	Applicable interest rate percent	Annual special allowance rate percent	Special allowance rate percent for quarter ending June 30, 1987
I. GSLP, PLUS or Consolidation loans made prior to October 1, 1981:			
	7	2.5	0.625
	9	0.5	0.125
II. GSLP, SLS or PLUS loans made on or after October 1, 1981, but prior to November 15, 1986; for periods of enrollment beginning prior to November 16, 1986; Consolidation loans made on or after October 1, 1981, but prior to November 16, 1986:			
A. Loans *not* subject to sequester order (Pub. L. 99-177)	7	2.42	0.605
	8	1.42	0.355
	9	0.42	0.105
	12	0.00	0.00
	14	0.00	0.00
B. Loans subject to sequester order (Pub. L. 99-177)	7	2.02	0.505
	8	1.02	0.255
	9	0.02	0.005
	12	0.00	0.00
III. GSLP loans made on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986; SLS or PLUS loans made at a fixed rate of interest on or after November 16, 1986, or for periods of enrollment beginning on or after November 16, 1986; Consolidation loans made on or after November 16, 1986:			
	7	2.17	0.5425
	8	1.17	0.2925
	9	0.17	0.0425
	10	0.00	0.00
	11	0.00	0.00
	12	0.00	0.00
	13	0.00	0.00
	14	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner

specified in the Act, for loans at each applicable interest rate, by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies (5.92 percent for the quarter ending June 30, 1987);

(b) *Step 2.*

Subtract from that average the applicable interest rate of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder, and, in the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent; or

(2) Add 3.1 percent to the remainder, in the case of loans subject to the sequester order issued pursuant to Pub. L. 99–177; or

(3) Add 3.25 percent in the case of (i) GSLP loans made on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986, (ii) SLS or PLUS loans made at a fixed rate of interest on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986, or (iii) Consolidation loans made on or after November 16, 1986: and

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1), (c)(2), or (c)(3), as applicable) by four.

FOR FURTHER INFORMATION CONTRACT: Ralph B. Madden, Program Analyst, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 245–2475.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: July 29, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87–17561 Filed 7–31–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Alaska Power Administration

Divestiture Status Report

AGENCY: Alaska Power Administration, DOE.

ACTION: Notice of Availability of "Divestiture Status Report: The Purchase Proposal Process," July 10, 1987.

SUMMARY: The Alaska Power Administration (APAd) has prepared a new status report describing recent activities towards divestiture of the two APAd hydroelectric projects. Notice is hereby given that copies of the new report are available to interested parties. The new report summarizes divestiture activities since distribution of the January 14, 1987, "Revised Work Plan and Proposed Sale Structure," and describes the start of the process to obtain specific purchase proposals. The new report includes the public comments received on the January 14 report, the invitations for purchase proposals, and an updated schedule of divestiture activities. The proposal process follows the work plan and structure contained in the January 14 report, with some changes in the schedule of activities. The proposal process was started on April 1, 1987, with invitations for Snettisham Project purchase proposals. Responses were requested by August 3, 1987. APAd extended invitations for Eklutna Project purchase proposals on May 20, 1987, with responses requested by September 21, 1987. APAd will consider extending the response dates if additional time is needed to prepare the proposals. The updated schedule retains the target date of February 1, 1988, for submitting proposed legislation to authorize the APAd divestiture for Congressional consideration.

DATES: The July 10, 1987 "Divestiture Status Report: The Purchase Proposal Process" is available immediately and at no charge upon request at the address below.

ADDRESS: The July 10 report may be obtained at the Alaska Power Administration office, Room 835, Juneau Federal Building, 709 West Ninth Street, Juneau, Alaska, between 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests for the report may be mailed to Administrator, Alaska Power Administration, P.O. Box 020050, Juneau, Alaska 99802–0050.

FOR FURTHER INFORMATION CONTACT: Robert J. Cross, Administrator, or Mary I. Rivera, Assistant to the Administrator, at the address above or 907–586–7405 (commercial and FTS).

SUPPLEMENTARY INFORMATION: The Alaska Power Administration (APAd) is a unit of the U.S. Department of Energy and is responsible for operation, maintenance, transmission and power marketing for the two Federal hydroelectric projects in Alaska. These are the 30,000 kilowatt Eklutna Project which has served the Anchorage and Palmer areas since 1955, and the 47,160 kilowatt Snettisham Project which has been Juneau's main power source since 1975.

An expansion of the Snettisham Project—the 31,000 kilowatt Crater Lake Unit—is under construction by the Corps of Engineers, with power production expected in October 1988.

APAd sells power at wholesale to five electric utilities and to the State of Alaska for a State-owned hatchery facility at Snettisham.

Sale of the projects to the State of Alaska or other non-Federal owner was proposed along with the President's budget for FY 1986, 1987, and 1988.

As described in the July 10 Status Report, the divestiture work has now reached the stage of inviting specific purchase proposals.

The solicitation is limited to electric utilities who now purchase power from APAd, municipalities in the areas served by Eklutna and Snettisham, the State of Alaska, or combination of these entities.

Proposals will not be considered unless they meet minimum payment criteria (payment within five (5) years of enactment of Federal legislation authorizing the sale, and payment of not less than present value of future interest and principal payments the Treasury would receive under continued Federal ownership).

APAd will evaluate proposals received using the evaluation criteria published in the Janauary 14, 1987, APAd report, "Revised Work Plan and Proposed sale Structure" to determine which proposal or proposals best satisfy the objectives, guidelines, and priorities also published in the January 14 report.

Conditional purchase agreements will be subsequently negotiated and presented to the Congress along with proposed legislation for authorization of the sale.

Dated: July 10, 1987.

Robert J. Cross,

Administrator.

[FR Doc. 87–17573 Filed 7–31–87; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of requests submitted for clearance to the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at

the end of this notice to the Office of Management and Budget (OMB) for approval under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The listing does not contain information collection requirements contained in new or revised regulations which are to be submitted under 350(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by DOE.

Each entry contains the following information: (1) The sponsor of the collection (the Department of Energy component of Federal Energy Regulatory Commision (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) Annual respondent burden, i.e., an estimate of the total number of hours needed to respond to the collection; and (12) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. Last notice issued Wednesday, July 22, 1987.

ADDRESS: Address comments to the Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Carole Patton, Office of Statistical Standards (EI–70), Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Ave., SW., Washington, DC 20585, (202) 586–2222.

SUPPLEMENTARY INFORMATION: If you anticipate that you will be submitting comments, but find it difficult to do so within the periopd of time allowed by this Notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible.

The energy information collection to OMB for review was:

1. Energy Information Administration
2. EIA–876A/C (Formerly EIA–141 and EIA–429)
3. NA
4. Residential Transportation Energy Consumption Survey
5. Reinstatement
6. Triennially
7. Voluntary
8. Individuals or households
9. 1,000 respondents
10. 1,000 responses
11. 417 hours
12. Forms EIA/C–876A/C will provide information on the number and types of vehicles per household, annual mileage, gallons of fuel consumed, fuel type used, price paid for fuel, annual fuel expenditures and fuel efficiency as measured by miles-per-gallon. Data will be published.

1. International Affairs and Energy Emergencies
2. IE–411
3. 1901–0286
4. Coodinated Regional Bulk Power Supply Program
5. Reinstatement of a previously approved collection for which approval has expired
6. Annually
7. Voluntary
8. Businesses or other for profit, State and local governments, Federal agencies or employees
9. 693 respondents
10. 693 responses
11. 17,502 hours
12. The IE–411 provides a single, comprehenisve source of information on current and planned electric power supply for the U.S. The data are used to evaluate the current and projected reliability of bulk electric power supply, and the effects of unforeseen changes in powerplant construction schedules. Each of the nine Regional Electric Reliability Councils submit an IE–411 report compiled from data furnished by the electric utilities within the Councils' areas.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, (15 U.S.C. 764(a), 764(b), 772(b), and 790a).

Issued in Washington, DC, July 28, 1987.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 87–17574 Filed 7–31–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. EL87–40, et al.]

Applications Filed with the Commission; Hydroelectric Applications (Kenneth Powers et al.)

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

1 a. Type of Application: Declaration of Intention.

b. Project No: EL87–40.

c. Date Filed: January 13, 1987.

d. Applicant: Kenneth Powers.

e. Name of Project: Powers.

f. Location: On an unnamed stream, Twin Falls County, Idaho., SW¼NW¼ of Section 10, Township 9 South, Range 15 East of the Boise Meridian, on the south side of the Snake River.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b). Contact Person: Fred D. Decker, Decker and Hollified, P.A. 249 Third Avenue East, P.O. Box 66, Twin Falls, Idaho 83303–0066.

i. Comment Date: August 27, 1987.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high, 12-foot-wide diversion/inlet structure; (2) a 30-inch-diameter, 1,765-foot-long penstock; (3) a powerhouse containing a turbine-generating unit with a total capacity of 20 kW; and (4) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power form a government dam; or (4) if applicable, has involved or have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

k. Purpose of Project: The proposed project woud furnish electric power for the Applicant's fruit farm operation.

l. This notice also consists of the following standard paragraphs: *B, C, and D2.*

2 a. Type of Application: Minor License Under 5 MW.

b. Project No: P–9230–001.

c. Date Filed: January 15, 1987.

d. Applicant: Jewett City Electric Light Plant.

e. Name of Project: Pachaug River.

f. Location: On the Pachaug River in New London County, Connecticut.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Joseph M. Dudek, Jewett City Electric Light Plant, 29 Park Square, Jewett City, Connecticut 06351, (203) 376–2955.

i. FERC Contact: Cheryl Phillips (202) 376–9821.

j. Comment Date: September 18, 1987

k. Description of Project: The proposed project would consist of the Ashland Pond Dam Development and the Slater Dams Development. The proposed Ashland Pond Dam Development would consist of: (1) an existing 25-foot-high, 450-foot-long earth embankment dam; (2) an existing reservoir with a surface area of 100 acres and a gross storage capacity of 650 acre-feet at 126.9 feet msl; (3) a proposed 11-foot-wide by 33-foot-long reinforced concrete powerhouse housing a double regulated propeller-type turbine and generator with a rated capacity of 190 kW and; (4) a proposed 205-foot-diameter steel penstock; (5) a proposed 200-foot-long transmission line. The estimated average annual energy produced by the project would be 828,000 kWh under a net hydraulic head of 17 feet.

The proposed Slater Dams Development would consist of: (1) the existing Upper Slater Dam, a 15.4-foot-high, 109-foot-long concrete and stone masonary broad crest structure; (2) the existing Lower Slater Dam, a 9.8-foot-high, 78-foot-long concrete ogee spillway; (3) an existing reservoir with a surface area of 3 acres for the Upper Slater Dam and .3 acres for the Lower Slater Dam, and a gross storage capacity of 6 acre-feet for the Upper Slater Dam at 105.9 feet msl and .5 acre-feet for the Lower Slater Dam at 86.9 feet msl; (4) a proposed 17-foot-wide by 32-foot-long reinforced powerhouse housing a double regulated propeller-type turbine and generator with a rated capacity of 300 kW; (5) a proposed 370-foot-long, 5-foot-diameter steel penstock; and (6) a proposed 200-foot-long transmission line. The estimated average annual energy produced by the project would be 1,127,000 kWh under a net hydraulic head of 26 feet.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

3 a. Type of Application: Major License.

b. Project No: 9705–001.

c. Date Filed: December 27, 1985.

d. Applicant: Baker Falls Corporation.

e. Name of Project: Hudson Falls Project.

f. Location: On the Hudson River near the Town of Moreau and the Village of Hudson Falls, in Saratoga, Washington, and Warren Counties, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Paul J. Elston, Baker Falls Corporation, 420 Lexington Ave., Suite 440, New York, NY 10170, (212) 986–0440.

i. FERC Contact: Robert Bell—(202) 376–5706.

j. Comment Date: August 28, 1987.

k. Competing Application: Project No. 5276–000, Date Filed: 8/21/81.

l. Description of Project: The proposed project would consist of: (1) a proposed 1,370-foot-long, 25-foot-high concrete gravity dam (approximately 1,050 feet upstream of the existing Niagara Mohawk Power Corporation's Hudson Falls Dam); (2) an impoundment having a surface area of 220 acres, a storage capacity of 2,200 acre-feet and a normal water surface elevation of 219.7 feet m.s.l.; (3) a proposed 313-foot-long, 15-foot-wide reinforced concrete headwork structure which would have 16 gated openings; (4) a proposed 1,640-foot-long, 90-foot-wide, and 30-foot-deep canal with reinforced concrete side slopes and a reinforced plastic membrane bottom; (5) a proposed reinforced concrete power intake; (6) two proposed 120-foot-long, 21-foot-diameter steel penstocks; (7) a proposed powerhouse containing two generating units having a total installed capacity of 45,600 kW; (8) a proposed tailrace; (9) a proposed 3,500-foot-long, 115-kV transmission line; and (10) appurtenant facilities. The applicant estimates the average annual generation would be 20.5 GWh. The applicant estimates the cost of this project would be $94,921,000.

m. Purpose of Project: All project energy produced would be sold to the Niagara Mohawk Power Corporation.

n. This notice also consists of the following standard paragraphs: A4, B, and C.

4 a. Type of Application: Preliminary Permit.

b. Project No: 10382–000.

c. Date Filed: April 13, 1987.

d. Applicant: Snoqualmie River Hydro.

e. Name of Project: North Fork Snoqualmie River.

f. Location: On the North Fork Snoqualmie River and its tributaries within the Snoqualmie-Mt. Baker National Forest in T24N, R8 and 9E and T25N, R9 and 10E near North Bend and Snoqualmie in King County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Lawrence J. McMurtrey, 12122—196th Avenue, NE, Redmond, WA 98053, (206) 885–3986.

i. FERC Contact: Julie Bernt, (202) 376–9812.

j. Comment Date: September 17, 1987.

k. Description of Project: The proposed project would consist of the following:

(A) The North Fork Snoqualmie Development would consist of: (1) two concrete intake structures buried in the streambed on tributaries of the North Fork Snoqualmie River at elevation 2,000 feet; (2) a 6,000-foot-long, 48-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 1,580 kW; and (4) a 13-mile-long transmission line.

(B) The Lennox Creek Development would consist of: (1) four concrete intake strucutures buried in the streambed on tributaries of Lennox Creek at elevation 2,000 feet; (2) a 1,200-foot-long, 60-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 1,879 kW; and (4) a 13-mile-long transmission line.

(C) The Hancock Creek Development would consist of: (1) one concrete intake structure buried in the streambed of Hancock Creek at elevation 2,400 feet; (2) a 5,000-foot-long, 36-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 4,328 kW; and (4) a 5-mile-long transmission line.

(D) The Big Creek Development would consist of: (1) one concrete intake structure buried in the streambed of Big Creek at elevation 2,400 feet; (2) a 4,000-foot-long, 12-inch-diameter penstock; (3) a powerhouse containing one generating unit with a rated capacity of 1,183 kW; and (4) an 8-mile-long transmission line.

The total installed capacity would be 8,970 kW. Applicant estimates that the average annual energy production would be 39.27 GWh and the cost of the work to be performed under the preliminary permit would be $44,000.

l. Purpose of Project: The power produced is to be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

5 a. Type of Application: Preliminary Permit.

b. Project No: 10393–000.

c. Date Filed: April 20, 1987.

d. Applicant: Heron Hydro Associates.

e. Name of Project: Heron Dam Hydro Project.

e. Location: On Willow Creek in Rio Arriba County, NM: On lands of the Tierra Amarilla Land Grant.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Contact Person: Christine W. Townsend, Synergics, Inc., 410 Severn Avenue, Suite 313, Annapolis MD 21403.

i. FERC Contact: Jesse W. Short (202) 273–9818.

j. Comment Date: September 21, 1987.

k. Description of Project: The proposed project would utilize the existing U.S. Bureau of Reclamation's Heron Dam (crest elevation at 7,199 feet m.s.l.) and Reservoir and would consist of: (1) a new penstock, 10.5 feet in diameter and 100 feet long, connecting to the existing outlet works near the left dam abutment; (2) a new powerhouse to contain two turbine generator units rated at 4,000 kW each for a total installed capacity of 8,000 kW; (3) a tailrace with a capacity of 5,300 cubic feet per second, returning flow to the creek immediately downstream of the dam; (4) a new 24.9-kV transmission line about 3 miles long; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 15,700,000 kWh. The Applicant estimates that the cost of studies under the permit would be $50,000.

l. Purpose of Project: Project energy would possibly be sold to the Public Service Company of New Mexico, Plains Electric Generation and Transmission, Northern Rio Arriba Electric Coop and the Western Area Power Administration.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

6 a. Type of Application: Preliminary Permit.

b. Project No: P–10430–000.

c. Date Filed: June 12, 1987.

d. Applicant: Franklin Hydro, Inc.

e. Name of Project: Lake Abanakee Dam.

f. Location: On the Indian River in Hamilton County, New York.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Frank O. Christie, Ballard Mill, S. William St., Malone, New York 12953, (518) 483–1943.

i. FERC Contact: Cheryl Phillips (202) 376–9821.

j. Comment Date: September 18, 1987.

K. Description of Project: The proposed project would consist of: (1) an existing 12-foot-high and 120-foot-long concrete dam at elevation 1594 feet USGS; (2) an existing 345-acre surface area reservoir with a storage capacity of 2000 acre-feet at elevation 1594 USGS; (3) a proposed powerhouse to contain one turbine/generator unit with an installed capacity of 400 kW; (4) a proposed tailrace; (5) a proposed 480-v transmission line 85 feet-long; and (6) appurtentant facilities. The estimated average annual energy produced by the project would be 1,600,000 kWh operating under a net hydraulic head of 8 feet. The dam is owned by the Town of Indian Lake. The applicant estimated that the cost of the work to be performed under the preliminary permit would be $13,000. Project power will be sold to the Niagara Mohawk Power Company.

This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C & D2.

7 a. Type of Application: Preliminary Permit.

b. Project No: 10422–000.

c. Date Filed: May 28, 1987.

d. Applicant: Diobsud Hydro Power.

e. Name of Project: Diobsud Creek.

f. Location: On Diobsud Creek in Skagit County, Washington, partially within Mt. Baker-Snoqualmie National Forest Townships 35 and 36 North, Ranges 10 and 11 East, Willamette Meridian.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Lawrence J. McMurtrey, 12122 196th Avenue NE., Redmond, WA 98052, (206) 885–3986.

i. FERC Contact: James Hunter, (202) 376–9814.

j. Comment Date: September 17, 1987.

k. Description of Project: The proposed project would consist of: (1) a 3-foot-wide diversion structure in the streambed at elevation 960 feet; (2) a 120-inch-diameter, 6,000-foot-long penstock; (3) a powerhouse at elevation 400 feet containing a generating unit rated at 7,289 kW, producing an average annual output of 31.9 Gwh; and (4) a 4-mile-long transmission line connecting to a utility company distribution line at Marblemount. The estimated cost of permit activities is $40,000.

l. Purpose of Project: The project power would be sold.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

8 a. Type of Application: Preliminary Permit.

b. Project No: P–10423–000.

c. Date Filed: June 1, 1987.

d. Applicant: The City of Charleston, Illinois.

e. Name of Project: Lake Charleston.

f. Location: Embarrass River, Coles County, Illinois.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Terrence L. Turner, W.M. Lewis & Associates, Inc., P.O. Bos 1383, Portsmouth, Ohio 45662, (614) 345–5650.

i. FERC Contact: Dean Wight (202) 376–9820.

j. Comment Date: September 24, 1987.

k. Description of Project: The proposed project would consist of: (1) an existing earthfill and concrete dam and spillway 820 feet long and 33 feet high; (2) an existing impoundment of 350 acres surface area and 2,000 acre-feet capacity at a normal maximum surface elevation of 581 feet NGVD; (3) a proposed 120-foot-long outlet works; (4) a proposed steel and concrete powerhouse 40 feet wide, 30 feet long, and 45 feet high, to enclose two proposed turbine-generators of 350 kW capacity each; (5) a proposed 12.5-kV transmission line 2.1 miles long; and (6) appurtenant facilities.

The net hydraulic head would be 19 feet. The estimated annual energy production is 2.8 GWh. The existing facilities are owned by the applicant, who estimates that the cost of the work to be performed under the preliminary permit would by $20,000.

This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

9 a. Type of Application: Preliminary Permit.

b. Project No: P–10419–000.

c. Date Filed: May 26, 1987.

d. Applicant: Richard S. De Angelis.

e. Name of Project: Deer River.

f. Location: On the Deer River, in Dickinson Center, Franklin County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Richard S. De Angelis, P.O. Box 74, Main St., Dickinson Center, New York 12930 (518) 856–9881.

i. FERC Contact: Thomas O. Murphy (202) 376–9829.

j. Comment Date: September 21, 1987.

k. Description of Project: The proposed project would consist of: (1) a proposed 6-foot-high, 30-foot long, reinforced concrete dam; (2) a proposed ¼-acre reservoir; (3) a proposed 1,500-foot-long, 6-foot-diameter, steel penstock; (4) a proposed powerhouse containing an estimated installed generating capacity of 495–kW; (5) a proposed 1,000-foot-long, 4.16–kV transmission line; (6) a short tailrace; and (7) appurtentant facilities. The average annual energy generation is estimated to be 2 GWh. The applicant estimated that the cost of the studies under permit would be $20,000.

l. Purpose of Project: All project power generated would be sold to Niagara Mohawk.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, & D2.

10 a. Type of Application: Preliminary Permit.

b. Project No.: 10394–000.

c. Date Filed: April 20, 1987.

d. Applicant: Trenton Falls Hydroelectric Company.

e. Name of Project: Morgan Dam Project.

f. Location: On the West Canada Creek in the Village of Barnerald, Oneida and Herkimer Counties, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Fred T. Samel, Trenton Falls Hydroelectric Company, P.O. Box 169, Prospect, NY 13435, (315) 733–8478.

(i). Contact Person: Robert Bell, (202) 376–5706.

j. Comment Date: September 23, 1987.

k. Description of Project: The proposed project would consist of: (1) an existing 175-foot-long, 8-foot-long overflow dam; (2) an impoundment having a surface area of 1-acre with negligible storage and a normal water surface elevation of 752 feet m.s.l.; (3) a new 120-foot-long, 10-foot-diameter steel penstock; (4) a new powerhouse containing a generating unit with an installed capacity of 250–kW; (5) a new tailrace; (6) a new 1000-foot-long, 46–kV transmission line; and (7) appurtenant facilities. The applicant estimates the average annual generation would be 1,824,000 kWh. The dam is owned by the New York State Department of Transportation. All project generated would be sold to Niagara Mohawk Power Corporation. The applicant estimates the cost of the work to be performed under the preliminary permit would be $49,500.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, any competing development applications, must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36 (1985)). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application.

A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application.

A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A8. Preliminary Permit—Public notice of the filing of the initial preliminary application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application, or notice of intent to file a competing preliminary permit or development application, must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may filed in response to this notice.

A competing license application must conform with 18 CFR 4.30(b) (10) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) a preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to: Mr. Fred E. Springer, Director, Division of Project Management, Federal Energy Regulatory Commission, Room 203–RB, at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency Comments*—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation,

cultural and other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313(b) of the Federal Power Act, 16 U.S.C. 825*l*(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be set to the Applicant's representatives.

D2. *Agency Comments*—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3a. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 408 of the Energy Security Act of 1980, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. *Agency Comments*—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in section 30 of the Federal Power Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: July 28, 1987.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17474 Filed 7-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP87-419-00 et al.]

Natural Gas Certificate Filings; Blue Dolphin Pipe Line Company et al.

Take notice that the following filings have been made with the Commission:

1. Blue Dolphin Pipe Line Company

[Docket No. CP87-419-000]

July 22, 1987.

Take notice that on July 1, 1987, Blue Dolphin Pipe Line Company (Blue Dolphin), 2900 Citicorp Center, Houston, Texas 77002, filed in Docket No. CP87-419-000 a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations. Blue Dolphin Seeks authorization to transport natural gas on behalf of Walter Oil & Gas Corporation (Walter) under Blue Dolphin's blanket transportation certificate issued in Docket No. CP87-31-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Blue Dolphin states that, pursuant to a transportation agreement dated May 13, 1987, Blue Dolphin proposes to transport natural gas on behalf of Walter on Blue Dolphin's system in offshore Texas in the Gulf of Mexico. Blue Dolphin states that peak day volumes under this agreement would not exceed 20,000 Mcf, annual volumes would not exceed 5,110,000 Mcf and the average daily volume would be 14,000 Mcf.

Blue Dolphin states that it is not aware of any relationship under which a local distribution company or affiliate of Walter would receive natural gas on behalf of Walter. Blue Dolphin also indicates that no facilities are required to be constructed to provide the proposed service for Walter. It is stated that service commenced May 15, 1987, pursuant to the automatic 120-day authorization permitted by § 284.223 of the Commission's Regulations.

Comment date: September 8, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. Blue Dolphin Pipe Line Company

[Docket No. CP87-420-000]

July 24, 1987.

Take notice that on July 1, 1987, Blue Dolphin Pipe Line Company (Blue Dolphin), 2900 Citicorp Center, Houston, Texas 77002, filed in Docket No. CP87-420-000 a prior notice request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations. Blue Dolphin seeks authorization to transport natural gas on behalf of Polo Energy Corporation (Polo) under Blue Dolphin's blanket transportation certificate issued in Docket No. CP87-31-000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Blue Dolphin states that, pursuant to a transportation agreement dated May 13, 1987, Blue Dolphin proposes to transport

natural gas on behalf of Polo on Blue Dolphin's system in offshore Texas in the Gulf of Mexico. Blue Dolphin states that peak day volumes under this agreement would not exceed 35,000 Mcf, annual volumes would not exceed 9,125,000 Mcf and the average daily volume would be 25,000 Mcf.

Blue Dolphin states that it is not aware of any relationship under which a local distribution company of affiliate of Polo would receive natural gas on behalf of Polo. Bule Dolphin also indicates that no facilities are required to be constructed to provide the proposed service for Walter. It is stated that service commenced May 4, 1987, pursuant to the automatic 120-day authorization permitted by § 284.223 of the Commission's Regulations.

Comment date: September 8, 1987, in accordance with Standard Paragraph G at the end of this notice.

3. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. ZCP87-448-000]

July 27, 1987.

Take notice that on July 16, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP87-4448-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205), for authorization to abandon and remove ten small volume measuring station meters under the authorization issued in Docket No. CP82-401-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Northern requests authority to abandon and remove the sales facilities serving the following customers:

Customer and Location

Alphose Blaschko, Le Sueur Co., Minnesota
City of Belle Plaine, Iowa, Benton Co., Iowa
Kirby Clawson, Meade Co., Kansas
Bill Fayen, Dubuque Co., Iowa
Richard T. Johnson, Northfield Minnesota
Land O'Lakes Research Farm, Hamilton Co., Iowa
Leigh Equipment, Inc, Dubuque Co., Iowa
Red Rock Land Corp., Blaine Co., Montana
Stare Light Trailer Court, Dubuque Co., Iowa
Leo L. Stortenbecker, Pottawattamie Co., Iowa

Northern indicates that it has included letters from each customer indicating that service is no longer required and agreeing to the proposed abandonment. Northern indicates that it estimates the cost of removal at $915.

Comment date: September 10, 1987, in accordance with Standard Paragraph G at the end of this notice.

4. Tennessee Gas Pipeline Company A Division of Tenneco Inc.

[Docket No. CP87-440-000]

July 27, 1987

Take notice that on July 13, 1987, Tennessee Gas Pipeline Company, A Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP87-440-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act for authorization to establish a new delivery point to its existing firm sales customer, The Connecticut Light and Power Company (CL & P), under the certificate issued in Docket No. CP82-413-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request with the Commission and open to public inspection.

Tennessee proposes to establish the new delivery point by constructing and operating gas measurement and appurtenant facilities, and gas pipeline connecting facilities on property owned by CL & P near East Granby, Hartford County, Connecticut. Tennessee estimates that the total for all costs associated with the construction and installation of the proposed facilities would be $295,000. Tennessee indicates that CL & P has agreed to reimburse it for all costs associated with the construction and operation of the propose facilities.

Tennessee states that it does not proposed to increase or decrease the total daily and/or annual quantities it is authorized to deliver to CL & P. Tennessee further states that the establishment of the proposed new delivery point is not prohibited by its currently effective tariff and that it has sufficient capacity to accomplish the deliveries at the proposed new delivery point without detriment or disadvantage to any of its other customers.

Comment date: September 10, 1987, in accordance with Standard Paragraph G at the end of this notice.

5. United Gas Pipe Line Company

[Docket No. CP87-437-000]

July 27, 1987.

Take notice that on July 10, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-437-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap to serve an existing customer, Entex, Inc. (Entex) under its certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United proposes to construct and operate a 2-inch sales tap to be located on United's existing 30-inch Kosciusko main line near Jackson, Rankin County, Mississippi. It is stated that the sales tap would enable United to supply an estimated 350 Mcf per day of natural gas to Entex for resale to residential customers under United's Rate Schedule DG-N.

United asserts that it has sufficient capacity to render the proposed service without detriment or disadvantage to its other existing customers. It is further asserted that no change is proposed in the total volumes United is obligated to deliver. It is indicated that Entex would reimburse United for all costs associated with the installation of the tap.

Comment date: September 10, 1986, in accordance with Standard Paragraph G at the end of this notice.

6. United Gas Piple Line Company

[Docket No. CP87-436-000]

July 27, 1987.

Take notice that on July 10, 1987, United Gas Piple Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-436-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorizatioin to construct and operate a one-inch sales tap on United's existing 14-inch Jackson-Mobile main line near Mobile, Mobile County, Alabama, under United's blanket certificate issued in Docket No. CP82-430-000 on September 1, 1982, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it proposes to deliver up to 0.5 Mcf of natural gas on an average day at the proposed sales tap to supply Mobile Gas Service Corporation (MGSC), a distributor, for resale to a residential customer under its Rate Schedule DG-N. It is stated that MGSC would reimburse United for the estimated $2,100 construction cost of the proposed sales tap.

United states that it does not propose to increase or decrease that total daily and/or annual quantities it is authorized

to deliver to MGSC. United states that it would deliver no more than 2 Mcf of natural gas on a peak day and no more than 150 Mcf of natural gas per annum at the proposed sales tap. United states that the proposed sales tap is not prohibited by its currently effective tariff and that it would have sufficient capacity to accomplish the deliveries at the proposed sales tap without deteriment or disadvantage to any of its other customers.

Comment date: September 10, 1987, in accordance with Standard Paragraph G at the end of this notice.

7. United Gas Pipe Line Company

[Docket No. CP87-438-000]

July 27, 1987.

Take notice that on July 10, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-438-000 a request pursuant to §157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a two-inch sales tap on United's existing 30-inch Clarence-Olla main line near Winnfield, Winn Parish, Louisiana, under United's blanket certificate issued in Docket No. CP82-430-000 on September 1, 1982, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it proposes to deliver up to 360 Mcf of natural gas on an average day at the proposed sales tap to supply Trans Louisiana Gas Company (Transla), a distributor, for resale to a correctional institution presently under construction, pursuant to its Rate Schedule DG-N. It is stated that Transla would reimburse United for the estimated $3,500 construction cost of the proposed sales tap.

United states that it does not propose to increase or decrease the total daily and/or annual quantities it is authorized to deliver to Transla. United states that it would deliver no more than 584 Mcf of natural gas on a peak day and no more than 108,000 Mcf of natural gas per annum at the proposed sales tap. United asserts that the proposed new sales tap is not prohibited by its currently effective tariff and that it would have sufficient capacity to accomplish the deliveries at the proposed sales tap without detriment or disadvantage to any of its other customers.

Comment date: September 10, 1987, in accordance with Standard Paragraph G at the end of this notice.

8. United Gas Pipe Line Company

[Docket No. CP87-435-000]

July 27, 1987.

Take notice that on July 10, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-435-000 a request pursuant to §157.205 of the Commission Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a two-inch sales tap on United's existing 30-inch Agua Dulce Perryville main line near Houston, Harris County, Texas, under United's blanket certificate issued in Docket No. CP82-430-000 on September 1, 1982, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it proposes to construct and operate a 2-inch sales tap to supply Entex, a distributor, with an estimated 360 Mcf/d of natural gas for resale to residential customers in the Village of Cypress Laker Subdivision under United's Rate Schedule DG-5. It is stated that Entex would reimburse United for the estimated $3,500 construction cost of the proposed sales tap.

United states that it does not propose to increase or decrease the total daily and/or annual quantities it is authorized to deliver to Entex. United further states that it would deliver no more than 360 mcf/d of natural gas on a peak day and no more than 21,000 mcf of natural gas per annum at the proposed sales tap. United asserts that the proposed sales tap is not prohibited by its currently effective tariff and that it would have sufficient capacity to accomplish the deliveries at the proposed sales tap without detriment or disadvantage to any of its customers.

Comment date: September 10, 1987, in accordance with Standard Paragraph G at the end of this notice.

9. United Gas Pipe Line Company

[Docket No. CP87-434-000]

July 27, 1987.

Take notice that on July 10, 1987, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-434-000 a request pursuant to §157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a two-inch sales tap on United's existing 18-inch Baton Rouge-New Orleans main line near Prairieville, Ascension Parish, Louisiana, under United's blanket certificate issued in Docket No. CP82-430-000 on September 1, 1982, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that it proposes to deliver up to 300 Mcf of natural gas on an average day at the proposed sales tap to supply Louisiana Gas Service Company (LGSC), a distributor, for resale to residential and commercial customers under its Rate Schedule DG-N. It is stated that LGSC would reimburse United for the estimated $3,500 construction cost of the proposed sales tap.

United states that it does not propose to increase or decrease the total daily and/or annual quantities it is authorized to deliver to LGSC. United states that it would deliver no more than 330 Mcf of natural gas on a peak day and no more than 20,640 Mcf of natural gas per annum at the proposed sales tap. United states that the proposed sales tap is not prohibited by its currently effective tariff and that it would have sufficient capacity to accomplish the deliveries at the proposed sales tap without detriment or disadvantage to any of its other customers.

Comment date: September 10, 1987, in accordance with Standard Paragraph G at the end of this notice.

10. United Gas Pipe Line Company

[Docket No. CP87-439-000]

July 27, 1987.

Take notice that on July 13, 1987, United Gas Pipe Line Company (United), P. O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP87-439-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission to abandon direct industrial sales to Chevron U.S.A., Inc. (Chevron) at Heidelberg, Mississippi and Mobile, Alabama, under the authorization issued in Docket No. CP32-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states the sales contracts with Chevron expired on January 1, 1987, and that Chevron has agreed to the proposed abandonment. United further states that its facilities will remain in place in anticipation of future service.

Comment date: September 10, 1987, in accordance with Standard Paragraph G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the

Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17480 Filed 7-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-678-000]

Application for Permanent Abandonment with Limited-Term Pregranted Abandonment for Sales Under Small Producer Certificate;

July 24, 1987.

Take notice that on June 5, 1987, as supplemented on July 17, 1987, Robert B. Lambert and Lexey C. Lambert (the Lamberts), 100 N. Stone Ave., Suite 1002, Tucson, Arizona 85701-1517, filed an application pursuant to section 7(b) of the Natural Gas Act for a permanent abandonment of their sales to ANR Pipeline Company (ANR) from Northwest Field, Woodward County, and Laverne Field, Harper County, Oklahoma, and their sale to Northern Natural Gas Company, Division of Enron (Northern) from Mocaine-Laverne Gas Area, Ellis County, Oklahoma. The Lamberts also request a three-year pregranted abandonment for sales of such gas under their small producer certificate in Docket No. CS86-39-000. The gas is NGPA section 104 flowing gas (92%) and 108 gas (8%). Deliverability is approximately 1,402 Mcf/d. The Lamberts state that their December 30, 1960, contract with ANR and their June 2, 1966, contract with Northern have expired. A release has been requested for the gas under the Lambert's May 18, 1979, contract with ANR but has not been granted by ANR at this time.

The Lamberts' application filed June 5, 1987, was noticed on July 7, 1987, (52 FR 26171) as an abandonment request. The application is being renoticed herein to reflect the Lamberts' supplemental request received July 17, 1987, for three-year pregranted abandonment for sales for resale of the subject gas in interstate commerce and to delete from their original abandonment application the sale of gas under the July 25, 1977, contract with Northern for sales from the Shepherd #1 well in Beaver County, Oklahoma, for which the Lamberts state they have reached an agreement on price with Northern.

Any person desiring to be heard or to make any protest with reference to said application, as supplemented, should on or before August 10, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in a proceeding must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the Lamberts to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17477 Filed 7-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF87-521-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; Suffolk Cogeneration Limited Partnership et al.

Comment Date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. Suffolk Cogeneration Limited Partnership

[Docket No. QF87-521-000]

July 21, 1987.

On July 10, 1987, Suffolk Cogeneration Limited Partnership (Applicant) of 1010 Franklin Avenue, Garden City, New York 11530, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Suffolk County, New York. The facility will consist of combustion turbine generator(s), a heat recovery steam generator, a steam turbine generator and auxiliary equipment. Steam recovered from the facility will be utilized by Applicant for heating, drying and sanitizing in an industrial process, and for space heating and cooling. The primary energy source will be natural gas. The maximum net electric power production capacity of the facility will be 79MW. Construction of the facility will begin in 1988.

2. Union Texas Petroleum Corporation

[Docket No. QF87-446-000]

July 24, 1987.

On July 6, 1987, Union Texas Petroleum Corporation (Applicant), of Route 1, Rayne, Louisiana 70578 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Rayne, Louisiana 70578. The facility consists of four steam generators and two steam turbine generators. Thermal energy recovered from the facility is used on-site at Applicant's Rayne Fractionation Plant. The primary energy source is natural gas. The electric power production capacity of the facility is 1957 KW. The facility was originally constructed in 1959 and modified in 1966 and 1978. Additional modifications are to be completed in 1987.

3. PW Ventures, Inc.

[Docket No.QF87-518-000]

July 24, 1987.

On July 9, 1987, PW Ventures, Inc. (Applicant), of 100 Australian Avenue, Suite 304, West Palm Beach, Florida 33406, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in West Palm Beach, Florida. The facility will consist of three engine generating units and three heat recovery steam generators. Steam recovered from the facility will be used by Pratt & Whitney for process usuage and in absorption chillers to produce chilled water for space cooling. The primary energy source will be natural gas and diesel fuel. The net electric power production capacity will be 15.46 MW. Installation of the facility is expected to begin in July, 1988.

4. North Jersey Energy Associates, a New Jersey Limited Partneship

[Docket No. QF86-789-001]

July 24, 1987.

On July 1, 1987, North Jersey Energy Associates, a New Jersey Limited Partnership (Applicant), of 87 Elm Street, Cohasset, MAssachusetts 02025, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Sayerville, New Jersey. The facility originally proposed to consist of one (1) combustion turbine generator, one heat recovery steam generator and one extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be utilized in the cooling process for a cold storage facility and for heating and cooling of industrial buildings located nearby the facility. The net electric power production capacity as originally proposed was to be 140 megawatts. The primary energy source as originally proposed was to be coal and natural gas, with oil used when natural gas is not avaliable.

By order issued September 10, 1986, the Director of Office of Electric Power Regulation granted certification of the facility as a cogeneration facility under Docket No. QF86-789-000.

The recertification is requested due to change in the primary energy source from coal and natural gas to natural gas. The number of combustion turbines has increased to two, and the net electric power production capacity has increased to 295 MW. Installation of the facility will begin on April, 1988. All other facility's characteristics remain unchanged.

5. Copolymer Rubber & Chemical Corporation

[Docket No. QF87-530-000]

July 27, 1987.

On July 16, 1987, Copolymer Rubber & Chemical Corporation (Applicant), of P.O. Box 2591, Baton Rouge, Louisiana 70821, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located on Highway 1 in Addis, Louisiana 70710. The facility will consist of a combustion turbine generator and a heat recovery steam generator. Thermal energy recovered from the facility will be used for process applications in the manufacture of synthetic rubber. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 8,712 KW. Installation of the facility is scheduled to begin on or about April 1, 1988.

6. County Sanitation Districts of Orange County, California

[Docket No. QF87-519-000]

July 27, 1987.

On July 9, 1987, County Sanitation Districts of Orange County, California (Applicant), of P.O. Box 8127, 10844 Ellis Avenue, Fountain Valley, California 92728-8127 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at the County Sanitation District of Orange County Wastewater Treatment Plant No. 1 in Fountain Valley, California. The facility will consist of three engine generators, three exhaust heat recovery steam generators (HRSG's), three engine jacket water heat exchangers, and three lube oil heat exchangers. Steam recovered from the HRSG's will be used for space heating and cooling and plant process applications, while hot water from the engine jacket heat exchangers will be used for the plant's digester heating needs. The primary energy source will be natural gas, to be supplemented with sludge digester gas as available. The net electric power production capacity of the facility will be 4.87 MW. Facility installation is scheduled to begin in March 1988.

7. County Sanitation Districts of Orange County, California—Treatment Plant No. 2

[Docket No. QF87-520-000]

July 27, 1987.

On July 9, 1987, County Sanitation Districts of Orange County, California (Applicant), of 10844 Ellis Avenue, Post Office Box 8127, Fountain Valley, California 92728-8127 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at the County Sanitation Districts of Orange County Wastewater Treatment Plant No. 2, 22212 Brookhurst Street, Huntington Beach, California. The facility will consist of several internal combustion engine generator units. The primary energy source of the facility will be biomass in the form of digester gas (biomethane gas) supplemented by natural gas. The net electric power production capacity of the facility will be 11.65 megawatts.

8. Ogden Martin Systems of San Bernadino, Inc.

[Docket No. QF87-517-000]

July 27, 1987.

On July 8, 1987, Ogden Martin Systems of San Bernardino, Inc. submitted for filling an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Ontario, California. The facility will consist of three (3) mass-burn steam generators and one turbine generator. The net electric power production capacity will be 42.5 megawatts. The primary energy source will be biomass in the form of municipal solid waste. Natural gas will be used for flame stabilization, start-up and shut-down purposes. Such fossil fuel uses, however, will not exceed 25% of the total energy input to the facility during any calendar year period. Construction of the facility is expected to begin in November 1987.

9. South Jersey Energy Associates, A New Jersey Limited Partnership

[Docket No. QF86-1050-001]

July 27, 1987.

On September 19, 1986 South Jersey Energy Associates, a New Jersey Limited Partnership (Applicant), of 87 Elm Street, Cohasset, Massachusetts 02025, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Williamstown Junction, New Jersey. The facility, as originally proposed, was to consist of a combustion turbine generator, a heat recovery steam generator and an extraction/condensing turbine generator. The thermal energy in the form of steam was to be used for space heating and cooling, and for the curing of concrete castings. The net electric

power production capacity was to be 140 MW. The primary sources of energy were to be coal and natural gas. Construction of the facility was to begin March 1988.

By order issued December 12, 1986, the Director of the Office of Electric Power Regulation granted certification of the facility as a qualifying cogeneration facility under Docket No. QF86-1050-000.

The recertification is requested due to a change in the primary energy source from coal and natural gas to natural gas. In addition, the number of combustion turbines, heat recovery steam generators, and extraction/condensing steam turbine generators have increased to two each, and the net electric power production capacity has increased to 295 MW. In addition to the thermal uses stated in the original application, steam recovered from the facility will be used for a cold/freezer storage facility. Construction of the facility will begin September 1988. All other facility characteristics remain unchanged.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17479 Filed 7-31-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-3-26-000]

Changes in Rates; Natural Gas Pipeline Company of America

July 28, 1987.

Take notice that on July 23, 1987, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 (Tariff), the below listed tariff sheets to be effective September 1, 1987:

Sixty-sixth Revised Sheet No. 5
Thirty-third Revised Sheet No. 5A

Natural states the purpose of the instant filing is to implement Natural's semi-annual PGA unit rate adjustment (including revised surcharge) computed pursuant to sections 18 and 29 of the General Terms and Conditions of Natural's tariff (PGA and Incremental Pricing). Natural is also requesting a waiver in the terms of its Purchased Gas Cost Adjustment tariff provision to provide for a three year recovery of its present deferred account balance.

Natural states that the overall effect of the filed for adjustments is to decrease Natural's DMQ-1 commodity rate by 40.44¢ and to increase the DMQ-1 entitlement rate by .05¢. No change is required to the DMQ-1 demand rate. Appropriate adjustments have been made with respect to Natural's other sales rate schedules. The effect of these rates changes on an annual basis is a net revenue decrease of $80.4 million. This net revenue decrease is comprised of a $77.5 million decrease in gas cost recovery and a $2.9 million decrease due to a decrease in the deferred account surcharge recovery rate.

In addition, Natural also tendered for filing the below listed tariff sheets to be part of its FERC Gas Tariff:

Third Revised Volume No. 1

Title Page
Original Sheet No. 1A
Seventh Revised Sheet No. 1
First Revised Sheet No. 2C

Original Volume No. 1A

Title Page

Second Revised Volume No., 2

Title Page
First Revised Sheet No. 1C

The purpose of these sheets is to amend Natural's Tariff to reflect: (1) the appropriate name and title of the person to whom communications covering rates should be addressed, and (2) an up-date of the Table of Contents.

A copy of this filing is being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §385.214 and 385.211. All such motions or protests must be filed on or before August 4, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 17478 Filed 7-31-87, 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-4-17-001]

Proposed Changes in FERC Gas Tariff; Texas Eastern Transmission.

July 28, 1987.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on July 23, 1987 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, six copies of the following tariff sheets:

Substitute Eighty-fifth Revised Sheet No. 14
Substitute Eighty-fifth Revised Sheet No. 14A
Substitute Eighty-fifth Revised Sheet No. 14B
Substitute Eighty-fifth Revised Sheet No. 14C
Substitute Eighty-fifth Revised Sheet No. 14D

The above tariff sheets are being issued in substitution for tariff sheets filed on July 1, 1987 in the referenced docket consisting of Texas Eastern's Semiannual PGA tracking filing to be effective on August 1, 1987. The sole change included in the substitute tariff sheets is an increase in the cost of gas purchased from ProGas Limited.

In the July 1, 1987 filing Texas Eastern calculated and included total annual demand payments to ProGas Limited of $6,525,00 as being in conformance with Opinion Nos. 256 and 256A. Such calculation was based upon data available to Texas Eastern at the time of the filing. However, since then Texas Eastern has received additional data, supported by work papers, which shows that the correct calculation of the total annual demand payments to ProGas Limited in conformance with Opinion Nos. 256 and 256-A is $8,612,100. This corrected amount has been included in the substitute tariff sheets filed herein, impacting a decrease in the Demand-1 component of Texas Eastern's sales rates of $.093/dth rather than the decreased reflected in the original tariff filing of July 1, 1987.

Also in the July 1, 1987 filing Texas Eastern used the commodity rate actually being paid to ProGas Limited at the time of the filing, which is $1.63/dth. In this substitute filing Texas Eastern has used the commodity rate of ProGas which will become effective beginning August 1, 1987 as a result of the increase in the commodity rate of Texas Eastern's DCQ rate schedule for Rate Zone C under the semiannual PGA filing to be effective August 1, 1987. The impact on Texas Eastern's commodity

sales rates included in these substitute tariff sheets is an increase of $.0047/dth.

The proposed effective date of the above tariff sheets is August 1, 1987.

Texas Eastern has respectfully requested waiver of any of the Commission's Regulations deemed necessary to accept the above substitute tariff sheets to be effective on August 1, 1987, in substitution for those corresponding tariff sheets filed on July 1, 1987.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20406, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 4, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17475 Filed 7-31-87; 845 am]

BILLING CODE 6717-01-M

[Docket No. RP87-15-016]

Proposed Changes in FERC Gas Tariff; Truckline Gas Co.

July 28, 1987.

Take notice that Truckline Gas Company (Trunkline) on July 20, 1987 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

To Be Effective September 20, 1986

First Revised Sheet Nos. 3882 and 3885

To Be Effective May 1, 1987

First Revised Sheet Nos. 3888, 3890 and 3893

Truckline states that such change is made to amend Rate Schedule T-90 for the transportation of natural gas on behalf of Southern Natural Gas Company (Southern) to reflect an extension of the term of the agreement and the currently effective rates as approved by the Commission in Docket Nos. RP87-15, *et al.*

A copy of this filing has been served on Southern.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 4, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17476 Filed 7-31-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-4-FRL-3241-2]

PSD Permit for the South Broward County Resource Recovery Facility; Broward County, FL

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Prevention of Significant Deterioration (PSD) permit (PSD-FL-105) issued to Broward County, Florida, on May 15, 1987, became effective on June 20, 1987. The permit was issued for the construction of the South Broward County 2589 tons per day municipal solid waste incineration facility with electrical generation capability.

DATE: This action is effective as of June 20, 1987, the effective date of the PSD permit. Construction must begin within eighteen (18) months of this date or the permit will become invalid.

ADDRESSES: Copies of the PSD permit, permit application, and preliminary and final determinations are available for public inspection upon request at the following locations:

U.S. Environmental Protection Agency, Air Programs Branch, 345 Courtland Street, N.E., Atlanta, Georgia 30365

Bureau of Air Quality Management, Florida Department of Environmental Regulation,

Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32301

FOR FURTHER INFORMATION CONTACT: Michael Brandon of the EPA Region IV, Air Programs Branch at the Atlanta address given above, telephone (404) 347-2864; (FTS) 257-2864.

SUPPLEMENTARY INFORMATION: On May 30, 1986, the Broward County Resource Recovery Office submitted an application to EPA for the construction of the South Broward County Resource Recovery Facility. The facility will consist of three 750 tons per day municipal solid waste incinerators located in Broward County, Florida. The preliminary determination was made by the Florida Department of Environmental Regulation and the public comment period commenced on February 12, 1987. Comments on the preliminary determination were made by both EPA and Broward County in reference to various permit conditions. On May 1, 1987, EPA prepared the Final Determination and Permit Conditions. These conditions require, in part, the installation of an acid gas control device to control 90% of the acid gases, and 65% control or 0.14 lbs per million Btu of the sulfur dioxide emissions. In addition, the permit limits the emission of particulate matter to 0.015 gr/dscf corrected to 12% CO_2. The facility was also allowed to burn municipal solid waste at 115% of its rated capacity (i.e., 2589 tons per day). No other comments were received during the public comment period.

The federal PSD permit (PSD-FL-105) was issued on May 15, 1987, and became effective on June 20, 1987. The effective date of this permit constitutes final agency action under 40 CFR 124.19(f)(1) and section 307 of the Clean Air Act, for purposes of judicial review. Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 2, 1987. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

If construction does not commence within eighteen (18) months after the effective date, that is, by December 20, 1988, or if construction is not completed within a reasonable time, the permit shall expire and the authorization to construct shall become invalid.

(Sections 160-169 of the Clean Air Act (42 U.S.C. 7470-7479).)

Date: July 22, 1987.

Joe R. Franzmathes,

Acting Regional Administrator.

[FR Doc. 87-17515 Filed 7-31-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL 3241-1]

Privacy Act of 1974; Proposed New System of Records

AGENCY: Environmental Protection Agency (EPA).

ACTION: Privacy Act of 1974; Proposed New System of Records.

SUMMARY: As required by the Privacy Act, 5 U.S.C. 552a, the U.S. Environmental Protection Agency is publishing for comment a system of records. This system is the "Congressional and Executive Communications Files." The purpose of these records is to respond to correspondence sent to the Administrator and Deputy Administrator by the public, Members of Congress and White House staff, and to control correspondence requiring a timely response.

EFFECTIVE DATE: This system shall become effective without further notice on October 2, 1987, unless comments are received which would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Alice M. Greene, Congressional and Executive Communications Officer, Office of Executive Support (A-101), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, telephone (202) 382-7638.

C. Morgan Kinghorn,

Acting Assistant Administrator for Administration and Resources Management.

Dated: July 24, 1987.

EPA-22

SYSTEM NAME:

Congressional and Executive Communications Files—EPA/OES.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Office of Executive Support (A-101), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and offices listed in appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons from the private sector, Members of Congress, the White House staff, and other persons from the public sector (Federal, state and local) who send correspondence to the Administrator and Deputy Administrator.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name and address of correspondent, copies of incoming letter, EPA's response, and correspondence control number when assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSES:

EPA will use this system to respond to correspondence from the public and private sector, Members of Congress and White House staff. The records also will be used to control correspondence requiring a timely response.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of information may be made: 1. To a Federal, State or local agency when a response by that agency is more appropriate.

2. To a Member of Congress or a congressional office in response to an inquiry from that Member or office made at the request of the individual to whom the record pertains.

3. 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.

4. To the Department of Justice to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to litigation or anticipated litigation in which one of the following is a party or has an interest: (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litigation is likely to affect the Agency.

5. In a proceeding before a court, other adjudicative body or grand jury, or in an administrative or regulatory proceeding, to the extent that each disclosure is compatible with the purpose for which the record was collected and is relevant and necessary to the proceeding in which one of the following is a party or has an interest; (a) EPA or any of its components, (b) an EPA employee in his or her official capacity, (c) an EPA employee in his or her individual capacity where the Department of Justice is representing or considering representation of the employee, or (d) the United States where EPA determines that the litgation is likely to affect the Agency, Such disclosures include those made in the course of presenting evidence, conducting settlement negotiations, and responding to subpoenas and requests for discovery.

6. To representatives of the General Services Administration and the National Archives and Records Administration who are conducting records management inspections under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and compute tapes.

RETRIEVABILITY:

Records are retrieved by the name of the individual correspondent and the correspondence control number when assigned.

SAFEGUARDS:

Only authorized EPA personnel have access to the system on a need-to-know basis. File folders are stored in cabinets secured by locks. Computer tapes are protected from access by unique passwords. The records are located in secured rooms in buildings with controlled access.

RETENTION AND DISPOSAL:

Controlled correspondence: Records are permanent. See EPA Records Control Schedules, Appendix C, Item 1.

All other correspondence: Records are destroyed when five years old. See EPA Records Control Schedules, Appendix C, Item 2.

SYSTEM MANAGER(S) AND ADDRESS:

Congressional and Executive Communications Officer, Office of Executive Support (A-101), 401 M St. SW., Washington, D.C. 20460.

NOTIFICATION PROCEDURES:

Inquiries should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Same as notification procedures. Individual should provide his or her complete name, name of person incoming letter was addressed to and date of incoming letter.

CONTESTING RECORD PROCEDURES:

Same as notification procedures. Also, the corrective action sought and supporting justification for the correction should be provided.

RECORD SOURCE CATEGORIES:

Subject individual and drafter of EPA response.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

APPENDIX:

In addition to Office of Executive Support, the Congressional and Executive Communications Coordinator in the following EPA offices has Congressional and Executive Communications Files:

At Headquarters:

Office of Administrtion and Resources Management
Office of Enforcement and Compliance Monitoring
Office of Policy, Planning, and Evaluation
Office of External Affairs
Office of Water
Office of Solid Waste and Emergency Response
Office of Air and Radiation
Office of Pesticides and Toxic Substances
Office of Research and Development
Office of International Activities
Office of Regional Operations
Office of General Counsel
Office of Civil Rights
Science Advisory Board
Small and Disadvantaged Business Utilization

At Regional Offices:

EPA Region I, Federal Center, Boston, MA 02203
EPA Region II, 26 Federal Plaza, New York, NY 10278
EPA Region III, 841 Chestnut St., Philadelphia, PA 19107
EPA Region IV, 345 Courtland St. N.E., Atlanta, GA 30365
EPA Region V, 230 S. Dearborn St., Chicago, IL 60604
EPA Region VI, 1445 Ross Ave., Dallas, TX 75202
EPA Region VII, 726 Minn. Ave., Kansas City, KS 66101
EPA Region VIII, 999 18th St., Suite 1300, Denver, CO 80202
EPA Region IX, 215 Fremont St., San Francisco, CA 94105
EPA Region X, 1200 6th Ave., Seattle, WA 98101

[FR Doc. 87-17517 Filed 7-31-87; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

July 27, 1987.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW, Suite 140, Washington, DC 20037. For further information on these submissions contact Jerry Cowden, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact J. Timothy Sprebe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0213
Title: Section 73.3525, Agreements for removing application conflicts
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 1,084 Responses; 2,168 Hours
Needs and Uses: Section 73.3525 requires that applicants for a broadcast station who enter into an agreement to procure the removal of a conflict between applications pending before the FCC file a joint request for approval of agreement and an affidavit. The data is used by FCC staff to assure agreement is in compliance with Section 311 of the Communications Act of 1934, as amended.

OMB Number: 3060-0326
Title: Section 73.69, Antenna monitors
Action: Extension
Respondents: Businesses (including small businesses)
Frequency of Response: On occasion
Estimated Annual Burden: 20 Responses; 30 Hours
Needs and Uses: Each directional antenna operation employs an antenna monitor. Section 73.69 outlines procedures should repair or replacement be necessary. If unit is replaced, data is submitted for modification of license and in the interim the station operates at variance provided certain conditions are met. Station licensees must operate in accordance with station licenses. The data collected by Section 73.69(d)(1) is used by FCC staff to grant interim authority to licensees to operate in variance of the station license. The data collected by Section 73.69(d) (5) is used by FCC staff to issue a modified license.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87-17554 Filed 7-31-87; 8:45 am]
BILLING CODE 6712-01-M

[Report No. W-19]

Window Notice for the Filing of FM Broadcast Applications

Release: July 20, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment(s) listed below may be submitted for filing during the period beginning July 20, 1987 and ending August 27, 1987 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—259 A	
Coeburn	VA

Channel—297 A	
Clarendon	AR
Chinle	AZ
Madera	CA
Las Animas	CO
Lake Arthur	LA
Sleepy Eye	MN
Warrenton	NC
Highland	NY
Crooksville	OH
Swanton	OH
Northumberland	PA
Nolanville	TX
Kemmerer	WY

Channel—297 B1	
Atlantic City	NJ

Channel—297 C2	
Lawton	OK
Post	TX

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87-17555 Filed 7-31-87; 8:45 am]
BILLING CODE 6712-01-M

[Report No. 1670]

Petitions for Reconsideration and Clarification and Applications for Review of Actions in Rulemaking Proceedings

July 28, 1987.

Petitions for reconsideration and clarification and applications for review have been filed in the Commission rule making proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of these documents are available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC., or may be purchased from the Commission's copy contractor, International Transcription

Service (202–857–3800). Oppositions to these petitions and applications must be filed.

See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry); and Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Thereof Communications Protocols Under § 64.702 of the Commission's Rules and Regulations. (CC Docket No. 85–229, Phase I)
Number of petitions received: 3

Subject: Amendment of Parts 15 and 76 Relating to Terminal Devices Connected to Cable Television Systems. (Gen Docket No. 85–301)
Number of petitions received: 4

Subject: Amendment of The Commission's Rules for Cellular Radio Service. (CC Docket No. 85–388, RM–5167)
Number of petitions received: 10

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Cape Vincent, New York) (MM Docket No. 86–262, RM's 5295 & 5344)
Number of petitions received: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Blackshear, Richmond Hill, and Folkston, Georgia) (MM Docket No. 86–294, RM's 5029, 5155 & 5560)
Number of petitions received: 1

Subject: Amendment of § 73.202(b), Table of Allotments, FM Broadcast Stations. (Santa Isabel, Puerto Rico and Christiansted, Virgin Islands) (MM Docket No. 85–211, RM–4740)
Number of applications received: 2

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87–17553 Filed 7–31–87; 8:45 am]
BILLING CODE 6712–01–M

Comsat Files Application to Transfer Control of, Comsat International Communications, Inc., to Contel ASC

July 24, 1987.

Pleading Cycle Established

Communications Satellite Corporation (COMSAT), COMSAT International Communications, Inc. (CICI), COMSAT Technology Products, Inc. (CTP), and American Satellite Company, d/b/a Contel ASC (Contel ASC) have filed an application under sections 214(a) and 310(d) of the Communications Act, 47 U.S.C. 214(a), 310(d), for authority to transfer control of CICI and to reissue CTP's domestic very small aperture terminal (VSAT) earth station authorizations to Contel ASC. The proposed transaction does not contemplate transfer of CICI s multipurpose earth stations, including the Earth Station Ownership Committee earth stations and associated point-to-point microwave stations and authorizations. COMSAT has filed a separate application to assign such authorizations to COMSAT Earth Stations, Inc., a newly-formed COMSAT subsidiary.

At the request of COMSAT and Contel Corporation, their earlier application for consent to merger filed November 3, 1986 (File No. ENF–87–05) has been dismissed (Order, DA–87–963, adopted July 22, 1987).

General Information

The application listed herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return the application if, upon further examination, it is determined that it is defective and not in conformance with the Commission's Rules or policies.

Parties wishing to comment on this matter may do so no later than August 24, 1987. Reply comments should be filed no later than September 7, 1987. All filings concerning this matter should refer to File No. ENF–87–18.

Copies of the application and any subsequently filed documents in this matter may be obtained from International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20036. (202) 857–3800. The application and documents will also be available for inspection and copying in Room 6206, 2025 M Street, NW., Washington, DC 20054. For further information contact Margaret Wood at (202) 632–4887.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87–17548 Filed 7–31–87; 8:45 am]
BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200011.
Title: Philadelphia Port Corporation Lease Agreement.
Parties:
Philadelphia Port Corporation
Seagate Corporation

Synopsis: The proposed agreement covers the lease of Piers 82 and 84 South, Port of Philadelphia to be used for the loading, discharge, transfer, consolidation and storage of waterborne cargo.

Agreement No.: 224–200012.
Title: Port of Oakland Terminal Agreement.
Parties:
Port of Oakland
Mitsui O.S.K. Lines, Limited
Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: The proposed license agreement provides that Mitsui O.S.K. Lines, Limited and Yamashita-Shinnihon Steamship Co. Ltd. jointly rent a parcel of land and building to be used for establishing and maintaining a truck and rail terminal for distributing goods to and from trucks, rail cars and containers.

Agreement No.: 224–011030–001.
Title: Port of Anchorage Crane Agreement.
Parties:
Municipality of Anchorage, Alaska
Sea-Land Service, Inc.

Synopsis: The proposed agreement modifies the basic Agreement to allow the substitution by Sea-Land of a letter of credit as a guarantee of payment in lieu of a surety bond as provided in subsection V B. 6 of said agreement.

Agreement No.: 224–010716–002.
Title: Port of San Francisco Terminal Revenue Sharing Agreement.
Parties:
City and County of San Francisco
Evergreen Marine Corporation (Taiwan), Ltd.

Synopsis: The proposed agreement modifies the basic Agreement to provide that (1) Evergreen shall pay wharfage on liquid cargo in bulk at the rate of $.27 per revenue ton; and, (2) Evergreen may deduct from wharfage due the Port railroad equalization payments made on frozen export cargo to the extent such payments do not exceed 5 percent of the annual wharfage paid to the Port.

By Order of the Fedral Maritime Commission.

Dated: July 29, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87-17490 Filed 7-31-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Applications To Engage de Novo in Permissible Nonbanking Activities; Norstar Bancorp, Inc., et al.; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 87-16916) published at page 28045 of the issue for Monday, July 27, 1987.

Under the Federal Reserve Bank of New York, the entry for Norstar Bancorp, Inc. is revised to read as follows:

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Norstar Bancorp Inc.*, Albany, New York; to engage *de novo* through its subsidiary, Norstar Trust Company of Florida, N.A., Naples, Florida, in performing functions or activities that may be performed by a trust company pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Comments on this application must be received by August 12, 1987.

Board of Governors of the Federal Reserve System, July 28, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17455 Filed 7-31-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; Charter Bank Group, Inc.

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 27, 1987.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Charter Bank Group, Inc.*, Northfield, Illinois; to acquire Charter Group, Inc., Northfield, Illinois, and thereby engage in auditing and consulting pursuant to § 225.22(a)(2)(i); and the sale of insurance for the bank and is employees pursuant to § 225.22(a)(2)(ix) of the Board's Regulation Y. Applicant has also applied to sell credit-related insurance pursuant to § 225.25(b)(8) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, July 28, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17456 Filed 7-31-87; 8:45 am]

BILLING CODE 6210-01-M

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Local Investors, Inc.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 24, 1987.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Altanta, Georgia 30303:

1. *Local Investors, Inc.*, Unadilla, Georgia; to acquire 51.45 percent of the voting shares of Citizens Bank, Vienna, Georgia.

Board of Governors of the Federal Reserve System, July 28, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17457 Filed 7-31-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Federal Council on the Aging; Meeting

Agency Holding the Meeting: Federal Council on the Aging.

Time and Date: Meeting begins at 9:30 AM and ends at 5:00 PM on Wednesday, August 12, 1987 and begins at 9:00 AM and ends at 3:00 PM on Thursday, August 13, 1987.

Place: On Wednesday, August 12 from 9:30 to 12:00 Noon, Department of Health and Human Services, Federal Council on the Aging, Executive Session (members & staff only), Longworth Room, J. W. Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC 20004, and from 2:00 to 5:00 p.m., in conjunction with the N4A Conference, J. W. Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC 20004. On Thursday, August 13, Longworth Room, J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC 20004.

Status: Meeting is open to the public. Exception: August 12 *Executive Session* is closed to public.

Contact Persons: Pete Conroy, Room 4545, HHS North Building, 245–2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93029, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92–453, 5 U.S.C. App. 1, sec. 10, 1976) that the Council will hold a meeting on August 12 and 13, 1987 from 9:30 AM–5:00 PM and from 9:00 AM–3:00 PM respectively. On August 12, the morning executive session will be closed. The afternoon session from 2 PM–5 PM will be held in conjunction with the N4A Conference, J.W. Marriott Hotel. On August 13 the meeting from 9:00–3:00 PM will be held in the Longworth Room, J.W. Marriott Hotel, 1331 Pennsylvania Avenue, NW., Washington, DC 20004.

The agenda will include: a forum on Community Service Cooperation—A Mandate of the Older Americans Act; an update on the Administration on Aging programs by Commissioner, Carol Fraser Fisk; a briefing of Aging Network as Community Resource Centers for Help by Robert Binstock, Ph.D.; a briefing on Community Service Cooperation An Urban View by Roberta Spohn, Deputy Commissioner, New York City Department of Aging; a briefing on Community Service Cooperation A Rural View by Irene Hart, Director, Central Plains Area Agency on Aging, Wichita, Kansas; a briefing on Community Service Cooperation A Local Government View by Jack Jallings, Dane County Supervisor, Oregon, Wisconsin; and a briefing on Congressional Intent of Community Service Language in Titles I & III of the Older Americans Act by Robert Blancato, Staff Director, Congressman Mario Biaggi Office. Suggested issues to be covered are: turf problems, duplication, priorities, limitations and recruiting. In addition, a substantial amount of time will be devoted to FCoA committee meetings and reports.

Dated: July 20, 1987.

Ingrid Azvedo,

Chairperson, Federal Council on the Aging.

[FR Doc. 87–17647 Filed 7–31–87; 8:45 am]

BILLING CODE 4130–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Alaska Land Use Council; Meeting

As required by the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96–487, dated December 2, 1980, section 1201, paragraph (h), the Alaska Land Use Council will meet at 9:00 a.m., Tuesday, August 25, 1987, in the Municipality of Anchorage Assembly Chamber, 3600 Denali Street, Anchorage, Alaska.

The tentative agenda will include Council consideration of:

—Draft ROD's for Kodiak and Kanuti NWR Comprehensive Conservation Plans,

—Council Work Program Recommendations for 1987–88,

—National Park Service Proposed Mining Rule, 36 CFR Part 9,

—Outfitter/Guide Report from Staff Committee,

—Other items as may be appropriately considered by the Council.

Any individual desiring to appear before the Council to address any of the above matters or matters of general concern to the Council should contact either Cochairman's office before the close of business Monday, August 10, 1987.

FOR FURTHER INFORMATION CONTACT:

Alaska Land Use Council, Office of the Federal Cochairman, 1689 C Street, Suite 100, Anchorage, Alaska 99501, (907) 272–3422, (FTS) 271–5485

Alaska Land Use Council, Office of the State Cochairman Designee, P.O. Box AW, Juneau, AK 99811, (907) 465–3562

or

2600 Denali Street, Suite 700, Anchorage, Alaska 99503, (907) 274–3528

The public is invited to attend.

July 27, 1987.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87–17536 Filed 7–31–87; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Indian Affairs

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 directly to the Bureau Clearance Officer and the Officer of Management and Budget Interior Desk Officer, Washington, DC 20503, telephone (202) 395–7340.

Title: Housing Improvement Program (HIP), 25 CFR Part 256.

Abstract: The Bureau's HIP provides housing assistance to needy Indians who are not eligible for this type of assistance through other Federally-assisted programs. In order to determine eligibility and priority in terms of degree of need, certain information must be provided by each applicant. On the basis of this information and in accordance with 25 CFR 256.5, tribes determine eligibility, priority, as well as the amount of HIP funds to be granted to each applicant.

Bureau Form Number: BIA 6407.

Frequency: On occasion.

Description of Respondents: Indians who need new or better housing.

Annual Responses: 3,500.

Annual Burden Hours: 1,750.

Bureau Clearance Officer: Cathie Martin (202) 343–3577.

Hazel E. Elbert,

Deputy to the Assistant Secretary, Indian Affairs (Tribal Services).

[FR Doc. 87–17510 Filed 7–31–87; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[UT–020–007–4410–08]

Planning Amendment, Tooele MFP Decision 10–2–2, Salt Lake District, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Planning Amendment, Tooele MFP Decision 10–2–2.

SUMMARY: The Tooele MFP decision 10–2–2 is amended to exclude 2.5 acres from 14,207 acres seasonally closed to

motorized vehicles between January 1 and April 30. The 2.5 acres excluded from the designation are located in T. 3 S., R. 8 W., Section 22: W ½ W ½ NW ¼ NW ¼, SE ¼. The area is adjacent to the east side of the Iosepa Cemetery Historic Site.

The amended decision shall read as follows: "Motorized vehicle use on 14,204.5 acres of public land in the Stansbury Mountains shall be limited to existing roads and jeep trails from May 1 through December 31 of each year and closed to motorized vehicle use between January 1 and April 30. The area seasonally closed lies on the western foothills of the Stansbury Mountains between Muskrat Canyon and the Skull Valley Indian Reservation. This closure applies only to public lands. It does not restrict access on designated county roads. Exceptions from the closure include BLM, Utah Division of Wildlife Resources, Forest Service and official search and rescue personnel." The public will have 30 days to protest this decision effective from the date this notice is published in the **Federal Register**. Any protests should be addressed to Howard Hedrick, Pony Express Area Manager, Salt Lake District, Bureau of Land Management, 2370 South 2300 West, Salt Lake City, Utah 84119.

Deane Zeller,

Salt Lake District Manager.

[FR Doc. 87-17472 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-DQ-M

[UT-020-87-4212-11]

Realty Action on Lease/Conveyance of Public Lands for Recreation and Public Purposes U-54874; Salt Lake District, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land in Tooele County, Utah has been found suitable for lease or conveyance to the Iosepa Historical Association for use as a campground and monument/memorial site. The land is to be classified for lease or conveyance under the Recreation and Public Purposes, as amended (43 U.S.C. 869 et seq.).

Salt Lake Base & Meridian

T. 3 S., R. 8 W.,
Sec. 22: W ½ W ½ NW ¼ NW ¼ SE ¼
Containing 2.5 acres more or less.

The land is not needed for Federal Purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

3. A right-of-way is reserved for ditches and canals constructed by the authority of the United States by Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945).

4. All above—ground structures (except monuments) not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates "Standard Environmental Colors" designated by the Rocky Mountain Five—State Interagency Committee. The color selected for this site will be done in consultation with the authorized officer.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Salt Lake District, 2370 S. 2300 W., Salt Lake City, Utah.

Upon publication of this notice in the **Federal Register**, the land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the land to the District Manager, Salt Lake District Office, 2370 S. 2300 W., Salt Lake City, Utah 84119. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

John H. Stephenson,

Acting Salt Lake District Manager.

[FR Doc. 87-17471 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-DQ-M

[NV-940-07-4220-11; N-2385]

Proposed Continuation of Withdrawal of Land by the Department of Energy; Nevada

July 17, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Department of Energy proposes that a 2.5 acre withdrawal for a seismic station continue for an additional 20 years. The land will remain closed to location and entry under the mining laws, and has been and will remain open to leasing under the mineral leasing laws.

DATE: Comments should be received by November 2, 1987.

ADDRESS: Comments should be sent to: State Director, Nevada State Office, Bureau of Land Management, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, (702) 784-5484.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office, P.O. Box 12000, Reno, NV 89520, 702-784-5481.

SUPPLEMENTARY INFORMATION: The Department of Energy proposes that the existing land withdrawal made by Public Land Order No. 4662 dated May 12, 1969, be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The land is described as follows:

Mount Diablo Meridian

T. 26 S., R. 64 E.,
Sec. 4, SE¼NE¼NW¼SW¼

The area described contains 2.5 acres in Clark County.

The purpose of the withdrawal is for protection of substantial permanent improvements and equipment. The withdrawal closed the described lands to surface entry and mining, but not to mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Nevada State Director at the address indicated above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the

Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued, and if so, for how long. The final determination on the continuation of the withdrawal will be published in the **Federal Register.** The existing withdrawal will continue until such final determination is made.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 87-1740 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-HC-M

[OR-943-07-4220-10; GP-07-253; OR-42920 (WASH)]

Proposed Withdrawl of Lands and Opportunity for Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw approximately 9,000 acres of National Forest System lands for protection of the North Cascades Scenic Highway Zone. This notice closes the lands for up to 2 years from mining. The lands will remain open to surface entry and mineral leasing.

DATE: Comments and requests for a public meeting must be received on or before November 2, 1987.

ADDRESS: Comments and meeting requests should be sent to the Oregon State Director, BLM, P.O. Box 2965, Portland, Oregon 97208.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, 503-231-6905.

SUPPLEMENTAL INFORMATION: On July 15, 1987, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Willamette Meridian

Mt. Baker, Okanogan, and Wenatchee National Forests

A strip of land of varying widths of from 200 to 2,000 feet on each side of and runing parallel and concentric with the monumented centerline of State Highway 20 through the following described townships and sections as more particularly identified and described in the offical records of the Bureau of Land Management, Oregon State Office:

T. 37 N., R. 14 E., unsurveyed,
Secs. 10, 11, 12, and 13.
T. 36 N., R. 16 E., unsurveyed,
Secs. 3, 4, 10, 11, 14, 15, 23, 24, 25, and 36.
T. 37 N., R. 16 E., unsurveyed,
Secs. 17, 20, 21, 28, 29, 33, and 34.
T. 35 N., R. 17 E., unsurveyed,
Secs. 5, 6, 7, 8, 13, 16, 17, 21 to 28, inclusive, and 35.
T. 36 N., R. 17 E., unsurveyed,
Sec. 31.
T. 35 N., R. 18 E., unsurveyed,
Secs. 5, 8, 17, 18, 19, and 20.
T. 36 N., R. 18 E., unsurveyed,
Secs. 21 to 29, inclusive, 32, and 33.
T. 36 N., R. 19 E., unsurveyed,
Secs. 19, 20, 27, 28, 29, 30, 32, and 33.

The areas described aggregate approximately 9,000 acres in Chelan, Okanogan, Skagit and Whatcom Counties.

The purpose of the proposed withdrawal is to protect the North Cascades Scenic Highway Zone for a distance of approximately 38 miles between the easterly boundary of the Ross Lake National Recreation Area and a point located approximately one mile west of the Early Winters Ranger Station. The withdrawal, if approved, would replace an existing withdrawal that does not cover the entire scenic zone.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for public meetings is afforded in connection with the proposed withdrawal. All interested person who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the undersigned officer within 90 days from the date of publication of this notice. Upon determination by the authorized officer that public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. All temporary uses are permitted during this segregative period with the exception of the disposal of the mineral resources under the mining laws.

Dated: July 23, 1987.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-17511 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-33-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 requirements 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 395-7313.

Title: Permanent Program Performance Standards—Surface Mining Activities 30 CFR Part 816.

Abstract: Section 515 of Pub. L. 95-87 provides that permittees conducting surface coal mining operations shall meet all applicable performance standards of the Act. This information is used by the regulatory authority in monitoring and inspecting surface mining activities to ensure that they are conducted in a manner which preserves and enhances environmental and other values of the Act.

Bureau form number: None.

Frequency: On occasion, quarterly, and annually.

Description of respondents: Surface coal mining operators.

Annual responses: 60,965.

Annual burden hours: 108,730.

Bureau clearance officer: Darlene Grose Boyd 202-343-5447.

Dated: June 26, 1987.

Carson W. Culp,

Assistant Director for Budget and Administration.

[FR Doc. 87-17468 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL TRADE COMMISSION

Agency Form Subcommittee for OMB Review

AGENCY: In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Commission has submitted a proposal for the collection of information to the Office of Management and Budget (OMB) for review.

Purpose of Information Collection

The proposed information collection is a "generic clearance" under which the Commission can issue questionnaires for the following types of investigations: countervailing duty, antidumping, escape clause, escape clause review, market disruption and "interference with programs of the USDA."

Summary of Proposal:

(1) Number of forms submitted: three.

(2) Title of forms: *Sample Producer's, Sample Importer's and Sample Purchaser's questionaires* (i.e., the "samples" are an aggregate of the information that is likely to be collected in a series of questionnaires issued under the generic clearance).

(3) Type of request: extension.

(4) Frequency of use: on occasion.

(5) Description of respondents: Businesses or farms that produce, import and/or purchase products under investigation.

(6) Estimated annual number of respondents: 4,000.

(7) Estimated total annual number of hours to complete the forms: 100,000.

(8) Information obtained from the forms that qualifies as confidential business information will be so treated by the Commission and not disclosed in a manner that would reveal the individual operations of a firm.

Additional Information or Comment

Copies of the proposed forms and supporting documents may be obtained from Lynn Featherstone, (tel. no. 202–523–0301). Comments about the proposal should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: Ms. Francine Picoult). Any comments should be specific, indicating which part of the questionnaires or study plan are objectionable, describing the problem in detail, and including specific revisions or language changes.

Submission of Comments

Comments should be submitted to OMB within two weeks of the date this notice appears in the **Federal Register**. If you are unable to submit them promptly you should advise OMB within the two week period of your intent to comment on the proposal. Ms. Picoult's telephone number is 202–395–7340. Copies of any comments should be provided to Charles Ervin (United States International Trade Commission, 701 E Street, NW., Washington, DC 20436).

Hearing impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724–0002.

By order of the Commission.

Issued: July 29, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–17481 Filed 7–31–87; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Information Collection(s) Under Review

July 29, 1987.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories. Each entry contains the following information: (1) The name and telephone number of the Department's Clearance Officer from whom a copy of the form and/or supporting documentation is available; (2) the office, board or division of the Department of Justice issuing the form or administering the collection; (3) the title of the form/collection; (4) the agency form number, if any; (5) how often the report must be filled out or the information is to be collected; (6) who will be asked or required to respond, as well as a brief abstract; (7) an estimate of the total number of respondents; (8) an estimate of the total public burden hours associated with the collection; (9) an indication of whether section 3504(h) of Pub. L. 96–511 applies; and, (10) the name and telephone number of the person or office responsible for the OMB review. Comments and/or questions regarding the item(s) contained in this notice should be directed to the OMB reviewer listed at the end of each entry *AND* to the Department's Clearance Officer. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submissions, you should so advise the OMB reviewer *AND* the Department's Clearance Officer of your intent as early as possible.

The Department of Justice Clearance Officer is: Larry E. Miesse, (202) 633–4312.

New Collection

(1) Larry E. Miesse, (202) 633–4312
(2) Office of Juvenile Justice Delinquency and Prevention, Department of Justice
(3) FY 1987 Program Announcements and Request for Applications
(4) No form number
(5) One time
(6) State or local governments, non-profit institutions, small businesses or organizations. To communicate to interested applicants the specific requirements for submitting proposals in response to solicitations for approved programs.
(7) 132 annual responses
(8) 5,280 estimated total public burden hours (40 hours per response)
(9) Not applicable under 3504(h).
(10) Robert Fishman, (202) 395–7340

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Larry E. Miesse, (202) 633–4312
(2) Drug Enforcement Administration, Department of Justice
(3) Application for Registration, Application for Registration Renewal
(4) DEA 363 (Application); DEA 363a (Renewal)
(5) DEA 363 on occasion; DEA 363a annually
(6) State or local governments, businesses or other for-profit, non-profit institutions. Practitioners who dispense narcotic drugs to individuals for maintenance or detoxification treatment must register with the Drug Enforcement Administration under the Narcotic Addict Treatment Act of 1974. Registration is needed for control measures and is used to prevent diversion.
(7) 900 annual responses
(8) 450 estimated total public burden hours (.5 hours per response)
(9) Not applicable under 3504(h).
(10) Robert Fishman, (202) 395–7340

Larry E. Miesse,

Clearance Officer, Department of Justice.

[FR Doc. 87–17518 Filed 7–31–87; 8:45 am]

BILLING CODE 4410-09-M

Lodging of Consent Decree; Dover, NH

In accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on June 25,

1987 a proposed Consent Decree in *United States and the State of New Hampshire, v. City of Dover, New Hampshire*, was lodged with the United States District Court for the District of New Hampshire. That action was brought pursuant to the Clean Water Act for the City's failure to meet that Act's deadline for construction of secondary wastewater treatment facilities and for violating discharge limitations included in its federal and state permits.

The settlement agreement requires Dover to complete construction of a new secondary treatment facility, and to come into compliance with provisions of the Clean Water Act by November 1, 1992. Until that time, the City's existing treatment plant must meet strict standards regulating its discharge or pay civil penalties ranging from $250 to $1,000 per violation. In addition, Dover will pay a $27,500 penalty to the United States, and as further injunctive relief, the City will spend $67,500 to fund an environmentally beneficial program. That program will consist of the purchase and installation of testing equipment to analyze wastewater discharges from industries in Dover and surrounding communities. The equipment will allow Dover to detect and reduce or eliminate significant concentrations of hazardous metals from the City's wastewater, the Cocheco River, and the primary sludge produced at the existing plant. The testing equipment will be installed and operating within six months, and construction of the new treatment plant will commence early in 1989 following completion and approval of necessary design work.

The Department of Justice will receive comments relating to the proposed consent decree for a period of 30 days from the date of this publication. Comments should be addressed to the Acting Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States and the State of New Hampshire, v. City of Dover, New Hampshire*, D.J. Ref. 90–5–1–1–2728.

The proposed consent decree may be examined at the office of the United States Attorney, 439 Federal Building, 55 Pleasant Street, Concord, New Hampshire 03301 and at the Regional I Office of the Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203. Copies of the proposed consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may be obtained by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Any request for a copy of the consent decree should be accompanied by a check in the amount of $2.50 for copying costs ($0.10 per page) payable to "United States Treasurer."

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87–17512 Filed 7–31–87; 8:45 am]

BILLING CODE 4410–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285]

Issuance of Environmental Assessment and Findings of No Significant Impact; Omaha Public Power District, Fort Calhoun Station, Unit 1

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a proposed amendment to Facility Operating License No. DPR–40, issued to the Omaha Public Power District (licensee), for operation of the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska. *Identification of Proposed Action:* The amendment would consist of changing the operating license to extend the expiration date of the operating license for Fort Calhoun Station, Unit 1 from June 7, 2008 to August 9, 2013. The proposed license amendment is responsive to the licensee's application dated July 17, 1986, as supplemented on April 30 and May 15, 1987. The Commission's staff has prepared an Environmental Assessment of the proposed action, "Environmental Assessment by the Office of Nuclear Reactor Regulation Relating to the Change in Expiration Date of Facility Operating License No. DPR–40, Omaha Public Power District, Fort Calhoun Station, Unit 1, Docket No. 50–285," dated July 29, 1987.

Summary of Environmental Assessment: The Commission's staff has reviewed the potential environmental impact of the proposed change in the expiration date of the Operating License for Fort Calhoun, Unit 1. This evaluation considered the previous environmental studies, including the "Final Environmental Statement Related to Fort Calhoun, Unit 1," (FES) August 1972, and more recent NRC policy.

Radiological Impacts: Based on the 1980 U.S. Census data, the actual population was approximately three times less than was projected in the FES based on the 1972 census. The U.S. Census data shows the low population zone is 6,418 and within 50–mile radius 883,525 (of which 569,614 reside in the metropolitan area of Omaha). The census shows an increase in population in the Omaha metropolitan area and in most of the nearby cities, but a decrease in the rural population. The estimated growth rate is 1.2% or 22,449 for the year 2013. The staff concludes, based upon these population estimates that the nearest Exclusion Area Boundary, Low Population Zone, and nearest population center distances will likely be unchanged in the future. Therefore, the conclusion reached in the staff's Safety Evaluation in 1973, that Fort Calhoun Station meets the requirements of 10 CFR Part 100, remains unchanged.

Station radiological effluents to unrestricted areas during normal operation have been well within Commission regulations regarding as low as reasonably achievable (ALARA) limits, and are indicative of future releases. In addition, the proposed additional years of reactor operation do not increase the annual public risk from reactor operation. Thus, the slightly incease in projected population growth rate does not change the environmental impact findings in the FES because its effect are offset by favorable radiological exposure from plant releases during normal operation and by low public risk from accidents.

With reagard to normal plant operation, the licensee complies with Commission guidance and requirements for keeping radiation exposures to ALARA for occupational exposures and for radioactivity in effluents. The licensee would continue to comply with these requirements during any additional years of facility operation and also apply advanced technology when available and appropriate. Accordingly, radiological impacts on man, both onsite and offsite, are not significantly more severe than previously estimated in the FES and our

previous cost-benefit conclusions remain valid.

The environmental impacts attributable to transportation of fuel and waste to and from the Fort Calhoun Station, with respect to normal conditions of transport and possible accidents in transport, would be bounded as set forth in Summary Table S-4 of 10 CFR 51.52, and the values in Table S-4 would continue to represent the contribution of transportation to the environmental costs associated with the reactor.

Non-Radiological Impacts: The Commission has concluded that the proposed extension will not cause a significant increase in the impacts to the environment and will not change any conclusions reached by the Commission in the FES.

Findings of No Significant Impacts:

The Commission's staff has reviewed the proposed change to the expiration date of the Fort Calhoun Station, Unit 1, Facility Operating License relative to the requirements set forth in 10 CFR Part 51. Based upon the environmental assessment, the staff concluded that there are no significant radiological or non-radiological impacts associated with the proposed action and that the proposed license amendment will not have a significant effect on the quality of the human environment. Therefore, the Commission has determined, pursuant to 10 CFR 51.31, not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to this action, see: (1) The application for amendment dated July 17, 1986, as supplemented on April 30 and May 15, 1987, (2) the Final Environmental Statement Related to Operation of Fort Calhoun Station, Unit 1, issued August 1972 and (3) the Environmental Assessment dated July 29, 1987. These documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, DC 20555 and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102.

Dated at Bethesda, Maryland, this 29th day of July 1987.

For the Nuclear Regulatory Commission.

Anthony Bournia,

Project Manager, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-17558 Filed 7-31-87; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

[Case No. 09085500]

Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer that Contributes to a Multiemployer Plan: Puerto Rico Maritime Shipping Authority and Maher Terminals, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Puerto Rico Maritime Shipping Authority and Maher Terminals, Inc., for an exemption from the bond/escrow and contract language requirements of section 4204(a)(1)(B) and (C) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not result in a complete or partial withdrawal from the plan if certain conditions are met. Two of these conditions are that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale and that the sale contract provide for secondary liability on the part of the seller if the buyer withdraws during the five-year period. ERISA authorizes the PBGC to grant an exemption from these requirements after giving interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATE: Commenters must submit comments on or before September 17, 1987.

ADDRESS: Commenters should address all written comments to: Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006. The exemption request and the comments received will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 7100, at the above address, 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:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974 ("ERISA") provides that a bona fide arm's-length sale of assets to an unrelated party by an employer that contributes to a multiemployer pension plan will not result in a withdrawal if three conditions are met. These conditions, listed in section 4204(a)(1)(A)-(C), are that—

(A) the purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) the purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years before the year of sale or the seller's required annual contribution for the plan year before the year of sale; and

(C) the contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay its liability to the plan, the seller will be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above will be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract/provision requirement of section 4204(a)(1)(C). The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of plans with the least practicable intrusion into normal business transactions. The granting of an exemption from the requirements of section 4204(a)(1)(B) or (C) is not a finding by the PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under the PBGC's regulation on variances for sales of assets (29 CFR Part 2643), requests for waivers of the bond/escrow and contract-provision requirements are normally made to the multiemployer plan in question. However, under § 2643.2 of the regulation, a waiver of these requirements may be sought from the PBGC, if the parties decline to provide

to the plan privileged or confidential financial information (within the meaning of section 552(b)(4) of the Freedom of Information Act) necessary to support the waiver request. Under § 2643.3(a) of the regulation, the PBGC will approve an exemption request if it determines that approval of the exemption—

(1) Will more effectively or equitably carry out the purposes of Title IV of ERISA; and

(2) Will not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for an exemption in the Federal Register, and to provide interested parties with an opportunity to comment on the proposed exemption.

The Request

The PBGC has received a request from Puerto Rico Maritime Shipping Authority ("PRMSA") and Maher Terminals, Inc. ("Maher"), to waive the bond/escrow and contract language requirements of section 4204(a)(1) (B) and (C) of ERISA. The applicants represent, among other things, the following:

(1) Effective November 29, 1986, Maher purchased the assets of the guard service operated by PRMSA in Port Elizabeth, New Jersey.

(2) In connection with the sale, Maher assumed PRMSA's obligation to contribute to the NYSA-PPGU Pension Fund and Plan ("the Plan").

(3) The Plan has informed Maher that the amount of the bond or escrow required of Maher under section 4202(a)(1)(B) is $105,734. The Plan has also informed Maher that it will not request Maher to post the bond while Maher's waiver request to the PBGC is pending. The estimated amount of the withdrawal liability that PRMSA would otherwise incur as a result of the sale if section 4204 did not apply to the sale is $272,385.

(4) Maher had net tangible assets of more than $2,000,000 as of the end of its fiscal year ending in September 1986.

(5) The information necessary to support the waiver request is confidential financial information (within the meaning of section 552(b)(4) of the Freedom of Information Act) that Maher declines to submit to the Plan.

(6) The applicants have sent a copy of this request (excluding copies of financial statements included with the request) to the Plan and the collective bargaining representatives of the former employees of PRMSA by certified mail, return receipt requested.

Comments

The PBGC invites all interested persons to submit written comments on the pending exemption request to the above address by September 17, 1987. The PBGC will make all comments a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, DC, on this 28th day of July 1987.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 87-17506 Filed 7-31-87; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24735; File No. SR-CBOE-87-23]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc., Relating to Updating Exchange Rules Concerning Membership

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 1, 1987 the Chicago Board Options Exchange, Inc. ("Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change revises the Exchange's membership rules, which are contained in chapter three. It primarily updates those rules, for example, replacing outdated references to the "Office of the Secretary" wtih "Membership Department." It eliminates repetitive and otherwise unnecessary language. The proposed rule change also adds important existing policies to the rules: (1) Defining the term "good standing" (Rule 1.1 (jj)), (2) making clear that a nominee must have his employer's permission and must be registered as a broker-dealer before trading for his own account (Rule 3.3), (3) making clear that application fees are not refundable (Rule 3.8) and (4) describing the member death benefit (Rule 3.24).

Several material changes are proposed. An individual would be able to own more than one membership. (Rule 3.2) The language concerning denying or conditioning membership has been clarified. Rule 3.4 would allow the Exchange to deny or condition membership for the same reasons that the Commission may deny or revoke a broker-dealer registration under the Act. In addition, Rule 3.4 would stipulate that denial of membership could be based on "such other cause(s) as the Membership Committee reasonably may decide." Rule 3.4 thus is intended to incorporate specifically the broad "just and equitable principles of trade" language of Section 6(c) of the Act, which would allow the Exchange to consider factors other than those arising in the context of the securities business. Rule 3.4 also would allow the Membership Committee to delay action on the application of an applicant who is the subject of a pending investigation by a self-regulatory organization or government agency until the matter is resolved. Finally, the Exchange's normal appellate process would serve as a protection against arbitrary action by the Membership Committee. In addition, Rule 3.4 makes clear that the Exchange's Business Conduct Committee may take action when any reason for denying or for conditioning membership comes into existence after a membership has been approved and/or has become effective.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to bring chapter three, which contains the Exchange's membership rules, up to date by revising or eliminating out of date langauge, by adding important existing policies to the rules and by making mostly nonmaterial, procedural changes.

The statutory basis for this proposed rule change is Section 6, particularly Paragraphs (b)(2) (admission to membership) and (b)(7) (denial of membership) of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition.

(C) Self Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copy in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to file number SR-CBOE-87-23 and should be submitted by August 24, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 27, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-17491 Filed 7-31-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

July 27, 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:

Americus Trust for AT&T Shares, Series 2, Scores (File No. 7-0299)

Americus Trust for GM Shares, Scores (File No. 7-0300)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before August 17, 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. 87-17492 Filed 7-31-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-737]

Application and Opportunity for Hearing; IMCO Realty Services

July 27, 1987.

Notice is hereby given that IMCO Realty Services ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting Applicant from the registration requirements of section 12(g) of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person not later than August 21, 1987, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-17493 Filed 7-31-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 87-735]

Application and Opportunity for Hearing; Mid-Atlantic Residential Investors Limited Partnership

July 27, 1987

Notice is hereby given that Mid-Atlantic Residential Investors Limited Partnership ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from the registration requirements of section 12(g) of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Reference Room, 450 Fifth Street, NW. Washington, DC 20549.

Notice is further given that any interested person not later than August 21, 1987, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information

or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-17494 Filed 7-31-87; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-736]

Application and Opportunity for Hearing; 600 Grant Street Associates Limited Partnership

July 27, 1987.

Notice is hereby given that 600 Grant Street Associates Limited Partnership ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting Applicant from the registration requirements of section 12(g) of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the application which is on file at the offices of the Commission in the Public Conference Room, 450 fifth Street NW., Washington, DC 20549.

Notice is further given that any interested person not later than August 21, 1987, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof. At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-17495 Filed 7-31-87; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

[Docket 44843]

U.S.-Venezuela Route Proceeding; Reassignment of Proceeding

This proceeding is reassigned to Administrative Law Judge Burton S. Kolko. Future communications regarding the proceeding should be addressed to him at the U.S. Department of Transportation, Office of Hearings, M-50, Room 9228, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2142.

William A. Kane, Jr.,

Chief Administrative Law Judge.

[FR Doc. 87-17504 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-62-M

Office of the Secretary

[Order 87-7-70; Dockets 39855, 40208, 41156, and 41586]

Proposed Suspension of the Section 401 Certificates of South Pacific Island Airways, Inc.

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of Order to Show Cause.

SUMMARY: The Department of Transportation is directing all interested persons to show cause why it should not issue orders suspending the certificates of South Pacific Island Airways, Inc. issued under section 401 of the Federal Aviation Act for failure to comply with the continuing fitness requirements of section 401(r).

DATES: Persons wishing to file objections should do so no later than August 13, 1987.

ADDRESSES: Responses should be filed in Dockets 39855, 40208, 41156 and 41586 and be addressed to the Documentary Services Division, Department of Transportation, 400 7th Street, SW., Room 4107, Washington, DC 20590 and should be served on the parties listed in Attachment A to the order.

FOR FURTHER INFORMATION CONTACT: Stephen H. Davis, Air Carrier Fitness Division, P-56, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590, (202) 366-1049.

Dated: July 29, 1987.

Matthew V. Scocozza,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 87-17503 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 160-406 MHz Emergency, Locator Transmitters (ELT); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 160 on 406 MHz Emergency Locator Transmitters (ELT) to be held on August 26-28, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of the Minutes of the Fourth Meeting; (3) Review and Discuss EUROCAE WG-29 Activities; (4) Report on Potential Problems of Frequency Interference in the 406 MHz Band; (5) Review of Task Assignments From Last Meeting; (6) Review the Second Draft of the MOPS; (7) Task Assignments; (8) Other Business; and (9) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 27, 1987.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 87-17466 Filed 7-31-87; 8:45 am]

BILLING CODE 4910-13

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: July 27, 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: IRS Form 8582
Type of Review: New collection
Title: Passive Activity Loss Limitations
Description: Under section 469, losses from passive activities, to the extent that they exceed income from passive activities, cannot be deducted against nonpassive income. Form 8582 is used to figure the passive activity loss allowed and the loss to be reported on the tax return. The worksheets 1 and 2 in the instructions are used to figure the amount to be entered on lines 1 and 2 of Form 8582 and worksheets 3 through 6 are used to allocate the loss allowed back to individual activities.
Respondents: Individuals or households, Farms, Businesses or other for-profit
Estimated Burden: 18,285,326 hours

OMB Number: New
Form Number: IRS Form 5305A–SEP
Type of Review: New collection
Title: Salary Reduction and Other Simplified Employee Pension Elective-Individual Retirement Contribution Agreement
Description: This form is used by an employer to make an agreement to provide benefits to all employees under a salary reduction Simplified Employee Pension (SEP) described in section 408(k). This form is not to be filed with IRS but to be retained in the employer's records as proof of establishing such a plan, thereby justifying a deduction for contributions made to this SEP. The data is used to verify the deduction.
Respondents: Businesses
Estimated Burden: 25,000 hours

OMB Number: New
Form Number: IRS Form 1120–RIC
Type of Review: New collection
Title: U.S. Income Tax Return for Regulated Investment Companies
Description: Form 1120–RIC is filed by a domestic corporation electing to be taxed as a RIC in order to report its income and deductions and to compute its tax liability. IRS uses Form 1120–RIC to determine whether the RIC has correctly reported its income, deductions, and tax.
Respondents: Businesses
Estimated Burden: 12,894 hours

OMB Number: 1545–0024
Form Number: IRS Form 843
Type of Review: Revision
Title: Claim
Description: Internal Revenue Code (IRC) sections 6402, 6404, and 301.6402–2, 301.6403–1, and 301.6511 of the regulations allow for refunds of taxes (other than income taxes) which were illegally, erroneously, or excessively collected; or to claim amount paid for stamps unused or used in error or excess and, (except in the case of income, estate, or gift tax), to file a claim for abatement of an overassessment or the unpaid portion of an overassessment, if more than the correct amount of tax, interest, additional amount, addition to tax, or assessable penalty has been assessed.
Respondents: Individuals or households, State and local governments, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations
Estimated Burden: 676,443 hours

OMB Number: 1545–0052
Form Number: IRS Forms 990–PF and 4720
Type of Review: Revision
Title: Form 990–PF, Return of Private Foundation or section 4947(a)(1) Trust Treated as a Private Foundation. Form 4720, Return of Certain Excise Taxes on Charities and Other Persons Under Chapters 41 and 42 of the Internal Revenue Code.
Description: IRC section 6033 requires all private foundations including section 4947(a)(1) trusts treated as private foundations to file an annual information return. Section 53.4940–1(a) of the Income Tax Regulations requires that the tax on net investment income be reported on the return filed under section 6033. Section 6011 requires a report of taxes under Chapter 42 of certain related parties. Section 4948(a)(1) trusts may file Form 990–PF in lieu of Form 1041 under the provisions of sections 6033 and 6012.
Respondents: Individuals or households, Businesses or other for-profit, Non-profit institutions
Estimated Burden: 856,595 hours

OMB Number: 1545–0123
Form Number: IRS Form 1120, Schedules D and PH
Type of Review: Revision
Title: U.S. Corporations Income Tax Return, Capital Gains and Losses; Computation of U.S. Personal Holding Company Tax
Description: Form 1120 is used by corporations to compute their taxable income and their liability. Schedule D (Form 1120) is used by corporations to report gains and losses from the sale of capital assets. Schedule PH is used by personal holding companies to compute their tax liability. The IRS uses these forms to determine whether corporations have correctly computed their tax liability.
Respondents: Farms, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 22,394,053 hours

OMB Number: 1545–0145
Form Number: IRS Form 2439
Type of Review: Revision
Title: Notice to Shareholder of Undistributed Long-Term Capital Gains
Description: Form 2439 is sent by regulated investment companies to their shareholders to report undistributed capital gains and the amount of tax paid on these gains designated under IRC section 852(b)(3)(D). Both the company and shareholder file copies of Form 2439 with IRS. IRS uses the information to check shareholder compliance.
Respondents: Businesses or other for-profit
Estimated Burden: 2,040 hours

OMB Number: 1545–0170
Form Number: IRS Form 4466
Type of Review: Revision
Title: Corporation Application for Quick Refund of Overpayment of Estimated Tax
Description: Form 4466 is used by a corporation to file for an adjustment (quick refund) of overpayment of estimated income tax for the tax year. This information is used to process the claim, so the refund can be issued.
Respondents: Farms, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 7,096 hours

OMB Number: 1545–0187
Form Number: IRS Form 4835
Type of Review: Revision
Title: Farm Rental Income and Expenses
Description: This form is used by landowners (or sub-lessors) to report farm rental income based on crops or livestock produced by the tenant when the landowner (or sub-lessor) does not materially participate in the operation or management of the farm. This form is attached to Form 1040 and the data is used to determine whether the proper amount of rental income has been reported.
Respondents: Individuals or households, Farms
Estimated Burden: 164,475 hours

OMB Number: 1545–0196
Form Number: IRS Form 5227
Type of Review: Revision
Title: Split-Interest Trust Information Return
Description: The data reported is used to verify that the beneficiaries of a split-interest trust include the correct amounts in their tax returns, and that the trust owes no income tax or private foundation taxes.
Respondents: Businesses or other for-profit
Estimated Burden: 187,093 hours

OMB Number: 1545–0233
Form Number: IRS Form 7004
Type of Review: Revision
Title: Application for Automatic Extension of Time to File Corporation Income Tax Return
Description: Form 7004 is used by corporations and certain non-profit institutions to request an automatic 6-month extension of time to file their income tax returns. The information is needed by IRS to determine whether Form 7004 was timely filed so as not to impose a late filing penalty in error and also to insure that the proper amount of tax was computed and deposited.
Respondents: Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations
Estimated Burden: 750,885 hours

OMB Number: 1545–0520
Form Number: IRS Form SWR E–665
Type of Review: Extension
Title: Deduction for Depletion on Ground Water Used for Irrigation
Description: This form is required by Rev. Proc. 66–11 as an attachment to the tax return. The form provides a standard method of computing and reporting water depletion deductions by taxpayers who extract ground water from the Ogallala geological formation. The Internal Revenue Service uses the information to determine if the depletion has been computed correctly.
Respondents: Individuals or households, Farms, Businesses or other for-profit
Estimated Burden: 4,000 hours

OMB Number: 1545–0687
Form Number: IRS Form 990–T
Type of Review: Extension
Title: Exempt Organization Business Income Tax Return
Description: Form 990–T is needed to compute the section 511 tax on unrelated business income of a charitable organization. IRS uses the information to enforce the tax.
Respondents: Non-profit institutions
Estimated Burden: 294,085 hours

OMB Number: 1545–0862
Form Number: IRS Form 8257
Type of Review: Extension
Title: Documentation of State Data
Description: IRC 6103(d) provides for the exchange of Federal/State information for tax administration. The Form provides an effective, efficient, and uniform method for the Service to determine what state records are available that may be used by the Service in its Compliance Programs. Use of the form conserves resources and avoids duplication of effort.
Respondents: State or local governments
Estimated Burden: 40,000 hours

OMB Number: 1545–0890
Form Number: IRS Form 1120–A
Type of Review: Revision
Title: U.S. Corporation Short-Form Income Tax Return
Description: Form 1120–A is used by small corporations, those with less than $25,000 of income and assets to compute their taxable income and their tax liability. The IRS uses Form 1120–A to determine whether corporations have correctly computed their tax liability.
Respondents: Farms, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 5,239,571 hours

OMB Number: 1545–0975
Form Number: IRS Form 1120–W
Type of Review: Revision
Title: Corporation Estimated Tax
Description: Form 1120–W is used by corporations to figure estimated income tax liability and the amount of each installment payment. Form 1120–W is a worksheet only. It is not required to be filed.
Respondents: Businesses or other for-profit
Estimated Burden: 476,046 hours
Clearance Officer: Garrick Shear (202) 566–6150, 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 20503

Dale A. Morgan,
Departmental Reports, Management Officer.
[FR Doc. 87–17577 Filed 7–31–87; 8:45 am]
BILLING CODE 4810–25–M

Customs Service

Application for Recordation of Trade Name: "BROWNING"

ACTION: Notice of application for recordation of trade name.

SUMMARY: Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12) for the recordation under § 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "BROWNING" used by Browning, a corporation organized under the laws of the State of Utah, located at Route 1, Morgan, Utah 84050.

The application states that the trade name is used in connection with hunting, camping and sporting goods equipment and accessories and sportswear including shotguns, rifles, black powder rifles, pistols, pistol cases, pistol holsters, flexible gun cases, fitted luggage cases, recoil pads, sight beads, chokes for shotguns, scope mount rings and bases, rifle slings and swivels, magazine plugs, gun oil, gun cleaners, gun safes, pocket knives, knife sharpeners, fishing and hunting knives, knife sheaths, knife honing oil, sleeping bags, coats, jackets, parkas, vests, insulated hunting suits, hoods, rain jackets, rain coats, rain pants, rain suits, rain parkas, underwear, hunting trousers, hunting vests, gloves, mittens, shooting gloves, hats, shirts, belts, belt buckles, insulated boots, waterproof boots, boot laces, boot dressings, socks, wool fleece bedding, archery bows, cross bows, archery gloves, shooting tabs, arm guards, quivers, nontelescopic bow sights and slings, bow cases, target faces, bow strings, fishing rods, rod blanks and cases, hand-pulled golf carts, golf clubs, golf bags and golf club head covers, manufactured in Belgium, France, England, Italy, West Germany, Portugal and Canada.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Notice of the action taken in the application for recordation of this trade name will be published in the **Federal Register.**

DATE: Comments must be received on or before October 2, 1987.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Beatrice E. Moore, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, DC 20229 (202–566–5765).

Dated: July 23, 1987.

John F. Atwood,

Acting Chief, Entry, Licensing and Restricted Merchandise Branch.

[FR Doc. 87-17531 Filed 7-31-87; 8:45 am]

BILLING CODE 4820-02-M

Application for Recordation of Trade Name: "Two's Company"

ACTION: Notice of application for recordation of trade name.

SUMMARY: Application has been filed pursuant to § 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "TWO'S COMPANY" used by Two's Company, a corporation organized under the laws of the State of New York, located at 33 Bertel Avenue, Mount Vernon, New York 10550.

The application states that the trade name is used in connection with acrylic and glass vases; stirrers; glass picture frames; glass products; floral accessories; commercial flower containers; Christmas ornaments; silver and silver plated products; napkin rings and vinyl products, manufactured in Taiwan, Hong Kong and Japan.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Notice of the action taken on the application for recordation of this trade name will be published in the **Federal Register.**

DATE: Comments must be received on or before October 3, 1987.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, DC 20229 (Room 2345).

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Washington, DC 20229 (202-566-5765).

Dated: July 23, 1987.

John F. Atwood,

Acting Chief, Entry, Licensing and Restricted Merchandise Branch.

[FR Doc. 87-17532 Filed 7-31-87; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 148
Monday, August 3, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, August 6, 1987.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

PPPA Protocol Revisions

The Commission will consider options for revisions to the child and adult testing protocols for poison prevention packaging.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

June 30, 1987.

[FR Doc. 87–17621 Filed 7–30–87; 12:34 pm]

BILLING CODE 6355-01-M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting Tuesday, August 4, 1987

July 28, 1987.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Tuesday, August 4, 1987, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Agenda, Item No., and Subject

Private Radio—1—Title: Amendment of Part 90 of the Rules concerning eligibility of commercial enterprises to be licensed in the Special Emergency Radio Service. Summary: The Commission will consider whether to allow commercial enterprises to be licensed directly in the Special Emergency Radio Service to offer communications services to other Special Emergency Radio Service eligibles.

Common Carrier—1—Title: In the Matter of Policy and Rules concerning Rates for Dominant Carriers. Summary: The FCC will consider initiating a rulemaking proceeding to examine alternative approaches to rate-of-return regulation for dominant carriers.

Mass Media—1—Title: Inquiry into § 73.1910 of the Commission's Rules and Regulations concerning Alternatives to the General Fairness Doctrine Obligations of Broadcast Licensees. Summary: The Commission will consider a Report Examining Various Alternatives to the Fairness Doctrine.

Mass Media—2—Title: Notice of Proposed Rule Making Concerning Abuses of the Commission's Processes. Summary: The Commission considers proposed modifications to its policy on citizens' agreements and proposed rules intended to deter abuses of the Commission's petition to deny any allocation counterproposal process.

Mass Media—3—Title: In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse, New York. Summary: The Commission will consider the appropriate action to take in the enforcement of the fairness doctrine against Meredith Corporation, licensee of Station WTVH, Syracuse, New York, in light of the remand order of the U.S. Court of Appeals for the District of Columbia Circuit.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Sarah Lawrence, Office of Congressional and Public Affairs, telephone number (202) 632–5050.

Issued: July 28, 1987.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87–17637 Filed 7–30–87; 2:05 pm]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:08 a.m. on Tuesday, July 28, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider matters relating to the possible failure of certain insured banks; Names and locations of banks authorized to be exempt from disclosure pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Ms. Judith A. Walter, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: July 28, 1987.

Federal Deposit Insurance Corporation

Margaret M. Olsen,

Deputy Executive Session.

[FR Doc. 87–17617 Filed 7–30–87; 12:34 pm]

BILLING CODE 6714-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, August 4, 1987.

PLACE: Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Pipeline Accident Report—Lone Star Gas Company's Natural Gas Explosion and Fire, Fort Worth, Texas, March 12, 1986
2. Recommendation for the Establishment of Statewide Coordinated Highway Safety Education Program

FOR MORE INFORMATION, CONTACT: Bea Hardesty, *Staff Assistant.*

Bea Hardesty,

Staff Assistant.

July 24, 1987.

[FR Doc. 87–17600 Filed 7–30–87; 10:23 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of August 3, 10, 17, and 24, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of August 3

Tuesday, August 4

10:00 a.m.
Briefing on the Management of "Greater Than Class C Low Level Wastes" and the LLW Program (Public Meeting)
2:00 p.m.
Briefing on Performance of New Plants (Public Meeting)

Wednesday, August 5

10:00 a.m.
Briefing on Staff Response to Recommendations of the Materials Safety Review Group (Public Meeting)
2:00 p.m.
Briefing on the Status of B&W Reassessment (Public Meeting)

Thursday, August 6

2:00 p.m.
Periodic Meeting with the Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if Needed)

Friday, August 7

10:30 a.m.
Discussion of Management–Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)

Week of August 10—Tentative

Thursday, August 13

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of August 17—Tentative

No Commission Meetings

Week of August 24—Tentative

No Commission Meetings

NOTE.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker (202) 634–1410.

Robert B. McOsker,
Office of the Secretary.
July 30, 1987.

[FR Doc. 87–17653 Filed 7–30–87; 3:49 pm]
BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

TIME AND DATE: 9:00 a.m. on Friday, August 14, 1987.

PLACE: Conference Room, 1333 H Street, NW., Suite 300, Washington, DC

STATUS: Open.

MATTERS TO BE CONSIDERED: The consideration of the Commission's Fiscal Year 1988 Budget.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, DC 20268–0001, Telephone (202) 789–6840.

Cyril J. Pittack,
Acting Secretary.

[FR Doc. 87–17586 Filed 7–30–87; 9:40 am]
BILLING CODE 7715–01–M

Corrections

Federal Register
Vol. 52, No. 148
Monday, August 3, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-41027; FRL 3203-9]

Twentieth Report of the Interagency Testing Committee to the Administrator; Receipt of Report and Request for Comments Regarding Priority List of Chemicals

Correction

In notice document 87-11478, beginning on page 19020, in the issue of Wednesday, May 20, 1987, make the following corrections:

1. On page 19020, in the first column, in the "**SUMMARY**", in the 14th line, "[2" should read "[(2", in the 17th line "amino" should read "amino]", and in the 19th line, "bis" should read "[bis".

2. On the same page, in the second column, in the second paragraph, after "Rm.", insert "NE".

3. On the same page, in the second column, under **I. Background**, in the second paragraph, in the first line, "49(e)" should read "4(e)".

BILLING CODE 1505-01-D

LEGAL SERVICES CORPORATION

45 CFR Part 1612

Restrictions on Lobbying and Certain Other Activities

Correction

In rule document 87-17347 beginning on page 28434 in the issue of Wednesday, July 29, 1987, make the following corrections:

§ 1612.5 [Corrected]

1. In § 1612.5, on page 28438, in the second column, in paragraph (h)(1), in the first line, "Communicating" was misspelled, and in the fifth line, insert a comma after "regulations".

2. On the same page, in the same column, in paragraph (h), there were two paragraphs designated "(h)(2)". Remove the first one.

§ 1612.6 [Corrected]

3. On the same page, in § 1612.6, in the third column, in paragraph (b), in the third line, "an" should read "any".

BILLING CODE 1505-01-D

LEGAL SERVICES CORPORATION

45 CFR Part 1612

Restrictions on Lobbying and Certain Other Activities

Correction

In proposed rule document 87-17348 appearing on page 28441 in the issue of Wednesday, July 29, 1987, make the following corrections:

1. In the first column, in the **SUMMARY**, in the fifth line, insert "of" after "use".

2. In the third column, in the fifth line, "exception" should read "exceptions".

BILLING CODE 1505-01-D

federal register

Monday
August 3, 1987

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination and Proposed Determination of Additional Critical Habitat for the Inyo Brown Towhee; Final Rule and Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status and Critical Habitat Designation for the Inyo Brown Towhee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Inyo brown towhee (*Pipilo fuscus eremophilus*) to be a threatened species. This action is being taken because the entire population of this bird is confined to a very limited habitat that has already been altered to some extent and could be further adversely impacted by future changes in land use. The Inyo brown towhee occurs in the Argus Mountains, Inyo County, California. Critical habitat is included in this rule. This action implements the protection of the Endangered Species Act, as amended, for this species. The Service also announces in this same separate part of today's **Federal Register** the opening of a 60-day comment period on a proposed rule as to whether additional areas should be added to the designated critical habitat of this species.

DATE: The effective date of this rule is September 2, 1987.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Lloyd 500 Building, 500 N.E. Multnomah Street, Suite 1692, Portland, Oregon 97232.

FOR FURTHER INFORMATION CONTACT: Mr. Wayne S. White, Chief, Division of Endangered Species, at the above address (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

The Inyo brown Towhee (*Pipilo fuscus eremophilus*) is a medium-sized (7–7.5 inches, 17–19 centimeters) sparrow-like songbird, one of several recognized subspecies of the brown towhee (*Pipilo fuscus*). This subspecies was described in 1935 from specimens taken in the Argus Mountains, Inyo County, California. It is particularly significant because it is completely isolated from the other subspecies and has become adapted to a rigorous desert riparian environment not fully duplicated elsewhere within the range of the species. It is a yearlong resident of its limited habitat, all of which is included within the confines of a circle approximately 11 miles in diameter. Nesting occurs in dense vegetation at springs and along water courses, and the birds forage for seeds and insects in open areas adjacent to the riparian scrub. Limited, if any, competition with several other species does not appear to limit the numbers or distribution of this towhee.

The population is estimated to include less than 200 individuals. It is not known if the population level is changing, but the species is vulnerable to changes in its habitat that could occur from overgrazing, export of water, mining, or recreational activities. Recent studies of the Inyo brown towhee were done by Bart Cord and Joseph R. Jehl, Jr. (1979) under contract to the Bureau of Land Management. Mills *et al.* (1982) and WESTEC (1983) provide more recent data on the towhee. LaBerteaux (1984) estimates the present number at 117 to 200 adult towhees.

The Inyo brown towhee was included on the December 30, 1982, Vertebrate Notice of Review (47 FR 58452) in category 1. Category 1 includes those taxa for which the Service has substantial information on hand to support the appropriateness of proposing to list the species as endangered or threatened. After evaluating the information available on the status of this species, the Service published a proposed rule on November 23, 1984 (49 FR 46174), to designate the Inyo brown towhee as a threatened species with critical habitat. Additional areas may be added to the critical habitat of the Inyo brown towhee, pending an additional comment period.

Summary of Comments and Recommendations

In the November 23, 1984, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. The Commander of China Lakes Naval Weapons Center requested an extension of the first comment period that closed January 22, 1985. The comment period was reopened, as announced in the **Federal Register** on February 11, 1985 (50 FR 5647), to close March 11, 1985. Subsequently the Service extended the comment period on March 7, 1985 (50 FR 9300), and accepted comments until April 11, 1985. Newspaper notices regarding the proposal and reopening of the comment periods were published in *The Daily Independent*, the Bakersfield *Californian*, Trona *Argonaut*, the *Valley Inquirer*, and the *Enterprise*, all of which invited general public comment. Seven comments were received and are discussed below. No request was received for a public hearing, and none was held.

Of the seven comments, three supported the proposal, one recommended against listing, two did not state their position, and one was non-substantive.

The California Department of Fish and Game (CDFG), responding for the Governor of California, supported the proposal. Having recognized the Inyo brown towhee as endangered by action of the California Fish and Game Commission in 1980, the State is concerned that towhee numbers are low. CDFG presented data from a recently prepared report (LaBerteaux 1984) that towhee numbers are probably between 117 and 200. Should numbers drop to less than 100, CDFG suggested the towhee be reclassified as endangered. Substantial additions to critical habitat were recommended by CDFG. These included adding a newly discovered site, expanding virtually all proposed critical habitat, and using a ¼ mile strip on both sides of the respective washes and a ¼ mile radius around each spring to serve as the critical habitat boundaries. CDFG asked to have LaMotte Canyon and Crow Canyon added as critical habitat because they contain apparently suitable habitat, although no towhees have been located there.

Service response: The status of the Inyo brown towhee will be monitored. Should threats to the towhee increase or should new threats develop, the Service will reevaluate the condition of the taxon and may propose reclassifying it to endangered status. After evaluating the LaBerteaux (1984) findings, a study that CDFG had funded, the Service believes that recommendations to expand critical habitat where towhees presently are, and to include the new site, may be warranted. Such a sizable increase in the critical habitat necessitates publication of another proposed rulemaking to augment the critical habitat that is the subject of this final rule. The Service has responded to the comment regarding augmenting critical habitat by proposing additional areas in this same part of today's **Federal Register**. A determination of whether these additional areas will be added to the critical habitat designated herein will be made following the closing of that comment period.

The Service has adopted a consistent ⅛-mile figure rather than the ¼-mile

"upslope" distance that CDFG requested as the boundary on either side of the washes and around springs for critical habitat. "Upslope" measurements over such a large number of narrow to wide canyons pose great difficulties to local land managers and owners. The use of "airline" distances from the streambeds and springs greatly assists these land managers and owners in determining the critical habitat zones over such a topographically variable landscape. The Service believes that the ⅛-mile distance provides sufficient buffer for the habitats, is more easily determined on standard maps of the area, and meets all the essential conservation needs of the birds. The ⅛-mile distance on either side of the streambeds (or as a radius) should contain those physical and biological features that are essential to the conservation of the towhee and that may require special management consideration or protection.

The Service did not accept CDFG's suggestion to add LaMotte and Crow Canyons, because towhees are not known to occupy either of these canyons (see Critical Habitat and Regulations Promulgation sections for details) and these areas do not appear to be essential to the conservation of the towhee. The Service has accepted the State's suggestions for some additional areas, as indicated in the "Critical Habitat" section of this rule, which towhees are known to occupy.

Defenders of Wildlife strongly supported the proposal, but provided no additional information. The International Council for Bird Preservation supported the proposal.

The Department of the Navy, China Lake Naval Weapons Center (CLNWC), commented that the threats to the towhee on the Center's land have been essentially eliminated by suspension of cattle grazing in 1981 and removal of approximately 8,000 wild burros and horses, which were reducing the quality of the towhee's habitat through grazing and trampling of the vegetation. CLNWC stated that the Center has been withdrawn from all commercial and private mining since 1943, and that the majority of current range facilities and activities, which alter or disturb native habitat, occur on lower elevations where there are no towhees. The Navy believes that existing legal environmental safeguards and base policies, and the fact that it is cooperating with the California Department of Fish and Game to fund a study on the towhee and to manage the bird, protect the bird sufficiently. In addition, it indicated that towhee numbers have increased. Lastly, CLNWC stated that it is its understanding that non-biological factors are considered in determining whether a species is to be listed. Because of its tight time schedules for testing weapons systems and the sometimes classified nature of the tests that it conducts, CLNWC stated it would rarely be able to meet its legal obligations under the Endangered Species Act, as amended, to consult with the Fish and Wildlife Service should the towhee be listed. Because of the potential difficulties entailed in consulting with the Fish and Wildlife Service, and because it believes the threats to the bird on the base have been eliminated, the Navy stated it does not believe the towhee warrants listing.

Service response: CLNWC has done a commendable job of improving desert ecosystem conditions (including riparian habitat of the towhee) by suspending livestock grazing and removing the majority of wild burros and horses. The cooperative efforts of the California Department of Fish and Game and CLNWC are also duly noted. However, the Service is evaluating the total range of this bird and all actions that may affect it regarding the degree of threats. The Service agrees that most of the base's activities and facilities associated with development, testing, and evaluation of air weapons and air warfare systems are not within the range of the towhee. However, some activities associated with the operation of the base, such as the maintenance and use of Mountain Springs Canyon Road, do have the potential to adversely affect the Inyo brown towhee and its habitat.

In addition, no biological evidence was submitted to substantiate the claim that towhee population numbers have significantly increased. In fact, it appears that numbers are approximately the same as in 1978. Sampling of towhee populations to obtain census information is not an easy undertaking. Yearly variations in bird numbers are a common phenomenon, and it is not unexpected that towhee numbers in such censuses change from year to year. A minimum of several years' worth of data are necessary before any preliminary statements regarding a change in population numbers and status can be made.

The Service believes that, although certain threats to the towhee have been reduced, the threats to the bird on the base as well as within its entire range have not been eliminated. Further, the existing regulatory mechanisms (e.g., State listing of the Inyo brown towhee as endangered, National Environmental Policy Act) are inadequate to fully obviate the threats to the Inyo brown towhee and thereby preclude listing. In addition, in reference to the Navy's statement that non-biological factors can be considered, the Service notes that section 4(b)(1)(A) of the Act requires that listing decisions be made "*solely* on the basis of the best scientific and commercial data available . . ." (emphasis added).

The argument that the Inyo brown towhee should not be listed because the consultation process with the Service under section 7(a)(2) of the Act would be difficult and inconvenient for the Center is not relevant to the listing criteria in section 4(a)(1), which are the only criteria the Service may consider in making its final decision on the appropriate classification for the towhee. The Service does not anticipate consultations for individual weapons system's tests, but rather a more generic one may be needed to cover a host of activities that are likely to affect the towhee. The consultation process under section 7(a)(2) is not inflexible, and the Service has a good track record in working with Federal action agencies through consultations.

The Bureau of Land Management (BLM) recommended that the boundary of critical habitat areas be standardized by using a 400-yard radius from single reference points and 400 yards on either side of streambeds. BLM further suggested that certain other areas near known towhee habitat be evaluated for possible inclusion as critical habitat, but provided no data to support towhee use of these areas. Further, BLM indicated that because the majority of wild burros in the vicinity have been removed, thus reducing the threats to the towhee, the need to list the towhee should be reassessed.

Service response: As previously indicated in the response to CDFG's letter, the Service has adopted a standard distance measurement for critical habitat zones. As to adding new sites for critical habitat, once data are available to indicate that such areas are essential to the conservation of the towhee, the Service will evaluate the necessity to propose additional areas as critical habitat. Such an addition would be the subject of another **Federal Register** proposal. Regarding the burros removal, the Service supports efforts to remove or at least exclude wild burros from these areas; however, degradation of habitat by the burros is only one of a number of actual or potential threats facing the Inyo brown towhee. Even if wild burros were totally eliminated, the Service believes that other threats to the

towhee are sufficient to warrant listing as a threatened species.

The Inyo County Planning Department indicated that listing may impose a hardship on individuals using spring water for domestic and industrial purposes at Bainter, Benko, and Indian Joe Springs, and an unnamed spring, and that some of these springs are privately owned. The Planning Department expressed concern that use of these springs would be denied and suggested that mitigation measures be developed. According to the County, the main management concern for towhees should be that they have access to water.

Service response: Available information indicates that of the springs included as designated critical habitat, only Indian Joe is in private ownership. The other springs are in public ownership. Before the Federal agency having jurisdiction over these springs could approve increased water removal, an assessment of the impacts of such an action on the Inyo brown towhee and its critical habitat would be required by that agency. If an effect on the towhee or its critical habitat is anticipated, then the Federal agency would be required to consult with the Service. During the consultation process, possible avenues to alleviate adverse effects of such actions would be evaluated. In addition, water is essential to maintain the riparian habitat required by the towhee. It is not merely a case of supplying the towhee with surface drinking water.

Summary of Factors Affecting the Species

After a thorough review and consideration of all scientific and commercial information available, the Service has determined that the Inyo brown towhee (*Pipilo fuscus eremophilus*) should be classified as a threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Pipilo fuscus eremophilus* are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Up to 200 adult Inyo towhees are scattered over a very small area in the Argus Mountains. The towhee is restricted within its range to the proximity of dense riparian vegetation (particularly arroyo willow, *Salix lasiolepis*). Such vegetation is limited in extent naturally in the arid Mohave Desert, but can be further restricted by decreases in water supply needed to support the vegetation, or by events that destroy or degrade the existing vegetation.

Animal grazing (particularly by wild burros), mining, water exporting, and recreational activities could be the cause of these changes in habitat conditions. Destruction of some portions of the habitat has been documented in the past and is continuing at the present time. Wild burros have already had some impact at some springs by grazing and trampling of the vegetation. Over 2,000 wild burros and wild horses have been removed from the range of the Inyo brown towhee by BLM and CLNWC. The goal is total exclusion of the burros and maintenance of a horse herd with less than 30 animals. Livestock grazing has been suspended on the Center since 1981 and is not occurring on BLM habitat within the range of the towhee. It is anticipated that the quality of the riparian habitat used by the towhee will improve if the burros are eventually eliminated and cattle grazing does not resume.

A major portion (approximately 75%) of Inyo brown towhee habitat occurs within the CLNWC. The mission of the Center is to serve as a major development, testing, and evaluation laboratory for air weapons and air warfare systems. Although most of these functions and associated activities are conducted outside the range of the towhee, it is certainly conceivable that actions conducted near or within the range of the bird could adversely affect it or its habitat.

A portion (approximately 640 acres, 260 hectares) of the critical habitat lies within the BLM's Great Fall Basin-Argus Mountains Area of Critical Environmental Concern (ACEC) and was established primarily to benefit the towhee; the draft management plan for this ACEC has just been developed. Hiking, camping, hunting, and off-road vehicle use occur in this area. Water rights have been appropriated on most of the springs situated on BLM administered lands for such activities as livestock grazing and mining. Numerous mining claims occur in the area and are often associated with the springs. Working the mines often involves exportation of water. At the present time no mineral production is underway within the range of the towhee, but there is some exploratory activity. Use of spring water may occur also on CLNWC such as for dust abatement during road construction or maintenance. Water withdrawal can reduce the amount of water available to maintain riparian habitat.

The total available habitat is on the order of 5,600 acres (2,250 hectares). The effective population size for this bird has not been determined, but for most avian species it is thought to be about 100. Any lower population level of this isolated bird would invite genetic and other problems, including possible extinction. The limited range of the towhee and the fragility of its ecosystem make it susceptible to extinction rather quickly if current land uses were to change.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* No threat from overutilization of this species is known to exist at this time.

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* Most of the habitat is administered by the Bureau of Land Management (BLM) and U.S. Navy, and these agencies can control the use of lands under their jurisdiction. Designating the species as threatened will invoke the authorities and prohibitions of the Endangered Species Act, a necessary supportive measure that will open up additional options for protection and management. The towhee is protected under the Migratory Bird Treaty Act (16 U.S.C. 703 *et seq.*) and is listed as endangered by the California Fish and Game Commission. However, no Federal or State laws or regulations can protect the habitat of this bird from Federal activities, except for the Endangered Species Act. A small portion of the critical habitat (190 acres, 77 hectares) is in private ownership and not subject to public management.

E. *Other natural or manmade factors affecting its continued existence.* None known.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list the Inyo brown towhee as threatened. Localized destruction of habitat by wild burros and, to a lesser extent, by wild horses and cattle grazing, have occurred. There is also the long-term potential loss of the very limited habitats that the towhee requires by actions such as water withdrawal, mining, recreational activities, and actions and activities associated with the testing and evaluation of air warfare systems.

Therefore, the Service finds that the Inyo brown towhee "is likely to become

an endangered species within the foreseeable future throughout all or a significant portion of its range." Section 3(20) of the Act. The available data do not support a finding that the towhee is presently in danger of extinction throughout all or a significant portion of its range. Critical habitat is also designated for this bird (see following section).

Critical Habitat

Critical habitat, as defined by section 3(5) of the Act, means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection, and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated, to the maximum extent prudent and determinable, concurrently with the determination that a species is endangered or threatened. Critical habitat is being designated or proposed for the Inyo brown towhee to include approximately 5,600 acres (2,250 hectares) of desert riparian scrub habitat near springs and streambeds in, and adjacent to, the northeast corner of China Lake Naval Weapons Center, Argus Mountains, Inyo County, California.

Critical habitat lies in the vicinity of the following: Margaret Ann Springs, Snooky Spring, Ruby Spring, Quail Spring, Benko Spring, Bainter Spring, Indian Joe Spring, Great Falls Basin, Mountain Springs Canyon, and a number of unnamed springs and canyons in this area. The areas proposed as critical habitat in today's **Federal Register** and those determined as critical habitat in this rule are known to be occupied by towhees and satisfy all known criteria for the ecological, behavioral, and physiological requirements of the conservation of this species. The desert riparian scrub habitat, which is encompassed by this rule and the proposal following, provides sufficient cover for nesting, roosting, and escaping from predators, and also provides a source of food and water.

Subsection 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) that may adversely modify such habitat or may be affected by such designation. Actions that could adversely affect critical habitat for this species are removal, thinning, or destruction of riparian vegetation; a lowering of the present water tables would also directly affect the vegetation, which would then affect the towhee. Specific activities that could cause the above are: (1) Water diversion or substantially increased water use for mining or other purposes; (2) grazing by domestic livestock, wild horses, or wild burros; (3) mechanical brush clearing for any purpose; or (4) damage to vegetation from recreational vehicles.

Any of these actions occurring on land under Federal jurisdiction will require section 7 consultation if there is a potential impact on the Inyo brown towhee or its critical habitat. In addition, any actions on non-federal lands that are subject to Federal approval, funding, or other action will also require Section 7 consultations between the Federal agency and the Service, if the proposed activities may affect a listed species or its critical habitat.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service has considered the critical habitat designation in light of the most current information available. H.D. Carper, Director, California Department of Fish and Game (CDFG), requested that additional areas in which towhees are now known to occur and two canyons that may support towhees be added as critical habitat. His request was based on a report of the 1984 field season (LaBerteaux 1984). These recommendations by the CDFG are the subject of a separate rulemaking proposal found following in this part of today's **Federal Register**. Because of the request of the State to delete or add areas, the Service has reviewed all the zones contained in the original 1984 proposal. As a result of that review, several small springs or other patches of proposed critical habitat were found to lack any observations of towhees. These few areas have been removed in this rule as critical habitat. Activities that may be affected by the designation of critical habitat are discussed in the Available Conservation Measures section of this rule.

Below is a list of the additional tracts that would supplement the zones determined in this rule. In the document that follows in this part of today's **Federal Register** are the proposed revised descriptions of all critical habitats. In the first eight areas below, the areas are adjoining the eleven areas determined in this rule as critical habitat. If finalized as proposed, the critical habitats will be described with all tracts combined where they form single contiguous units of area. The last area listed below (item 9) is separate and apart from all other areas in this rule. All of these newly proposed areas are described here to provide a complete administrative record.

Proposed Critical Habitat To Be Added

1. Approximately 1.5 miles of streambed and ⅛ mile on either side of the wash commencing at a point along the streambed ⅛ mile south of the spring in T23S R42E, W½ NE¼ Section 8 and continuing along the streambed to Margaret Ann Spring, and approximately 0.3 miles of streambed and ⅛ mile on either side from the western boundary of Section 2 downstream in Water Canyon to longitude 117°25' W. The above adds portions of Sections 2, 4, 5, 8, and 11, T23S R42E.

2. Approximately 1.3 miles of streambed and ⅛ mile on either side of the wash commencing at the western boundary of NE¼ of Section 21 (at the point nearest to the NW corner of SW¼ NE¼ Section 21), T23S R42E, and proceeding downstream to Ruby Spring, Section 22. The above adds portions of Sections 21 and 22, T23S R42E.

3. Approximately 2.3 additional miles of streambed and ⅛ mile on either side of the larger wash within Homewood Canyon, commencing at the western boundary (at the point nearest to its midpoint) of Section 28, T23S R42E, and extending past Quail Spring (already included in this rule as critical habitat) downstream to a point along the streambed ⅛ mile southeast of Benko Spring, T23S R42E, Sections 34 and 35 (also already included); approximately 1.2 miles of streambed and ⅛ mile on either side of the wash commencing at the western boundary of E½ NE¼ of Section 33 (at the point nearest to the SW corner of NE¼ NE¼ Section 33) and extending easterly past Parson's Spring to Homewood Canyon; approximately 0.8 mile of streambed and ⅛ mile on either side of the wash commencing at the northern boundary of Section 28 (at the point nearest to its midpoint) and extending southeasterly and downstream to Homewood Canyon; and approximately 0.5 mile of streambed and ⅛ mile on either side of the wash commencing at the western boundary of Section 27 (at the point nearest to the SW corner of NW¼ SW¼ Section 27), and proceeding easterly to Homewood Canyon. The

above adds portions of Sections 21, 27, 28, 33, 34, and 35, T23S R42E.

4. In T23S R42E, E½ SE¼ Section 31 and W½ SW¼ Section 32, and in T24S R42E, NE¼, W½ SE¼, and E½ SW¼ Section 6; and W½ NW¼ Section 5. (This includes the area around Bench Mark 5485 that is being designated as critical habitat in this rule.)

5. Approximately 0.7 mile of streambed and ⅛ mile on either side of Great Falls Basin Wash commencing at the western boundary of Section 11 (at the point nearest to and south of the NW corner of Section 11), T24S R42E, and proceeding southwesterly and downstream to the western boundary of E½ Section 11, T24S R42E; and approximately 0.8 mile of streambed and ⅛ mile on either side of the unnamed wash commencing at a point ⅛ mile upstream of Deep Canyon Spring (near the SE corner of Section 10) and proceeding eastward along the streambed to Great Falls Basin Wash. The above adds portions of Sections 10, 11, and 15, T24S R42E.

6. In Section 18, T24S R43E, approximately 0.4 mile of streambed from a point ⅛ mile downstream of Bainter Spring and continuing downstream to longitude 117°22'20" W, including ⅛ mile on either side of this wash.

7. Approximately 1.0 mile of streambed and ⅛ mile on either side of Indian Joe Canyon commencing ⅛ mile downstream of Indian Joe Spring in Section 24, T24S R42E, and proceeding southeasterly to the southern boundary of Section 24. The above adds portions of Sections 24 and 25, T24S R42E.

8. Approximately 0.7 mile of Mountain Springs Canyon main streambed and ⅛ mile on either side commencing at the southern boundary of Section 8, T23S R41E, and proceeding westerly along the streambed to the western boundary of NE¼ Section 18; approximately 0.8 mile of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of the SW¼ Section 4 and continuing southerly through Sections 9 and 8 to the intersection with the main wash in Mountain Springs Canyon; approximately 0.5 mile of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of NE¼ NE¼ Section 10 (at the point nearest the upper Mammoth Mine) and continuing downstream to the main wash; approximately 0.8 mile of streambed and ⅛ mile on either side of the wash commencing at the eastern boundary of Section 15 at a point just south of the midpoint of that boundary, and proceeding north along the streambed to Mountain Springs Canyon; and approximately 0.5 mile of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of N½ Section 14 (at the point nearest to the midpoint of Section 14) and proceeding north along the streambed to the main wash. The above adds portions of Sections 4, 5, 8, 9, 10, 11, 14, 15, 17, and 18, T23S R41E.

9. Approximately 4.2 miles of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of N½ Section 23 (at the point nearest to the midpoint of Section 23), T23S R41E, and proceeding southerly along the streambed to a point ⅛ mile downstream from the spring in SW¼ SW¼ Section 3, T24S R41E. The above adds portions of Sections 3 and 4, T24S R41E; and Sections 23, 26, 27, 34, and 35, T23S R41E.

The Service has prepared an economic analysis of all areas proposed to be designated as critical habitat. No significant economic or other impacts are expected to result from the critical habitat designation, including the proposed additional areas. This conclusion is based on the following: (1) CLNWC's current management of its testing operations and other activities on its land within or in the vicinity of the critical habitat is not likely to be significantly affected by the designations; (2) it is estimated that the annual economic impacts on the national economy that may result from CLNWC's plans to develop a management plan for a comprehensive consultation and other potential restrictions associated with possible road projects and water withdrawals due to critical habitat considerations on CLNWC administered land will be substantially less than $100 million; (3) potential economic impacts will be less than .06 percent of CLNWC FY 1986 budget; (4) current management of mineral leasing, hunting, ORV and other activities on BLM administered land within or in the vicinity of the critical habitat is not likely to be significantly affected by the designations; (5) the ongoing CLNWC–BLM wild burro and horse removal and control efforts will help preserve the critical habitats; (6) the absence of any known livestock grazing, vegetation removal, mining, or other activities that may affect or be affected by the critical habitat designation; and (7) no known involvement of Federal funds or permits for the private land or the State of California's acquisition of the private land that contains critical habitat. In addition, no significant impact on the economy or present economic status of Inyo County, California, is expected as a result of the critical habitat designation.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required by Federal agencies and the prohibitions against taking and harm are discussed in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Almost all of the land within the critical habitat of the Inyo brown towhee is in Federal ownership and is under the jurisdiction of either BLM or the U.S. Navy.

These two agencies are planning a cooperative program to preserve and manage Inyo brown towhee habitat within their areas of jurisdiction. Programs that may be authorized in the future that might impact critical habitat would be livestock grazing, water exporting, additional human recreation, and mining. In addition, activities associated with the development, testing, and evaluation of air weapons and air warfare systems by CLNWC have potential to adversely affect the towhee and its critical habitat. Consultation with the Fish and Wildlife Service on such issues as they arise would assist in identifying means for reducing the potential for adverse effects from such activities.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened

wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that had been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing such permits are at 50 CFR 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, for incidental take in connection with otherwise lawful activities, and for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

Public Comments Solicited

In an accompanying announcement in this same part of today's **Federal Register**, the Service solicits comments and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or other interested parties concerning the possible addition of areas to the critical habitat designated in the present rule for the Inyo brown towhee. The comment period, which opens on the date of publication of this rule and the accompanying proposal, will remain open for 60 days. A final decision on the inclusion of these additional areas will be made and published in the **Federal Register** following the conclusion of the comment period.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Regulatory Flexibility Act and Executive Order 12291

The Department of the Interior has determined that designation of critical habitat for this species will not constitute a major action under Executive Order 12291 and certifies that this designation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The critical habitat designation, as defined in the proposed rule of November 23, 1984, did not bring forth economic or other impacts to warrant consideration of revising the critical habitat because of such impacts. The critical habitat consists of selected riparian habitat near springs and within washes in Argus Mountains, Inyo County, California. The lands are primarily owned by the U.S. Navy (China Lake Naval Weapons Center) and, to a lesser extent, by the Bureau of Land Management, U.S. Department of the Interior. Of the 5,570 acres (2,255 hectars) of critical habitat (designated and proposed), approximately 190 (77 hectares) are in private ownership.

There is no known involvement of Federal funds or permits for the private lands within the critical habitat designation. BLM has indicated that it does not anticipate conflicts between its management of the area and the critical habitat. No specific information on military activities was disclosed that would indicate that the designation of critical habitat will adversely affect the national security mission of the Center or its routine operations.

Consequently, no significant economic impacts are expected to result from the designation of critical habitat for the Inyo brown towhee. Also, no direct costs, enforcement costs, or information collection or recordkeeping requirements are imposed on small entities by this designation. These determinations are based on a Determination of Effects that is available at the Regional Office, U.S. Fish and Wildlife Service, 500 NE., Multnomah Street, Suite 1692, Portland, Oregon 97232. This Determination of Effects also addresses the economic impacts of the proposed revision, published in today's **Federal Register**, to the critical habitat designation for the Inyo brown towhee promulgated in this rule.

Literature Cited

Cord, B., and J.R. Jehl, Jr. 1979. Distribution, biology and status of a relict population of brown towhee (*Pipilo fuscus eremophilus*). Western Birds 10:131–156.

LaBerteaux, D. 1984. Untitled. Unpubl. Rept. on the Inyo brown towhee prepared by California Dept. of Fish and Game, Sacramento, California.

Mills, S.G., S. Sutherland, and F.W. Reichenbacker. 1982. Vertebrate survey of selected riparian habitats on the China Lake Naval Weapons Center. Preliminary report prepared for S.W. Carothers and Associates.

WESTEC Services Inc. 1983. Biological resource survey of Mountain Springs Canyon on the Naval Weapons Center, NWC TP 6424.

Author

The primary author of this final rule is Dr. Kathleen E. Franzreb, Endangered Species Field Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E–1823, Sacramento, California 95825 (916/978–4866).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq*).

2. Amend § 17.11(h) by adding the following, in alphabetical order under BIRDS, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
BIRDS							
Towhee, Inyo brown	*Pipilo fuscus eremophilus*	U.S.A. (CA)	Entire	T	282	17.95(b)	NA

3. Amend § 17.95(b) by adding critical habitat of the Inyo brown towhee in same sequence as the species appears in § 17.11 as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(b) *Birds.*

* * * * *

Inyo Brown Towhee (*Pipilo fuscus eremophilus*)

California, Inyo County: lands within and adjacent to the China Lake Naval Weapons Center identified as follows:

(1) Approximately 2.0 miles of streambed and ⅛ mile on either side of the wash from Margaret Ann Spring and proceeding downstream to the eastern boundary of Section 3 near Snooky Spring. The above includes portions of Sections 3, 4, 9, and 10, T23S R42E. (Map location A)

(2) A circle ⅛ mile in radius with the spring in T23S R42E W½ NE¼ Section 8 as the center. (Map location B)

(3) Approximately 2 miles of streambed and ⅛ mile on either side of the wash from Ruby Spring (T23S R42E, Section 22) and proceeding downstream to the boundary between Sections 25 and 26. The above includes portions of Sections 22, 23, 25, and 26, T23S R42E. (Map location C)

(4) A circle ⅛ mile in radius with Quail Spring as the center in T23S R42E, NE¼ Section 28. (Map location D)

(5) A circle ⅛ mile in radius with Benko Spring as the center in T23S R42E, Sections 34 and 35. (Map location E)

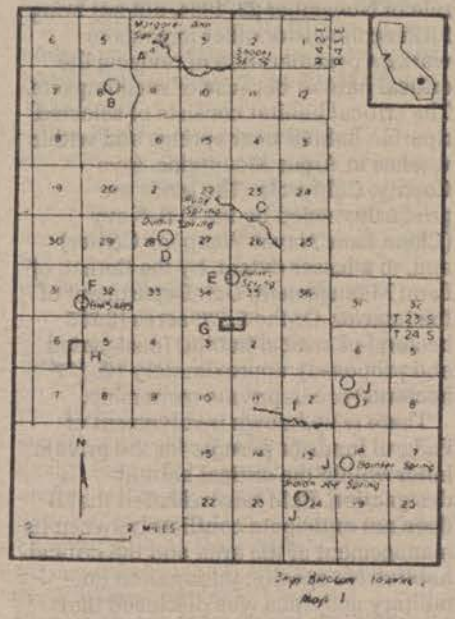
(6) A circle ⅛ mile in radius with Bench Mark 5485 (some USGS maps report this as 5484) near the common boundary of Sections 31 and 32, T23S R42E, as the center and lying within Sections 31 and 32. (Map location F)

(7) T24S R42E, NW¼ NW¼ Section 2 and NE1/4 NE1/4 Section 3. (Map location G)

(8) T24S R42E, E½ SE¼ Section 6. (Map located H)

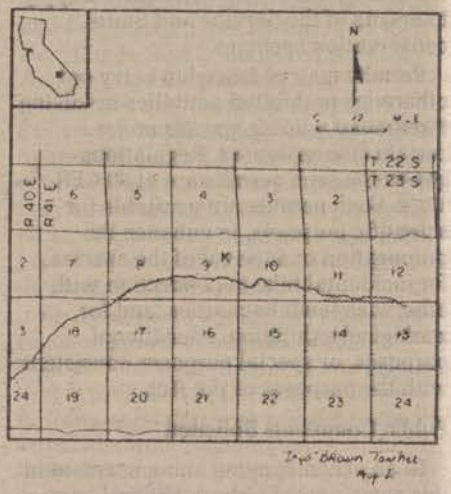
(9) Approximately 1.8 miles of streambed and ⅛ mile on either side of Great Falls Basin Wash commencing from the western boundary of E½ Section 11, T24S R42E, and proceeding downstream along the streambed to the eastern boundary of Section 13. The above includes portions of Sections 11, 12, 13, and 14, T24S R42E. (Map location I)

(10) Circles with ⅛ mile radii around Mumford and Austin Springs in T24S R43E, Section 7 and Bainter Spring in Section 18 and around Indian Joe Spring in T24S R42E Section 24. (Map locations J)



Inyo Brown Towhee Map 1

(11) Approximately 5 miles of streambed and ⅛ mile on either side of Mountain Springs Canyon commencing from the southern border of Section 8 and continuing along the streambed to the point at which Mountain Springs Canyon Wash intersects the eastern boundary of SW¼ Section 12. The above includes portions of Sections 8, 9, 10, 11, 12, 13, 14, and 17, T23S R41E. (Map location K)



Inyo Brown Towhee Map 2

Major constituent element: desert riparian scrub vegetation.

* * * * *

Dated: June 22, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-17383 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Determination of Additional Critical Habitat for the Inyo Brown Towhee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: In the previous document in this part of today's **Federal Register**, the Service determined the Inyo brown towhee (*Pipilo fuscus eremophilus*) to be a threatened species with critical habitat. As described in that rule, the Service received comments from the State of California that additional areas in the range of the bird (Argus Mountains, Inyo County, California) should be determined as critical habitat. The Service seeks additional comments on these supplementary areas.

DATES: Comments from all interested parties must be received by October 2, 1987. Public hearing requests must be received by September 17, 1987.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room E–1823, Sacramento, CA 95825.

FOR FURTHER INFORMATION CONTACT: Dr. Kathleen E. Franzreb at the above ADDRESSES (916–978–4866 or FTS 460–4866).

SUPPLEMENTARY INFORMATION:

Background

In the rule published today the Service determined the Inyo brown towhee to be a threatened species with critical habitat. For further information on the comments and discussion over the purpose and effects of that rule and this proposal, see that document. This proposed rule would add one new area and supplement several of those determined today to be critical habitat. A list of the areas proposed to be added is provided under the Critical Habitat Section of that document. This proposal would revise 50 CFR 17.95(b) by combining the list of proposed new areas with those areas determined in today's **Federal Register** to be critical habitat. Maps showing these combined areas would be published if a decision is made to adopt the proposed additional critical habitat areas.

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposal for additional critical habitat for the Inyo brown towhee are hereby solicited. Comments particularly are sought concerning:

(1) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(2) Additional information concerning the range and distribution of this species;

(3) Current or planned activities in the subject area and their possible impacts on this species; and

(4) Any foreseeable economic and other impacts resulting from the proposed designation of the additional critical habitat.

Final promulgations of these regulations for the Inyo brown towhee critical habitat will take into consideration the comments and additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Sacramento Endangered Species Field Station (see **ADDRESSES** section).

National Environmental Policy Act

See statement in the aforementioned rule published in today's **Federal Register**.

Regulatory Flexibility Act and Executive Order 12291

See statement in the aforementioned rule published in today's **Federal Register**.

Author

The primary author of this proposed rule is Dr. Kathleen E. Franzreb (see **ADDRESSES** above).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[REVISED]

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to revise the critical habitat for the Inyo Brown Towhee at § 17.95(b) to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(b) *Birds.*

* * * * *

Inyo Brown Towhee (*Pipilo fuscus eremophilus*)

California, Inyo County: lands within and adjacent to the China Lake Naval Weapons Center, identified (names of features from 1982 and 1983 Provisional Editions 7.5' USGS quadrangles for this area) as follows:

(1) Approximately 3.7 miles of stream and ⅛ mile on either side of the wash commencing along the streambed ⅛ mile south of a spring in W½ NE¼ sec. 8, T. 23. S., R. 42. E., and continuing along the streambed northeasterly to Margaret Ann Spring, thence easterly and downstream in Water Canyon to longitude 117° 25' W. The above includes portions of secs. 2, 3, 4, 5, 8, 9, 10, and 11, T. 23. S., R. 42. E.

(2) Approximately 3.3 miles of streambed and ⅛ mile on either side of the wash commencing at the western boundary of NE¼ of Section 21 (at the point nearest to the NW corner of SW¼NE¼, Section 21), T23S R42E, thence proceeding downstream past Ruby Spring, Section 22, to the boundary between Sections 25 and 26. The above includes portions of Sections 21, 22, 23, 25, and 26, T23S R42E.

(3) Approximately 2.8 miles of streambed and ⅛ mile on either side of the larger wash within Homewood Canyon commencing at the western boundary (at the point nearest to its midpoint) of Section 28, T23S R42E, and extending past Quail Spring downstream to a point along the streambed ⅛ mile southeast of Benko Spring (T23S R42E, Sections 34 and 35); approximately 1.2 miles of streambed and ⅛ mile on either side of the wash commencing at the western boundary of E½NE¼ of Section 33 (at the point nearest to the SW corner of NE¼NE¼ Section 33) and extending easterly past Parson's Spring to Homewood Canyon; approximately 0.8 mile of streambed and ⅛ mile on either side of the wash commencing at the northern boundary of Section 28 (at the point nearest to its midpoint) and extending southeasterly and downstream to Homewood Canyon; and approximately 0.5 mile of streambed and ⅛ mile on either side of the wash commencing at the western boundary of Section 27 (at the

point nearest to the SW corner of NW¼SW¼ Section 27), and proceeding easterly to Homewood Canyon. The above includes portions of Sections 21, 27, 28, 33, 34, and 35, T23S R42E.

(4) T23S R42E, E½SE¼ Section 31 and W½SW¼ Section 32. T24S R42E, E½ and E½1SW¼ Section 6 and W½NW¼ Section 5.

(5) T24S R42E, NW¼NW¼ Section 2 and NE¼NE¼ Section 3.

(6) Approximately 2.5 miles of streambed and ⅛ mile on either side of Great Falls Basin Wash commencing at the western boundary of Section 11 (at the point nearest to and south of the NW corner of section 11), T24S R42E, and proceeding southwestly and downstream to the eastern boundary of R42E; and approximately 0.8 mile of streambed and ⅛ mile on either side of the unnamed wash commencing at a point ⅛ mile upstream of Deep Canyon Spring (near the SE corner of Section 10) and proceeding eastward along the streambed to Great Falls Basin Wash. The above includes portions of Sections 10, 11, 12, 13, 14, and 15, T24S R42E.

(7) Circles with ⅛ mile radii around Austin and Mumford Springs in Section 7, T24S R43E.

(8) In Section 18, T24S R42E, a ⅛ mile radius around Bainter Spring and thence continuing downstream along the wash approximately 0.5 mile from the spring to longitude 117°22'20" W, including ⅛ mile on either side of this wash.

(9) Approximately 1.2 miles of streambed and ⅛ mile on either side of Indian Joe Canyon commencing ⅛ mile upstream of Indian Joe Spring in Section 24, T24S R42E, and proceeding southeasterly along the streambed to the southern boundary of Section 24. The above includes portions of Sections 24 and 25, T24S R42E.

(10) Approximately 5.7 miles of Mountain Springs Canyon main streambed and ⅛ mile on either side commencing at eastern boundary of SW¼ Section 12, T23S R41E, and proceeding westerly along the streambed to the western boundary of NE¼ Section 18; approximately 0.8 mile of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of the SW¼ of Section 4 and continuing southerly through Sections 9 and 8 to the intersection with the main wash in Mountain Springs Canyon; approximately 0.5 mile of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of NE¼NE¼ Section 10 (at the point nearest the upper Mammoth Mine) and continuing downstream to the main wash; approximately 0.8 mile of streambed and ⅛ mile on either side of the wash commencing at the eastern boundary of Section 15 at a point just south of the midpoint of that boundary, and proceeding north along the streambed to Mountain Springs Canyon; and approximately 0.5 mile of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of N½ Section 14 (at the point nearest to the midpoint of Section 14) and proceeding north along the streambed to the main wash. The above includes portions of Sections 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 17, and 18, T23S R41E.

(11) Approximately 4.2 miles of streambed and ⅛ mile on either side of the wash commencing at the southern boundary of N½ Section 23 (at the point nearest to the midpoint of Section 23), T23S R41E, and proceeding southerly along the streambed to a point ⅛ mile downstream from the spring in SW¼SW¼ Section 3, T24S R41E. The above includes portions of Section 3 and 4, T24S R41E; and Sections 23, 26, 27, 34, and 35, T23S R41E.

Major constituent element: desert riparian scrub vegetation.

* * * * *

Dated: June 22, 1987.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-17245 Filed 7-31-87; 8:45 am]

BILLING CODE 4310-55-M

Federal Register

Monday
August 3, 1987

Part III

Department of the Interior

National Park Service

Significant Thermal Features Within Units of the National Park System; Notice

DEPARTMENT OF THE INTERIOR

National Park Service

Significant Thermal Features Within Units of the National Park System

AGENCY: National Park Service, U.S. Department of the Interior.

ACTION: Notice of final list of significant thermal features within units of the National Park System.

SUMMARY: In accordance with section 115 of the Department of the Interior and Related Agencies Appropriations Act for 1987, Pub. L. 99–591, the National Park Service (NPS) published for review and comment a Proposed Notice in the **Federal Register** on February 13, 1987 (Volume 52, No. 30, pp. 4700–4710, Part II), that identified proposed significant thermal features within twenty-two (22) units of the National Park System. The Department received comments from twenty-three (23) respondents as a result of the public comment period for the Proposed Notice which closed on March 16, 1987. The purpose of this notice is to summarize the comments received and to provide the public the list of significant thermal features submitted to Congress.

The Final Report listing significant thermal features within units of the National Park System was transmitted to the Congress June 30, 1987. With the transmittal to Congress of the list of significant thermal features, the moratorium on geothermal leasing imposed by Pub. L. 99–591 is lifted. There is insufficient information at the present time on a possible thermal feature (i.e., hydrothermal vents) at the bottom of Crater Lake; therefore, Crater Lake National Park was not included on the final list. A determination for Crater Lake National Park will be deferred until studies and additional reviews have been conducted. The Department plans to conduct research on this question at Crater Lake National Park this summer and to make a decision in the Fall 1987 on whether Crater Lake National Park should be added to the list. The Department plans to subsequently monitor Crater Lake as needed. No geothermal leases will be issued for lands surrounding Crater Lake National Park until such time as a determination has been made and forwarded to the Congress.

For those units in which significant thermal features are listed, future geothermal leasing is dependent on determinations of whether proposals to explore for, develop, produce, or use geothermal resources surrounding the listed features are "likely to result in significant adverse effects, adverse effects, or no effects" to the thermal features listed as significant within the identified units of the National Park System. The determinations will be subject to appropriate public notice.

DATES: Copies of the public comments are available until August 14, 1987.

ADDRESS: Copies of public comments received may be requested by writing the Director, NPS, ATTN: Land Resources Division (WASO 660), National Park Service, P.O. Box 37127, Washington, DC 20013–7127.

FOR FURTHER INFORMATION CONTACT: Ms. Pam Matthes, Land Resources Division (WASO 660), National Park Service, P.O. Box 37127, Washington, DC 20013–7127, (202) 523–5120.

SUPPLEMENTARY INFORMATION: The Department of the Interior and Related Agencies Appropriations Act, Pub. L. 99–591, (hereinafter referred to as the Act) was passed by Congress and signed into law October 30, 1986.

Paragraph 2(a) of section 115 of the General Provisions for the Act directed the Secretary to publish for public comment in the **Federal Register** a proposed list of significant thermal features in the following twenty-two (22) units of the National Park System:

Mount Rainier National Park, Washington;
Lassen Volcanic National Park, California;
Yellowstone National Park, Wyoming, Montana, and Idaho;
Bering Land Bridge National Preserve, Alaska;
Gates of the Arctic National Park and Preserve, Alaska;
Yukon-Charley Rivers National Preserve, Alaska;
Katmai National Park, Alaska;
Aniakchak National Monument and Preserve, Alaska;
Wrangell-St. Elias National Park and Preserve, Alaska;
Glacier Bay National Park and Preserve, Alaska;
Denali National Park and Preserve, Alaska;
Lake Clark National Park and Preserve, Alaska;
Hot Springs National Park, Arkansas;
Sequoia National Park, California;
Hawaii Volcanoes National Park, Hawaii;
Lake Mead National Recreation Area, Arizona and Nevada;
Big Bend National Park, Texas;
Olympic National Park, Washington;
Grand Teton National Park, Wyoming;
John D. Rockefeller, Jr. Memorial Parkway, Wyoming;
Haleakala National Park, Hawaii; and,
Crater Lake National Park, Oregon.

The proposed list was published in the **Federal Register** on February 13, 1987 (Vol. 52, No. 30, pp. 4700–4710, Part II). The Department requested data or information that would assist in preparing a final list of significant thermal features, including recommendations for adding or deleting features. All recommendations were to be accompanied by background information on the thermal feature discussed and a supporting rationale for the recommended action.

The Department received comments from twenty-three (23) respondents representing four Federal agencies, one State agency, two conservation groups, one university, eight corporations from private industry, and seven individual citizens. Paragraph 2(a) of the Act further authorized the Secretary of the Interior to make additions to or deletions from the list based on any comments received and from new information made available to the Department. The following section titled "Summary Analysis of Public Comments Received on the Proposed List of Significant Thermal Features" discusses the public comments received and their effect on the list of significant thermal features in units of the National Park System.

Paragraph 2(b) of the Act directs the Secretary of the Interior to maintain a monitoring program for each of the significant thermal features included on the list transmitted to Congress. The existing data characterizing each listed thermal feature and any data collected as a result of the monitoring program will serve as baseline data on which to assess the potential effects of future geothermal leasing and development on the listed features.

Paragraphs 2(c) through 2(e) of the Act require that, "Upon receipt of an application for a geothermal lease, the Secretary shall determine, on the basis of scientific evidence, if exploration, development, or utilization of the lands subject to the geothermal lease application is reasonably likely to result in a significant adverse effect on a significant thermal feature listed." Also, the Secretary of Agriculture must consider the effects on the listed thermal features when determining whether to consent to geothermal leases on national forest lands or any other lands under the jurisdiction of the Department of Agriculture. No geothermal lease can be issued if the Secretary determines that the exploration, development, or utilization of the land included in the lease application is "reasonably likely to result in a *significant adverse effect* on a listed thermal feature (emphasis

added)". If the Secretary finds a significant adverse effect, he must withdraw from leasing under the Geothermal Steam Act, the lands within the lease application.

The "Secretary shall include stipulations in leases necessary to protect significant thermal features" if it is determined that exploration, development, production, or use of geothermal resources is reasonably likely to *adversely affect* (but not significantly) a significant thermal feature. One of the required stipulations states that if the Secretary later "determines that ongoing exploration, development, or utilization activities are having a significant adverse effect on significant thermal features listed", all activity on the lease must be suspended "temporarily or permanently" until the significant adverse effect is eliminated.

The concluding paragraphs of the Act, 2(f) through 2(h), discuss the relationship of the Act with existing laws governing the development of geothermal resources. Paragraph 2(f) states that nothing in the Act "shall affect the ban on leasing under the Geothermal Steam Act of 1970, as amended, with respect to the Island Park Known Geothermal Resources Area." Paragraph 2(g) states that the Act, except as explicitly mentioned, "shall not affect or modify the authorities or responsibilities of the Secretary under the Geothermal Steam Act of 1970, as amended." Paragraph 2(h) states that the provisions of Section 115 of the Act "shall remain in effect until Congress determines otherwise."

Summary Analysis of Public Comments Received on the Proposed List of Significant Thermal Features

Comments received from the twenty-three respondents varied in scope and in specificity. Eleven respondents provided general comments pertaining to the interpretation of the Act by the National Park Service in the proposed notice. Five respondents generally commented on the definition of "thermal feature" and its inclusion of volcanic systems, six respondents commented generally on the definition of specific criterion and on the general application of the criteria, and other respondents either supported or opposed the listing for reasons related to either the definition used for a thermal feature or for specific criteria. These comments and the Department's response are addressed in two subsections titled "Definition of Thermal Feature" and "Application of the Criteria."

Two respondents wanted entire park units to be listed rather than discrete thermal features within the boundaries of park units. With the exception of listing Yellowstone National Park in its entirety, the Department did not adopt this recommendation because it interprets the Act to mean that discrete thermal features were to be evaluated and listed. Listing of discrete features within Yellowstone National Park was not considered reasonable or necessary.

Numerous topics were raised by individual commentors that were beyond the scope of the requirements of the Act as explained in the Proposed Notice. One individual wanted the final list to be refined based on the expected impacts to geothermal leasing. The Department did not adopt such a recommendation as consideration of impacts to the geothermal leasing program was not within the specified criteria of the Act upon which to determine the significance of a feature. Several commentors wanted the Department to delineate a surface boundary associated with each listed feature. The Department believes that delineating surface boundaries of significant features might not adequately reflect the possibly broader extent of the underlying thermal systems, considering the fact that subsurface interconnections within these systems are not adequately understood to date. Also, there was insufficient information available during the time allocated for listing to confidently delineate surface boundaries of the listed features.

One commentor requested the Department to consider a spring within a unit not specified in the Act. The Department did not adopt this recommendation since the Act specified only certain units for which evaluations of thermal features were to be made. Even though the Act provided for possible additions to or deletions from the proposed list of thermal features, the Act did not provide for an expansion of the list of specified units. For this reason, the Department did not include candidate thermal features within units not specified by the Act.

The remaining respondents addressed their comments to either specific thermal features or to the listing of specific units of the National Park System. The Department received fourteen comments on Crater Lake National Park, twelve of which opposed listing the proposed feature as significant and two of which supported a determination of significance by the Department; four comments supported the listing of Lassen Volcanic National Park; two supported the listing of all lands within Yellowstone National Park; five commented on the listing of proposed features in Mt. Rainier National Park; three commentors opposed the listing of Sol Duc Hot Springs in Olympic National Park; one supported listing identified features within Grand Teton National Park; two commented on the proposed features within Hawaii Volcanoes National Park; and, one opposed listing any features within Lake Mead National Recreation Area. Except for Crater Lake National Park, comments on features within specific units of the National Park System are addressed in the sections titled "Summary Analysis of Significant Thermal Features Within Units of the National Park System" and "Units Within the National Park System With No Significant Thermal Features." Comments received on Crater Lake National Park are discussed in the next section.

Determination of Significance for the Proposed Thermal Feature Within Crater Lake National Park is Deferred

The analysis in the proposed notice for Crater Lake National Park stated that studies indicate that thermal springs feed the lake from hydrothermal vents located on the floor of the basin. Based on such studies, the National Park Service proposed that the hydrothermal vents postulated to exist on the floor of the basin of Crater Lake be listed as a significant thermal feature. In the proposed notice, the Department acknowledged that additional research is needed to characterize the contribution of these vents to the lake's water quality. Recent studies show that elevated concentrations of chlorides and dissolved minerals are found throughout the lake and are believed to be associated with hydrothermal fluids. Helium, an indicator of hydrothermal input, and radon, an indicator of ground water input, have been recorded in the lake at higher levels than would normally be expected from atmospheric sources. The data suggest that hydrothermal vents exist at the bottom of Crater Lake and that these vents may contribute in some manner to the character of the lake. The Department plans to conduct research on this question at Crater Lake National Park this summer and to make a decision in the Fall of 1987 on whether Crater Lake National Park should be added to the list. However, at this time, Crater Lake National Park has not been included on the list of significant thermal features.

Of the fourteen commentors, twelve opposed listing the proposed feature as a significant thermal feature because they believe that the existence of the thermal springs, or hydrothermal vents, is questionable. Some of the commentors noted that the springs or

vents, if they exist, may have too low a temperature to be defined as "thermal." Several of these commentors do not believe that the thermal springs contribute significantly to the water quality of Crater Lake and could be, in fact, adversely affecting the water clarity and quality of Crater Lake. Two commentors supported the listing of the thermal feature as proposed, believing that the thermal feature and Crater Lake National Park should be afforded the protection of the Act, including the monitoring program required by the Act. However, none of the public comments submitted conclusive evidence supporting or refuting the existence of the hydrothermal vents at the bottom of Crater Lake.

After reviewing all the data available on the proposed hydrothermal feature, including all information received from public comments submitted, it was decided that at this time there is insufficient information upon which to list Crater Lake as a significant thermal feature under the criteria of the Act. Therefore, the Department will defer making a determination of significance until after further research and review have been conducted. Based on studies that were conducted this summer, the Department will reevaluate the listing and leasing issues of Crater Lake in the Fall of this year. Until such time that a final decision is made about this proposed thermal feature, no geothermal leases for lands surrounding Crater Lake National Park will be issued.

Definition of "Thermal Feature"

In the proposed notice, the NPS broadly defined a "thermal feature" as a surface manifestation of a subsurface heat source. Such a definition encompasses not only surface manifestations of underlying hydrothermal systems, but also surface manifestations of volcanic processes.

Five respondents objected to the adoption of the broad definition because it encompassed a variety of geomorphic landforms, such as volcanoes, craters, and calderas, that are surface manifestations of cooled molten rock in the earth's crust, and as such are not "thermal" features. Also, commentors suggested that these geomorphic expressions of volcanic processes are not subject to adverse effects from current technology for geothermal development or exploration; therefore, these features should not be included in the list of significant thermal features.

Although the Department has made a finding, based on information available at this time, that there are no known impacts to geomorphic expressions of volcanic processes from development of hydrothermal systems under current technology, the Act requires review of "thermal features" and does not explicitly restrict evaluation only to features of "hydrothermal" significance. Therefore, the Department continues to advocate its original proposal of adopting a broad definition for the term "thermal feature." In light of the differences between hydrothermal systems and volcanic processes and their significance to the current geothermal leasing program, the Department notes in the listing whether each identified feature is listed as a hydrothermal feature, a volcanic feature, or both.

Application of the Criteria

In making an overall determination of significance, the Act specifically requires four criteria be applied to each thermal feature identified within the twenty-two (22) units of the National Park System. This section evaluates the public comments received on the application of the specified criteria in the proposed notice.

One respondent believed that the proposed notice inconsistently evaluated features within park units because of a general lack of data applicable to each of the four criteria. This respondent recommended that the Department develop a comprehensive data base upon which the four criteria could be evaluated and applied. The Department did not adopt this suggestion because the Act provided only 180 days in which to identify candidate features, publish the proposal for public comment and analysis, and in turn evaluate each of the public comments received to determine whether the proposal should be modified before transmitting the list to Congress. Because Congress did not call for new data collection, the Department evaluated existing data (except for Crater Lake National Park) in order to determine whether identified thermal features qualified as significant under the criteria of the Act.

Several respondents commented that the application of the criteria in the proposed notice was inconsistently applied because of an overly broad interpretation of the criteria. However, a broad definition and a broad application of the criteria were intentionally used to prevent arbitrary omission of a feature from consideration for significance and to stimulate public comments. We agree that the criteria needed to become more focused in order to prepare the final list.

The application of the criteria within the proposed notice was broad in that an identified feature could meet the test for significance even if it marginally met only one of the first three criteria, but met the fourth criteria because the feature was identified within the enabling legislation for the specified unit. The Department now applies the criteria so that a feature must be exceptionally significant for more than one of the criteria or, when considered "collectively", found to have a high rating.

The four criteria are listed below, along with a brief discussion of the factors contributing to the determination of whether or not the identified feature(s) qualify as "significant" under each criterion:

(1) *Size, extent, and uniqueness*—Neither lower nor upper limits on the size or extent of a feature were established. Each feature is still identified according to its existing surface dimensions. In the proposed notice, a feature could be considered significant under this criterion as long as it was identified as unique to the park unit, as well as to the Region, the Nation, or, in some cases, the World. Public comments received on the application of this criterion stated that it was applied too broadly. As a result of reevaluating the application of this criterion, the Department decided that, unless a feature was identified as unique to at least the Region, it should not automatically qualify as a significant thermal feature.

(2) *Scientific and geologic significance*—Under the proposed notice, a feature qualified as "significant" if the feature contributed important information to scientific or geologic knowledge, to the understanding of thermal regimes, or to the history or origin of the feature within the park unit, the Region, or the Nation. Also, the proposal considered biological factors as important to the scientific significance of a feature. The Department decided to define "scientific significance" so as to exclude consideration of biological factors because they are considered and protected under the provisions of other laws, such as the National Environmental Policy Act and the Endangered Species Act. Also, the Department decided to narrow the qualifiers of this criterion so that only those features that satisfy the following conditions would meet this criterion: a feature must contribute to geologic knowledge compared with similar features in other areas or must make a unique contribution to the understanding of similar systems.

(3) *The extent to which such features remain in a natural, undisturbed condition*—Under the proposed notice,

the existing condition of identified features described a full range of conditions, from completely undisturbed to commercially developed. As with size and extent, there were no limits established for amount or degree of development, but rather a judgment was made as to whether the amount of development was compatible with the purposes for which the park unit was established. The Department decided to limit qualification for significance under this criterion to those features which remain in a natural, relatively undisturbed condition, unless modifications were necessary to preserve a developed feature, consistent with the intent of the enabling legislation.

(4) *Significance of thermal features to the authorized purposes for which the National Park System unit was created*—The proposed notice considered this criterion being met if either: (a) A feature was specifically identified within the enabling legislation for the unit, or (b) a feature is being used in a manner consistent with the stated purposes for which the unit was created. The Department decided that features that are the basis for establishing the unit in the first instance (e.g., Yellowstone National Park or Hot Springs National Park) automatically meet this criterion, and that features that now significantly contribute to the statutory purposes for which the area was set aside by Congress could meet this criterion, but not automatically.

Listing of Affected States in the Proposed Notice

In the proposed notice, the Department requested public comments on the concept of identifying "affected States" as those States containing units where significant thermal features were listed. Applications for geothermal leases in affected States were proposed to be evaluated under the provisions of the Geothermal Steam Act as well as under the explicit public review requirements of the Act. For those States with no units listed as containing significant thermal features, all lease applications would be evaluated strictly under the requirements of the Geothermal Steam Act and other applicable laws and regulations, without implementing the case-by-case public review requirements of the Act.

Even though the Department received no public comments on this issue, the Department has decided that the proposed procedure of reviewing lease applications under the concept of affected States may not be in compliance with the Act. Therefore, when the Bureau of Land Management (BLM) receives an application for leasing geothermal resources, the likely impacts on listed thermal features of conducting operations under the lease application will be evaluated. The NPS will determine whether the likely impacts are *significantly adverse*, or *adverse*, or as having *no effect* to listed thermal features. Determinations will be applied and public notice will be given. The Department, including the U.S. Forest Service where applicable, will jointly review all public comments received to decide if the proposed action should be modified. BLM will process lease applications according to the provisions of the Act, as well as the Geothermal Steam Act, as amended, dependent on the determination of likely impacts to listed thermal features.

Summary Analysis of Significant Thermal Features Within Units of the National Park System

The Department has listed thermal features as significant within the following thirteen (13) park units of the twenty-two park units specified by the Act:

Mount Rainier National Park (Washington);
Yellowstone National Park (Wyoming, Montana, Idaho);
John D. Rockefeller, Jr. Memorial Parkway (Wyoming);
Bering Land Bridge National Preserve (Alaska);
Gates of the Arctic National Park and Preserve (Alaska);
Katmai National Park (Alaska);
Aniakchak National Monument and Preserve (Alaska);
Wrangell St. Elias National Park and Preserve (Alaska);
Lake Clark National Park and Preserve (Alaska);
Hot Springs National Park (Arkansas);
Lassen Volcanic National Park (California);
Hawaii Volcanoes National Park (Hawaii); and,
Haleakala National Park (Hawaii).

The section titled "List of Significant Thermal Features in Units of the National Park System" describes the listed significant thermal features within each of these thirteen units and addresses each of the significance criteria identified by the Act and applied by the Department as a consequence of public comments received on the proposed notice.

In addition, the Department has decided not to list thermal features as "significant" within nine (9) of the twenty-two (22) specified units. Features are not listed as significant for one or both of the following reasons: (1) No thermal features were identified by the National Park Service or by the public; or (2) features identified did not meet the significance criteria of the Act. As previously discussed, the Department has decided that at this time there is insufficient information upon which to list the postulated hydrothermal vents at Crater Lake as a significant thermal feature under the criteria of the Act; therefore, Crater Lake National Park is not included on the list.

Not listing features as "significant" does not mean that the features are not important. Since these features are in units of the National Park System, they are accorded the same high level of consideration as any park resource. Federal actions that may impact these features must still be reviewed under several laws, including the National Environmental Policy Act. The section titled "Specified Units Within the National Park System With No Significant Thermal Features" explains the rationale for each of the features on the proposed list that were not listed as significant on the list transmitted in this report.

The twenty-two (22) units of the National Park System specified by Congress in the Act are located within five (5) NPS Regions. The following table summarizes the list of significant thermal features:

SUMMARY TABLE

NPS Region: Park units evaluated	Number and type of proposed features identified	Identified features qualify as significant
Pacific Northwest Region:		
Mount Rainier National Park (Washington).	2 Hydrothermal	Yes.
	1 Volcanic	Yes.
Crater Lake National Park (Oregon).	1 Hydrothermal	No. Further study.
Olympic National Park (Washington).	2 Hydrothermal	No.
Rocky Mountain Region:		
Yellowstone National Park (Wyoming, Idaho, and Montana).	1 Hydrothermal	Yes (entire park).
Grand Teton National Park (Wyoming).	5 Hydrothermal	No.
John D. Rockefeller, Jr. Memorial Parkway (Wyoming).	1 Hydrothermal	Yes.
Alaska Region:		
Bering Land Bridge National Preserve.	1 Hydrothermal	Yes.

SUMMARY TABLE—Continued

NPS Region: Park units evaluated	Number and type of proposed features identified	Identified features qualify as significant
Gates of the Arctic National Park and Preserve.	1 Hydrothermal	Yes.
Yukon-Charley Rivers National Preserve.	None	Not Applicable.
Katmai National Park.	1 Volcanic	Yes.
Aniakchak National Monument and Preserve.	1 Volcanic	Yes.
Wrangell-St Elias National Park and Preserve.	1 Volcanic	Yes.
	1 Hydrothermal	No.
Glacier Bay National Park and Preserve.	None	Not Applicable.
Denali National Park and Preserve.	None	Not Applicable.
Lake Clark National Park and Preserve.	2 Volcanic	Yes.
Southwest Region:		
Hot Springs National Park (Arkansas).	1 Hydrothermal	Yes.
Big Bend National Park (Texas).	3 Hydrothermal	No.
Western Region:		
Lassen Volcanic National Park (California).	1 Hydrothermal	Yes.
Sequoia National Park (California).	2 Hydrothermal	No.
Hawaii Volcanoes National Park (Hawaii).	9 Volcanic	8 Yes/1 No.
	1 Hydrothermal	Yes.
Haleakala National Park (Hawaii).	1 Volcanic	Yes.
Lake Mead National Recreation Area (Arizona and Nevada).	3 Hydrothermal	No.

List of Significant Thermal Features in Units of the National Park System

The following features are listed as "significant" thermal features within units of the National Park System:

Mount Rainier National Park

The National Park Service originally proposed Mount Rainier, the volcano, and two associated springs and the thermal features at the summit (fumaroles) as one significant thermal feature. As the Department wishes to distinguish those features of a hydrothermal character from those of volcanic origin, the Department lists three features within Mount Rainier, one volcanic and two hydrothermal. Mount Rainier is listed as a significant volcanic feature. The fumaroles at the summit and Ohanapecosh springs near the bottom of Mount Rainier in the southeast part of the park are listed as two significant hydrothermal features. Longmire springs were reconsidered and a review of this feature determined that it did not meet the significance criteria of the Act as applied by the Department.

Feature: Mount Rainier (volcanic feature)

Significance Criteria:

1. *Size*—Approximately 176,000 acres.

Extent—Entire volcanic cone, including lava flows, pyroclastic ejecta, glaciers, and glacial debris.

Uniqueness—Mount Rainier is the largest and highest volcano in the Cascade Range and the largest stratovolcano south of Alaska.

2. *Scientific and geologic significance*—This feature is an ideal example of a large Cascade composite cone or stratovolcano. It differs from other Cascade volcanoes in that about 90% of its eruptions have been in the form of lava flows, and only 10% pyroclastics, low for a composite cone. Mount Rainier, as well as other Cascade volcanoes, is located approximately above the zone of melting created by the convergence of two crustal plates. Since the last significant eruption, Mount Rainier has been heavily incised by glacial action.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The volcano itself is primarily undisturbed. There are some disturbances to the flanks of the volcano from the construction of roads and visitor facilities; however, these developments are not believed to alter or interact with the underlying volcanic heat source.

4. *Significance of the feature to the authorized purposes for which the unit was created*—Mount Rainier, the volcano, is the central feature of the park and Mount Rainier National Park was established in 1899 to preserve Mt. Rainier and its associated geologic wonders (16 U.S.C. 91).

Feature: Fumaroles at the Summit of Mount Rainier and Associated Ice Caves (hydrothermal feature)

The following discussion was not included in the proposed notice, but was described in more detail during the public comment period. As the Department wishes to distinguish features of a hydrothermal character from those of volcanic origin, the following information is provided as a rationale for listing this feature as a separate hydrothermal feature.

Significance Criteria:

1. *Size and extent*—The fumaroles at the summit of Mount Rainier are small vents which release steam and are situated in an area where the ground temperature is reported to be 65–71 °C (174–185 °F).

Uniqueness—Vented steam has melted ice to form ice caves. One notable cave passage extends about 3,000 feet along the arc of the east crater rim. The presence of the fumaroles contributes to the continued formation of the ice caves.

2. *Scientific and geologic significance*—The summit fumaroles are considered scientifically and geologically significant because the creation of the ice caves by the steam vents in an active glacier area represents an unusual geologic feature. The ice passages offer opportunities to study the formation of the ice pack and the interaction of volcanic gases and steam with ice.

3. *The extent to which the feature remains in a natural, undisturbed condition*—Both the fumaroles and the ice caves remain in a natural, undisturbed condition mainly due to the difficult access and consequent lack of visitation to the summit.

4. *Significance of the feature to the authorized purposes for which the unit was created*—The summit fumaroles and associated ice caves are unique educational attractions of the unit. The summit steam vents have formed the ice caves which are rare geologic occurrences, unique to the Region, and an important feature to visitors of the unit.

Feature: Ohanapecosh Springs (hydrothermal feature)

Significance Criteria:

1. *Size and extent*—These 25 springs, ranging from small seeps to small springs, exist near the bottom of Mount Rainier in the southeast part of the park.

Uniqueness—These springs are indicators of subsurface thermal processes and are unique to the region in that they are easily accessible for study.

2. *Scientific and geologic significance*—Temperatures have been reported as high as 50 °C (122 °F) and flows have been measured between 110–250 liters per minute. These springs have been documented in U.S. Geological Survey Circular 790 as evidence of an active hydrothermal system.

3. *The extent to which the feature remains in a natural, undisturbed condition*—Ohanapecosh springs were

significantly altered by development that occurred prior to the establishment of the park; however, such alterations have not changed the thermal regime of the hydrothermal feature.

4. *Significance of the feature to the authorized purposes for which the unit was created*—Ohanapecosh springs are an important geologic feature associated with Mount Rainier and contribute to understanding the geology of the area. Mount Rainier National Park was established to preserve Mount Rainier and its associated geologic wonders (16 U.S.C. 91).

Yellowstone National Park

Feature: Yellowstone National Park (hydrothermal feature) Old Faithful and approximately 10,000 geysers and hot springs make Yellowstone National Park the world's greatest thermal area. Because each of the components listed are part of and in total comprise the Yellowstone hydrothermal system, the entire park unit is listed as a significant thermal feature. In addition, since Huckleberry Hot Springs within the John D. Rockefeller, Jr. Memorial Parkway are suspected of being directly linked to the Yellowstone hydrothermal system, these springs are identified as a significant thermal feature also and are listed as part of that unit. The following significance criteria have been analyzed for all of the components of the Yellowstone hydrothermal system as a single feature and are applicable to each component of the Yellowstone thermal system.

Significance Criteria:

1. *Size and extent*—Approximately 2,220,000 acres

(a) 10 travertine hot springs in Mt. Holmes, Mammoth, Tower Junction, Abiathar, Madison Junction, Firehole Lake, and Huckleberry Mountain Quadrangles. This includes the location of Mammoth Hot Springs.

(b) 41 acid-sulfate hot springs in Obsidian Lake, Mt. Washburn, Amethyst Mountain, Madison Junction, Norris Junction, Solfatara Plateau, Canyon Village, Ponuntpa Springs, Pelican Cone, Juniper Creek, Beach Lake, Lake Junction, Steamboat Point, Buffalo Lake, Summit Lake, Shoshone Geyser Basin and Huckleberry Mountain Quadrangles. This includes Norris Geyser Basin.

(c) 18 neutral-chloride hot springs in Norris Junction, Ponuntpa Springs, Firehole Lake, Buffalo Lake, Warm River Butte, Old Faithful, Ragged Falls, and Lewis Lake West Quadrangles. This includes the Upper (the location of Old Faithful) and Lower Geyser Basins.

(d) 1 neutral-dilute spring in Warm River Butte Quadrangle.

(e) 6 neutral-alkaline dilute springs in Lewis Lake West, Grassy Lake Reservoir, Huckleberry Mountain, and Mt. Hancock Quadrangles.

(f) 21 springs having a mixture of the above types in: Obsidian Lake, Amethyst Mountain, Madison Junction, Norris Junction, Canyon Village, Pelican Cone, Firehole Lake, Juniper Creek, Steamboat Point, Old Faithful, West Thumb, Shoshone Geyser Basin, and Lewis Lake East Quadrangles.

(g) 1 bicarbonate spring located in the Obsidian Lake Quadrangle.

(h) 16 springs of undetermined dominate chemistry located in Amethyst Mountain, Madison Junction, Norris Junction, Solfatara Plateau, Canyon Village, Ponuntpa Springs, Pelican Cone, Juniper Creek, Steamboat Point, and Lewis Lake West Quadrangles.

(i) 7 gas vents located in Amethyst Mountain, Abiathar Peak, Solfatara, Pelican Cone, and Eagle Peak (Brimstone Basin) Quadrangles.

Uniqueness—The Yellowstone thermal system is the world's greatest hydrothermal system and geyser area and is recognized as an outstanding natural feature of the world.

2. *Scientific and geologic significance*—Yellowstone contains thousands of thermal features and the park is widely known as the preeminent hydrothermal area of the world. The entire Yellowstone hydrothermal system provides numerous opportunities to study and characterize a large, undisturbed geyser system.

3. *The extent to which the features remain in a natural, undisturbed condition*—The feature is in a natural, undisturbed condition.

4. *Significance of the features to the authorized purposes for which the unit was created*—Yellowstone National Park was created in 1872 to preserve and protect all natural curiosities or wonders within the park and to retain them in their natural condition. The thermal features of the park are one of the natural wonders of the park and comprise the preeminent hydrothermal area of the world (16 U.S.C. 21).

John D. Rockefeller, Jr. Memorial Parkway

Feature: Huckleberry Hotsprings (hydrothermal feature)

Although the feature Huckleberry Hotsprings was identified in the proposed listing, it was not proposed as a significant thermal feature. However, because of comments relating these springs to the Yellowstone hydrothermal system, the Department now lists this feature.

Significance Criteria:

1. *Size and extent*—This feature consists of several springs located one mile west of Flagg Ranch.

Uniqueness—This feature is unique in that it is suspected of being an extension of the Yellowstone hydrothermal system.

2. *Scientific and geologic significance*—The combined flow of this feature is estimated at 350,000 gallons per day with temperatures over 100° Fahrenheit. The waters from these springs are slightly radioactive. Their scientific or geologic significance lies in their possible connection to the Yellowstone hydrothermal system.

3. *The extent to which the feature remains in a natural, undisturbed condition*—These springs have been highly altered and were developed into a public swimming pool facility in the early 1960's. The facility was abandoned in 1984. Extensive rehabilitation is planned for the area to restore it toward natural conditions.

4. *Significance of the feature to the authorized purposes for which the unit was created*—As a result of comments received, this feature is suspected to be part of the Yellowstone hydrothermal system. As such, this feature is significant to the purposes for which Yellowstone National Park was established, even though it was not used as a rationale for establishing John D. Rockefeller, Jr. Memorial Parkway.

Bering Land Bridge National Preserve

Feature: Serpentine Hot Springs (hydrothermal feature)

Significance Criteria:

1. *Size*—Approximately 0.5 square miles

Extent—Serpentine Hot Springs is a group of hot springs in the northern interior of the Seward Peninsula.

Uniqueness—These springs are the only springs in the region and are a unique indicator of underlying thermal activity in the Preserve. Also, these springs are a site where ceremonies of cultural significance are conducted by Native Alaskans, and as such are unique to the Native culture of the Region.

2. *Scientific and geologic significance*—As the only springs in the region, Serpentine Hot Springs are a unique indicator of thermal activity in the Preserve and knowledge about these springs will contribute to scientific data of the Region.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The main pool has undergone some disturbance. Bath and bunk houses have been moved to the site to facilitate public visits and water has been piped to the bathing pool

These surface disturbances have not altered the underlying thermal regime of the feature.

4. *Significance of the feature to the authorized purposes for which the unit was created*—The Bering Land Bridge National Preserve was established to protect and interpret volcanic lava flows, ash explosions, coastal formations and other geologic processes. Also, the recreational significance of the Serpentine Hot Springs was recognized in the enabling legislation (16 U.S.C. 410hh).

Gates of the Arctic National Park and Preserve

Feature: Reed River Hot Springs (hydrothermal feature)

Significance Criteria:

1. *Size*—A complex of springs approximately 0.25 miles in length.

Extent—0.25 mile section along the east side of Reed River.

Uniqueness—Reed River Hot Springs is the largest known thermal feature in the park and is one of the few large hot springs in the region.

2. *Scientific and geologic significance*—As one of the few large warm springs in the Brooks Range of Alaska, Reed River Hot Springs has been proposed for listing in the National Register of Natural Landmarks and for designation as a State Ecological Preserve.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The feature is in a natural, undisturbed condition.

4. *Significance of the feature to the authorized purposes for which the unit was created*—The Alaska National Interest Lands Conservation Act of 1980 (ANILCA) established Gates of the Arctic National Park and Preserve as a new park unit within the National Park System. ANILCA states that the purpose of the unit is to "preserve unrivaled scenic and geologic values" with the mandate to manage the unit "to maintain the wild and undeveloped character of the area" and its "ecological integrity" (16 U.S.C. 410hh). The natural, undisturbed character of one of the few warm springs in the Brooks Range, as found in the Reed River Hot Springs, is a significant thermal feature for this unit.

Katmai National Park and Preserve

Feature: Novarupta and vicinity (volcanic feature)

Significance Criteria:

1. *Size*—800 square miles.

Extent—Novarupta and several volcanoes to the northeast and southwest of Novarupta that parallel the Shelikof Strait, including Mount Martin, Mount Mageik, Trident Volcano, Mount Griggs, Kukak Volcano and Mount Katmai. These volcanoes, all in the vicinity of Novarupta, are east of the Bruin Bay fault and between Mount Martin and Mount Katmai, in the south central part of the park.

Uniqueness—The 1912 eruption of Novarupta altered the Katmai area dramatically and another volcanic eruption could occur at any time to again radically alter the landscape. The active volcanoes that line the Shelikof Strait make this area one of the world's most active volcanic centers today. Novarupta, itself, has a relatively simple structure conducive to study. There is no other site in the world where an historical ash eruption of comparable size has occurred at a site where the ejecta are easily accessible for study.

2. *Scientific and geologic significance*—It is thought that the magma body is close to the surface from a most recent eruption and the structure beneath Novarupta, including the magma body, is of major scientific interest and significance because of its relatively easy accessability.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The feature is in a natural, undisturbed condition.

4. *Significance of the feature to the authorized purposes for which the unit was created*—Katmai National Monument was originally established to protect the volcanic features. ANILCA further expanded the unit to protect, among other features, all the existing geological features, including the volcanoes within the unit (16 U.S.C. 410hh–1).

Aniakchak National Monument and Preserve

Feature: Aniakchak Caldera (volcanic feature)

Significance Criteria:

1. *Size*—Approximately 28 square miles.

Extent—The caldera is a volcanically active, flat-floored, ash-filled bowl that is 2,500 feet deep.

Uniqueness—The Aniakchak caldera is one of the largest calderas in Alaska, exhibits recent volcanic activity, and is essentially dry-bottomed.

2. *Scientific and geologic significance*—The area is acclaimed as one of the largest and most accessible ice-free claderas on the Alaska peninsula.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The feature is in a natural, undisturbed condition.

4. *Significance of the feature to the authorized purposes for which the unit was created*—Aniakchak's enabling legislation states the unit must be managed to "maintain the caldera and its associated volcanic features and landscapes in their natural state." Therefore, the identified feature is a significant feature serving as the basis for the unit's creation (16 U.S.C. 410).

Wrangell-St. Elias National Park and Preserve

Feature: Wrangell Volcanoes (volcanic feature)

Significance Criteria:

1. *Size*—Mt. Wrangell 14,153 feet; Mt. Drum 12,010 feet; Mt. Sanford 16,237 feet; and Mt. Blackburn 16,390 feet.

Extent—The four volcanoes are central features of the park.

Uniqueness—The four active volcanoes are prominent within the park which includes the greatest assemblages of mountain peaks in any park in the Nation.

2. *Scientific and geologic significance*—The Wrangells are collectively referred to as a group of large shield and composite volcanoes. Geologically, they are relatively young and have had major eruptions as recently as 1,500 years ago. Their size and recent eruptive activity provide significant opportunities for scientific investigations, including glaciological and volcanic studies. A long-term monitoring program of Mt. Wrangell has been ongoing for over 15 years. The Wrangells are one of the greatest assemblages of mountain peaks in the Nation, some of which are volcanoes, both active and inactive. The Wrangells are the origin for some of the longest glaciers on the North American continent.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The foothills and lowlands that form the outer fringe of this mountain range have been sites for a few small mining operations. The mining operations, with developed access routes, have created some disturbance to these areas; however, disturbances to the surrounding mountains is minimal.

4. *Significance of the feature to the authorized purposes for which the unit was created*—ANILCA identifies the general purpose for which various Alaska units were established as one of preserving unrivaled scenic and geological values associated with natural landscapes. The primary purposes of Wrangell-St. Elias National Park and Preserve are to maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes, and streams in their natural state and to provide

reasonable access for mountain climbing, mountaineering, and other wilderness recreational activities. These high peaks are the significant features serving as the basis for the creation of the unit (16 U.S.C. 410hh).

Lake Clark National Park and Preserve

Feature: Redoubt Volcano (volcanic feature)

Significance Criteria:

1. *Size*—38,000 acres.

Extent—The volcano, including the small vents in the cone of Redoubt Volcano.

Uniqueness—Redoubt volcano is the second highest of the 76 volcanoes of the Alaska Peninsula and Aleutian Islands and is an active, heavily glaciated stratovolcano.

2. *Scientific and geologic significance*—Redoubt Volcano is an excellent example of a classic stratovolcano which exhibits areas of steam and sulfur venting. The feature is marked by erosion from glaciers and other processes exposing cross-sections of the volcano. Exposures illustrate the relationships of various lava flows and pyroclastic rocks of which the stratovolcano is composed.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The feature is in a natural, undisturbed condition.

4. *Significance of the feature to the authorized purposes for which the unit was created*—The enabling legislation for Lake Clark National Park and Preserve states that the purpose of the unit is, among others, to "maintain unimpaired the scenic beauty and quality of portions of the Alaska Range, including active volcanoes" (16 U.S.C. 410hh).

Feature: Iliamna Volcano (volcanic feature)

Significance Criteria:

1. *Size*—33,900 acres.

Extent—The volcano, including the small vents in the cone of Iliamna Volcano.

Uniqueness—Iliamna Volcano is a broad cone-shaped active volcano deeply dissected by erosional processes. Thermal activity consists of two small sulfur vents located at about 9,000 feet near the summit on the eastern face of the volcano.

2. *Scientific and geologic significance*—The composition and appearance of the Iliamna Volcano offers opportunites to study the results and the history of volcanic processes.

3. *The extent to which such features remain in a natural, undisturbed condition*—The feature is in a natural, undisturbed condition.

4. *Significance of the feature to the authorized purposes for which the unit was created*—The enabling legislation for Lake Clark National Park and Preserve states that the purpose of the unit is, among others, to "maintain unimpaired the scenic beauty and quality of portions of the Alaska Range, including active volcanoes" (16 U.S.C. 410hh).

Hot Springs National Park

Feature: Hot Springs (hydrothermal feature)

Significance Criteria:

1. *Size*—0.3 mile long section of the southwest base of Hot Springs Mountain.

Extent—These springs are comprised of 47 individual springs along the southwest toe of Hot Springs Mountain.

Uniqueness—The average temperature of 143 °F of the spring waters are unique, as is the combined flow of 23 of the monitored springs which is 600,000 gallons per day. These springs are credited with advancing the bathhouse and health-spa ethic in this region of the United States.

2. *Scientific and geologic significance*—The springs have been studied to differing levels of sophistication over the past 150 years. Studies are being conducted to affirm the subsurface geology and the groundwater flow network. Monitoring equipment to be installed will provide base information to monitor temperatures and flow as a measure of adverse effects and hydrologic changes.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The natural environment of the springs has been extensively altered with the construction of bathhouses and the city's Central Avenue business district. The springs themselves have been walled in and capped to prevent surface-borne contamination. Twenty-three (23) of the springs have had plumbing installed to collect and distribute the waters to a central reservoir.

4. *Significance of the feature to the authorized purposes for which the unit was created*—The Act of April 20, 1832, initially set aside this area, including the Hot Springs, as a Federal reserve in the Territory of Arkansas. Since the initial Act, there have been over 50 additional Federal statutues specifically addressing the management of the Hot Springs. The Department recognizes the cultural significance of the evolution of the bathing regime into the elegant bathhouses, and the thermal flows remain of primary significance to Hot Springs National Park (16 U.S.C. 361).

Lassen Volcanic National Park

Feature: Lassen hydrothermal system (hydrothermal feature)

There are six areas within Lassen Volcanic National Park that contain surface manifestations of a single hydrothermal system. As all of these areas are related to a single system, the Lassen hydrothermal system is listed as a single significant feature. The following significance criteria have been analyzed for all 6 components of the feature and have been found to be applicable to each component within the Lassen hydrothermal system.

Significance Criteria:

1. *Size*—70 square kilometers

Extent—Bumpass Hell, Little Hot Springs Valley, Sulphur Works, Devils Kitchen, Boiling Springs Lake—Drakesbad Hot Springs, and Terminal Geyser in the southern part of the park are the six features related to the Lassen hydrothermal system. The system is a two-phase, vapor-dominated system approximately 500–600 meters thick. Surficial expression varies from superheated fumaroles at Bumpass Hall to acid-sulfate springs and mudpots at Sulfur Works and Devils Kitchen.

2. *Scientific and geologic significance*—The Lassen hydrothermal system constitutes the only known vapor-dominated thermal system in the Cascade Range. Only two other vapor-dominated systems are known in the Western United States (The Geysers in California and Mud Volcano is Yellowstone National Park).

3. *The extent to which the feature remains in a natural, undisturbed condition*—Except for one abandoned geothermal well near Terminal Geyser, the system has not been tapped by drilling and there has been no depletion of thermal energy from drilling activity. Surface features at Bumpass Hell, Sulphur Works, and Devils Kitchen have been only slightly altered by the installation of trails andl boardwalks for the safety of visitors.

4. *Significance of the feature to the authorized purposes for which the unit was created*—Lassen Volcanic National Park was established in 1916 as a "public park and pleasuring ground for the benefit of the people of the United States", and to be managed "for the preservation from injury or spoilation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in natural condition." The surface thermal features in the park represent an outstanding example of large steam heated thermal features, and the thermal system and its surface manifestations are a significant

expression of the continuing thermal activity in the area (16 U.S.C. 201).

Hawaii Volcanoes National Park

Feature: Steaming Bluff and Sulphur Banks (hydrothermal feature)

Significance Criteria:

1. *Size and extent*—Approximately 2 square miles (two miles long by one mile wide).

Uniqueness—Contains continuously active steaming fumaroles indicative of considerable subsurface hydrothermal phenomena.

2. *Scientific and geologic significance*—This feature is the site of active steaming fumaroles that may easily be viewed and studied.

3. *The extent to which the feature remains in a natural, undisturbed condition*—The area is the site of developed visitor trails; however, these trails have not altered the integrity of the thermal feature.

4. *Significance of the feature to the authorized purposes for which the unit was created*—Hawaii Volcanoes National Park was established as part of Hawaii National Park in 1916 and later redesignated as Hawaii Volcanoes National Park in 1961. The enabling legislation for this unit states that the purpose of the unit is to "provide for the preservation from injury of all . . . natural curiosities and wonders within said park, and their retention in their natural condition as nearly as possible." As the Steaming Bluff and Sulphur Banks area within Hawaii Volcanoes National Park contains major surface manifestations of a subsurface hydrothermal system which are of scientific and geologic significance to the Region, the Department has determined that this feature is a significant thermal feature (16 U.S.C. 391).

The following eight features are all listed as significant thermal features within Hawaii Volcanoes National Park because of their volcanic origin and significance. Significance criterion #3, the extent to which the feature remains in a natural, undisturbed condition, will not be repeated for each of the eight features under the discussion of the significance criteria, as each feature is in a natural, undisturbed condition. Significance criterion #4, significance of the feature to the authorized purposes for which the unit was created, will not be repeated for each feature since the following analysis is applicable to all the listed features. Hawaii Volcanoes National Park was established as part of Hawaii National Park in 1916 and later redesignated as Hawaii Volcanoes National Park in 1961. The enabling legislation for this unit states that the purpose of the unit is to "provide for the preservation from injury of all . . . natural curiosities and wonders within said park, and their retention in their natural condition as nearly as possible." As the following identified volcanic features within Hawaii Volcanoes National Park are unique natural thermal features of known scientific and geologic significance to the region, each of these eight features have been determined to be a natural wonder of the unit and, as such, are significant thermal features for this unit (16 U.S.C. 391). All of these identified features are features for which the park was created and criterion #4 is fully met.

Feature: Kilauea Caldera and Halemaumau Crater (volcanic feature)

Significance Criteria:

1. *Size and extent*—The entire caldera, including Halemaumau Crater, is approximately 3 square miles (3 miles long by 1 mile wide).

Uniqueness—Kilauea Volcano is one of the world's most active volcanic areas and has been in eruption since January 1983.

2. *Scientific and geologic significance*—This feature offers extensive opportunities for scientific and geologic investigations of an active mid-ocean volcanic system and is being constantly monitored. Kilauea (and Halemaumau) reflect the upwelling of mantle-derived lava as the Pacific Plate passes over the Hawaiian Hot Spot.

Feature: Kilauea Iki Crater (volcanic feature)

Significance Criteria:

1. *Size and extent*—That area 1 mile long by ½ mile wide beside Kilauea Crater.

Uniqueness—This feature is the only lava pond with an extended history of cooling.

2. *Scientific and geologic significance*—This feature is the site of current lava pond cooling rate studies.

Feature: Great Crack and Southwest Rift (volcanic feature)

Significance Criteria:

1. *Size and extent*—Approximately 10 square miles (20 miles long by ½ mile wide).

Uniqueness—Active rift zone, even though not as recently active as the East Rift Zone. Eruption occurred in this rift zone in the 1970's. It is a major fissure and volcanic feature.

2. *Scientific and geologic significance*—This feature is a major fault structural feature of Kilauea and offers numerous opportunities for scientific and geologic investigation.

Feature: East Rift Zone (volcanic feature)

Significance Criteria:

1. *Size and extent*—Approximately 20 square miles (13 miles long by 1.5 miles wide).

Uniqueness—The East Rift Zone is currently the world's most active volcanic rift zone and exhibits steaming ground.

2. *Scientific and geologic significance*—As the world's most active volcanic rift zone, it offers important opportunities for scientific and geologic investigations, and numerous such studies are being carried out. This feature is a major fault structural feature of Kilauea.

Feature: Chain of Craters (volcanic feature).

Significance Criteria:

1. *Size and extent*—Approximately 12 square miles (12 miles long by 1 mile wide) along the upper part of the East Rift Zone.

Uniqueness—This long line of volcanic features and phenomena is a very active thermal site, even though volcanic activity is shifting toward the lower part of the East Rift Zone.

2. *Scientific and geologic significance*—This feature is an active intrusive zone with many collapsed caldera features, pit craters, and steaming ground.

Feature: Mauna Ulu (volcanic feature).

Significance Criteria:

1. *Size and extent*—4 square miles (two miles long by two miles wide).

Uniqueness—It is a major volcanic vent along the East Rift Zone.

2. *Scientific and geologic significance*—Major active volcanic feature formed in the 1970's.

Feature: Puu Oo (volcanic feature).

Significance Criteria:

1. *Size and extent*—Two square miles (2 miles long by 1 mile wide).

Uniqueness—Recently active major volcanic vent of the East Rift Zone. The latest eruption was in June 1986. This is currently the largest such feature within the unit; however, eruptive activity seems to be shifting farther down the East Rift Zone.

2. *Scientific and geologic significance*—This feature is the site of significant studies of active volcanic vents and the resultant magmatic activity.

Feature: Mokuaweoweo Caldera and Northeast Rift Zone of Mauna Loa (volcanic feature).

Significance Criteria:

1. *Size and extent*—40 square miles (Mokuaweoweo Caldera is 4 miles long by 2½ miles wide and the Northeast Rift Zone of Mauna Loa is 15 miles long by 2 miles wide).

Uniqueness—The feature is the major caldera and rift zone of Mauna Loa.

2. *Scientific and geologic significance*—This feature is the site of significant caldera studies.

Haleakala National Park

Feature: Haleakala Crater (volcanic feature).

Significance Criteria:

1. *Size*—17,130 acres from crater rim.

Extent—Volcanic feature extends from the crater rim into the interior of the crater.

Uniqueness—Haleakala Crater, on the island of Maui, marks the prior location of the Hawaiian Hot Spot, or plume of rising magma. As the Pacific Plate has moved westward relative to the plume, the Hawaiian Islands have formed like a "string of pearls", with the Island of Hawaii presently the most active. Haleakala last erupted in 1790 with two lava flows at lower elevations. Hence, the volcano is still potentially active even though the major activity has shifted eastward. The same crustal thermal and volcanic processes are responsible for both Haleakala on Maui and the volcanic features and current activity on the Island of Hawaii.

2. *Scientific and geologic significance*—Haleakala Crater offer opportunities for studies of waning Hawaiian volcanism. It is the focus of geologic studies to determine the composition of the earth's mantle and if it has changed over time. Changes are measured by comparing the composition of Haleakala rock with magma presently issuing from the Island of Hawaii.

3. *The extent to which the feature remains in a natural, undisturbed condition*—In its upper reaches, the crater is a pristine native rain forest with unique, fragile, and endemic plant and animal species. The Crater Historic District which encompasses the entire crater is listed on the National Register of Historic Places. The feature is in a natural condition except for very few roads, trails, and buildings provided to serve the public. The summit of the crater and a great many sites within are considered to be sacred by Native Hawaiians and contains many sites of archeological value, including royal burial sites.

4. *Significance of the feature to the authorized purposes for which the unit was created*—The legislative history supporting the Act of August 10, 1916, which created the Haleakala National park as an isolated extension of Hawaii Volcanoes National Park, emphasizes that the craters within the proposed boundaries are among the most remarkable of natural wonders and among the largest and most spectacular in the world. These volcanoes are a national as well as a regional and local asset. The purposes of Haleakala National Park are, among others, to preserve the area's volcanoes and the outstanding scenic, geologic, and biological resources, as well as to preserve the natural environment for public enjoyment and scientific study (16 U.S.C. 396b).

Units Within the National Park System With No Significant Thermal Features

The Department identified no thermal features within the following three specified units of the National Park System located in Alaska:

Yukon-Charley Rivers National Preserve;

Glacier Bay National Park and Preserve; and,

Denali National Park and Preserve.

Thus, determinations of "significance" are not applicable, and the three units listed above were so noted in the "Summary Table" of the earlier section titled "Summary Analysis of Significant Thermal Features Within Units of the National Park System."

One commentor nominated an area known as "Moose Creek" within Denali National Park and Preserve in Alaska as a possible candidate for evaluating as a significant thermal feature. "Moose Creek" was known to the NPS at the time of the proposed notice and was not listed as a candidate feature because it is an area of intermittent or reemergent streams with temperatures in the winter that are only slightly higher than ambient temperature. Since this area does not meet the criteria, it was not added to the list of significant thermal features.

The following features within the boundaries of several of the specified units of the National Park System, were identified in the proposed list, but after review of new and existing information and public comments, they were not included on the list of significant thermal features transmitted to Congress. The Department determined these features not to be "significant" because the features do not qualify as significant under the criteria of the Act, either as originally proposed or as subsequently modified as a result of public comments received. In the case of Crater Lake National Park, the Department determined that there is insufficient information at this time to make a determination of significance; therefore, Crater Lake is not included on the list of significant thermal features. These park units and their originally identified features are described below. The text will reference whether the feature was either not originally proposed as a significant thermal feature in the proposed notice or not listed on this list as a consequence of evaluating public comments received on the proposed notice.

Crater Lake National Park

Feature: Postulated Hydrothermal Vents at the Bottom of Crater Lake.

The Department is not listing this features as a significant thermal feature because there is insufficient information at the present time on the possible thermal feature. The Department is conducting a six month study on the question of Crater Lake and plans to make a decision on whether Crater Lake should be added to the list in the Fall 1987. Concurrent with the studies conducted to determine the significance of the postulated hydrothermal vents, no leases will be issued surrounding Crater Lake under the discretion vested in the Secretary by the Congress under section 3 of the Geothermal Steam Act of 1970 [30 U.S.C. 1002 (1982)].

Olympic National Park

Feature: Sol Duc Hot Springs.

NPS originally proposed Sol Duc Hot Springs as marginally significant, mainly because of the lack of scientific interest or significance to the unit or to the Region. As a result of evaluating public comments on this feature, the Department decided not to list this feature as a significant thermal feature under the Act because in relation to other springs known to exist in Washington, Oregon, or California, neither the size nor the character of the proposed feature is unique to the Region. The springs are actually seeps rather than springs with measurable flow. These springs have not been identified as an area of scientific interest and possess no unusual geologic significance. The springs have undergone extensive commercial development as a spa. This concession in the park is used extensively by the public for recreational and therapeutic purposes. Because of the current use the springs are not in an undisturbed condition. Finally, the feature is only incidental to the purposes for which the park unit was created.

Feature: Olympic Hot Springs.

Olympic Hot Springs in Olympic National Park was not proposed as a significant thermal feature and no public comments were received on this feature to warrant its reconsideration for listing.

Grand Teton National Park

Feature: Steamboat Mountain Fumarole.

Feature: Jackson Lake Warmsprings.

Feature: Kelly Warmsprings.

Feature: Teton Valley Ranch Warmsprings.

Feature: Abercrombie Warmsprings.

None of the five identified hydrothermal features within Grand Teton National Park were proposed as significant thermal features. Although

the Department received one public comment in support of listing these features, there were no data submitted or new information available that warranted reconsideration of the original determination that none of these five springs met the criteria of significance. Therefore, no significant thermal features are listed for Grand Teton National Park.

Wrangell-St. Elias National Park and Preserve

Feature: Mineral Springs (mud volcanoes).

The mineral springs were originally proposed as a significant thermal feature. New information on the boundaries of the unit reveals that this feature is included within lands designated for interim conveyance to Native Alaskans. Because they are destined to be conveyed outside of the unit's boundaries, the Department removed this thermal feature from the list.

Big Bend National Park

Feature: Spring No. 1.
Feature: Spring No. 4.
Feature: Hot Springs.

These three springs were originally proposed as significant thermal features in the proposed notice. They are low flow, low temperature springs that are not unique to the region and, in fact, have been extensively altered from their natural state by the construction of enclosures, bathhouses and pumphouses. Springs No. 1 and 4 are used primarily for maintaining endangered wildlife species. The third spring supplies a bathhouse that is used by park visitors. While the presence of endangered species indicates biological significance, this is not the geologically oriented scientific significance specified in the Act. A reconsideration of these springs concludes that the criteria were too broadly applied and that the presence of endangered species should not, by itself, qualify a thermal feature as significant under the criteria of the Act; however, the endangered species will be categorically protected under the Endangered Species Act.

Sequoia National Park

Feature: Kern Hot Springs.
Feature: Whitney Warm Springs.

Both of the identified thermal features within Sequoia National Park were proposed as marginally significant, mainly because the scientific and geologic significance of these features are unknown at this time. Upon reevaluation of existing and new information submitted as a result of the public comment period, the Department does not consider these springs as significant. Neither springs are unique to the Region, nor do they exhibit unique temperatures for the Region. They are but two of over 100 springs in California with similar temperatures ranging between 80–100 °F. Both springs are very small and of limited extent. They are not of particular geologic interest. Their significance to the purposes for which the unit was established is incidental, and neither spring is mentioned in the enabling legislation for the unit.

Hawaii Volcanoes National Park

Feature: Thurston Lava Tube.

This feature is a cooled geomorphic landform formed by flowing lava during historically old eruptions from nearby vents that existed at that time. The area is so cool that visitors enjoy the coolness within the lava tube as a refreshing pause on a tour of the unit. Sometimes the ambient air in the Thurston Lava Tube is cool enough to require a jacket to walk through it. This feature, although formed at one time by lava, is not of itself a "thermal feature." It is rather a surface manifestation of past volcanic processes that is no longer being changed by eruptive activity. Since it is a feature that, most likely, will not be subject to another lava flow through the tube to change its structure and form, the Department excluded this feature from the list of significant thermal features.

Lake Mead National Recreation Area

Feature: Black Canyon Hotsprings.
Feature: Blue Point Spring.
Feature: Rogers Spring.

The three features identified in this unit were originally proposed as significant thermal features. Based on its review of these features, the Department determined that none of the warm springs should be listed as significant thermal features.

Black Canyon Hot Springs are five springs in a four mile stretch of the river, where the individual size of each of these springs is not large. These springs are neither unique to the Region nor of considerable interest to the scientific community. With one exception, temperatures of the springs are generally low for thermal springs. They are close to ambient temperature and range between 26 °C to 31 °C. Only one spring has a higher temperature recorded, at 51 °C (124 °F); however, at least 55 springs have been identified in Nevada as having temperatures greater than 124 °F. These hotsprings do not necessarily serve as indicators of extraordinary subsurface thermal gradients. If water circulates deep enough under normal geothermal gradient conditions, the water will have temperatures as high as presented here. This process does not require the existence of an unusual subsurface thermal gradient.

One spring has biological significance to the extent that it provides habitat for the Devil's Hole Pupfish, an endangered species; however, they are protected under the Endangered Species Act.

These springs are not in a natural state as they are used as spas by the public. Also, the use of these springs is incidental to the purposes for which the park was established. It was not until Hoover Dam had created Lake Mead that Congress considered the recreational value of the area to be worthy of park status. Furthermore, the number of visitors using these springs is small compared to the number of visitors using the park each year.

Blue Point Spring and Rogers Spring, the remaining two of the three identified features within Lake Mead National Recreation Area, are connected to the same regional flow system, but otherwise their geologic significance is not known at this time. These springs are similar to other springs within the Region, and information about these springs will not contribute significantly to the data base about similar springs.

Blue Point Spring has a temperature of 85 °F which is approximately ambient temperature. As a result, water from this spring will exhibit a higher temperature above ambient for only about 100 feet from the spring; it, therefore, is not significant in size. At least 152 thermal springs with this temperature have been identified in Nevada. This spring does not have uncommon characteristics compared with other thermal springs. Although it was once considered as a refugium for the endangered Moapa coriacez, the ionic constituents of the waters of the spring make it unsuitable as a refugium. The spring has been altered for commercial and recreational uses. This spring is not scientifically significant when compared to springs within the remainder of the Region.

The flow rates and temperatures of Rogers Spring are similar to other springs in the area and the physical parameters are considered common. The spring site has been altered by developments which include man-made ponds and picnic facilities which significantly detract from a natural condition of the spring. The recreational significance of this spring is less than that of Black Canyon.

Dated: July 28, 1987.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 87-17396 Filed 7-31-87; 8:45 am]

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Part IV

Information Security Oversight Office

32 CFR Part 2003

National Security Information; Standard Forms; Final Rule

INFORMATION SECURITY OVERSIGHT OFFICE

32 CFR Part 2003

National Security Information; Standard Forms

AGENCY: Information Security Oversight Office (ISOO).

ACTION: Final rule

SUMMARY: This amendment to 32 CFR 2003.20 provides (1) authority for the witnessing and acceptance of the Standard Form 189, "Classified Information Nondisclosure Agreement" or the Standard Form 189–A, "Classified Information Nondisclosure Agreement (Industrial/Commercial/Non-Government)," by an authorized representative of a contractor, licensee, grantee, or other non-Government organization, acting as a designated agent of the United States; and (2) points of clarification concerning the meaning and intent of specific provisions of SF 189 and SF 189–A. The points of clarification do not alter the substance of the agreements reflected in SF 189 and SF 189–A. They are fully consistent with previous interpretations provided in response to individual inquiries and apply to the interpretation of those provisions in existing versions and future reprints of SF 189 and SF 189–A.

EFFECTIVE DATE: August 3, 1987.

FOR FURTHER INFORMATION CONTACT: Steven Garfinkel, Director, ISOO. Telephone: (202) 535–7251.

SUPPLEMENTARY INFORMATION: This amendment to 32 CFR Part 2003 is issued pursuant to section 5.2(b)(7) of Executive Order 12356.

List of Subjects in 32 CFR Part 2003

Classified information, Exeuctive orders, Information, National security information, Security information.

32 CFR Part 2003 is amended as follows:

PART 2003—NATIONAL SECURITY INFORMATION—STANDARD FORMS

1. The authority citation for 32 CFR Part 2003 continues to read:

Authority: Sec. 5.2(b)(7) of E.O. 12356.

Subpart B—Prescribed Forms

2. Section 2003.20 is revised to read as follows:

§ 2003.20 Classified Information Nondisclosure Agreement: SF 189; Classified Information Nondisclosure Agreement (Industrial/Commercial/Non-Government): SF 189–A.

(a) SF 189 and SF 189–A are nondisclosure agreements between the United States and an individual. An individual is to execute either the SF 189 or the SF 189–A, as appropriate, before the United States Government may authorize that individual access to classified information.

(b) All employees of executive branch departments, and independent agencies or offices must sign SF 189 before being authorized access to classified information.

(c) All Government contractor, licensee, and grantee employees, or other non-Government personnel requiring access to classified information in the performance of their duties, must sign either SF 189 or SF 189–A before being authorized access to classified information.

(d) Agencies may require other persons, who are not included under paragraphs (b) or (c) of this section, to execute SF 189 or SF 189–A before receiving access to classified information.

(e) Only the National Security Council may grant an agency's request for a waiver from the use of SF 189 or SF 189–A. To apply for a waiver, an agency must submit its proposed alternative nondisclosure agreement to the Director of ISOO, along with a justification for its use. The Director of ISOO will request a determination about the alternative agreement's enforceability from the Department of Justice prior to making a recommendation to the National Security Council. An agency that has received a waiver from the use of SF 189 need not seek a waiver from the use of SF 189–A, if the employees of its contractors, licensees and grantees, and other non-Government personnel are required to sign a nondisclosure agreement identical or comparable to the agreement for which a waiver has been granted.

(f) Each agency must retain its executed copies of SF 189 and SF 189–A in file systems from which the agreements can be expeditiously retrieved in the event that the United States must seek their enforcement. The copies or legally enforceable facsimiles of them must be retained for 50 years following their date of execution. An agency may permit its contractors, licensees and grantees to retain the executed agreements of their employees during the time of employment. Upon the termination of employment, the contractor, licensee or grantee shall deliver the SF 189 or SF 189–A of that employee to the Government agency primarily responsible for his or her classified work.

(g) An authorized representative of a contractor, licensee, grantee, or other non-Government organization, acting as a designated agent of the United States, may witness the execution of SF 189 or SF 189–A by another non-Government employee, and may accept it on behalf of the United States. Also, an employee of a United States agency may witness the execution of SF 189 or SF 189–A by an employee, contractor, licensee or grantee of another United States agency, provided that an authorized United States Government official or, for non-Government employees only, a designated agent of the United States subsequently accepts by signature the SF 189 or SF 189–A on behalf of the United States.

(h) *Points of clarification.* As a result of inquiries concerning the meaning and intent of specific provisions of SF 189 and SF 189–A, the following points of clarification are provided. These points of clarification do not alter the substance of the agreements reflected in SF 189 and SF 189–A. They are fully consistent with previous interpretations provided in response to individual inquiries and apply to the interpretation of these provisions in existing versions and future reprints of SF 189 and SF 189–A.

(1) As used in paragraph 1 of SF 189, the term "classifiable information" refers to information that meets all the requirements for classification under Executive Order 12356, or under any other Executive order or statute that prohibits the unauthorized disclosure of information in the interest of national security, but which, as a result of negligence, time constraints, error, lack of opportunity or oversight, has not been marked as classified information. A party to SF 189 would violate its nondisclosure provisions only if he or she disclosed without authorization classified information or information that he or she knew, or reasonably should have known, was classified, although it did not yet include required classification markings.

(2) As used in paragraph 3 of SF 189 and SF 189–A, the word "indirect" refers to any situation in which the knowing, willful or negligent action of a party to the agreement results in the unauthorized disclosure of classified information even though the party to the agreement does not directly communicate, deliver or transmit classified information to a person who is not authorized to receive it. A party to

SF 189 would violate its nondisclosure provisions only if he or she knew, or reasonably should have known, that his or her action would result, or reasonably could result in the unauthorized disclosure of classified information.

(3) As used in paragraph 7 of SF 189, "information" refers to "classified information," exclusively. Future reprints of SF 189 will reflect this clarification explicitly.

(4) As used in the third sentence of paragraph 7 of SF 189 and SF 189–A, the words "all materials which have, or may have, come into my possession," refer to "all classified materials which have or may come into my possession," exclusively. Future reprints of SF 189 and SF 189–A will reflect these clarifications explicitly.

(5) The format for the " Witness and Acceptance" statement on future reprints of SF 189 will be the same as the "Witness and Acceptance" statement of SF 189–A, which is consistent with the provisions of paragraph (g), above.

(i) The national stock number for the SF 189 is 7540–01–161–1869. The national stock number for the SF 189–A is 7540–01–237–2597.

Dated: July 29, 1987.

Steven Garfinkel,

Director, Information, Security Oversight Office.

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Part V

Department of Health and Human Services

Office of Human Development Services

Head Start Program; Availability of Grants

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13600-872]

Head Start Program; Availability of Grants

AGENCY: Administration for Children, Youth and Families (ACYF), Office of Human Development Services (OHDS), Department of Health and Human Services (DHHS).

ACTION: Announcement of availability of Federal financial assistance for innovative Head Start projects and request for applications.

SUMMARY: The Head Start Bureau of the Administration for Children, Youth and Families (ACYF) is soliciting applications from current Head Start grantees that wish to compete for $2,000,000 in grant funds available in fiscal year (FY) 1988 to develop and implement innovative program options or innovative adjuncts to existing programs. These funds will be awarded, through a national competition, to applicants who propose innovative methods for the delivery of Head Start services or outstanding solutions for pressing local problems focused on preschool children and their families.

Applications are being solicited now so that the competitive process for selecting grantees can be completed in FY 1987 and funding can take place in the first quarter of FY 1988.

DATE: The closing date for receipt of applications is September 17, 1987.

Address Applications To: Department of Health and Human Services, Office of Human Development Services, Grants and Contracts Management Division, 200 Independence Avenue SW., Room 341-F, HHH Building, Washington, DC 20201. Attention: William J. McCarron, Head Start/Innovation.

FOR FURTHER INFORMATION CONTACT: Mary S. Lewis, Education Specialist, (202) 755-7710.

SUPPLEMENTARY INFORMATION:

Part I. General Information

A. Program Purpose

The Head Start program is designed to provide comprehensive developmental services primarily to low-income preschool children, age three to the age of compulsory school attendance, and their families. To aid enrolled children to achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. In addition, Head Start programs are required to provide for the direct participation of parents of enrolled children in the development, conduct, and direction of local programs. In FY 1986, Head Start served 451,732 children through a network of 1,302 grantees.

While Head Start is targeted primarily on children whose families have incomes at or below the poverty line or are eligible for public assistance, ACYF policy permits up to 10 percent of the Head Start children in local programs to be from families who do not meet these low-income criteria. Head Start also requires that a minimum of 10 percent of the enrollment opportunities in each State be made available to handicapped children. Such children are expected to be enrolled in the full range of Head Start services and activities in a setting with their non-handicapped peers, and to receive needed special education and related services.

The Head Start Act, originally enacted as part of the Economic Opportunity Act of 1964, as amended, was reauthorized most recently by the Human Services Reauthorization Act of 1986, Pub. L. 99-425. The Act is codified at 42 U.S.C. 9831 et seq. The Head Start regulations are published in 45 CFR Parts 1301-1305.

B. Background

Since 1972, Head Start grantees have had five (5) program options from which to choose, i.e., the Standard Head Start Model, Variations in Center Attendance, Double Sessions, Home Based Models, and Locally Designed Options. The locally designed option is available to programs who elect to design a delivery system better suited to the needs of individual children and families in their communities than either the center-based or home-based options.

ACYF has now placed greater emphasis on local designs and, in 1985, approximately two million dollars were used to fund the first Innovative Cycle of 34 grants to 31 grantees nationwide. A synopsis of these locally designed demonstration programs is provided as Appendix I. The purpose of providing this information is so that applicants will not submit similar designs in response to this announcement (Cycle II), unless local circumstances might make one of these designs particularly appropriate.

C. Program Goals and Objectives of this Announcement

It is expected that applicants under this announcement will develop proposals which address specific needs as identified by their annual program self assessment and community needs assessment. Thus, the proposed work would be aimed at demonstrating innovative ways to meet the needs of children, parents and staff across all Head Start components, including administration.

Within the context of the Head Start goals, applicants may wish also to address the Department's new national initiative entitled "Youth 2000."

Youth 2000, a joint effort of the Departments of Labor and Health and Human Services, is a national campaign to heighten awareness about the issues that threaten to prevent millions of young people from having a productive and rewarding future. It is a "Call to Action" between now and the Year 2000 to motivate America's young people to believe in themselves; to make the most of their potential; to believe in the value of a healthy mind and body; and to strive toward becoming self-sufficient, productive members of society. Youth 2000 is an all out effort to enlist the coordination of businesses, communities, and government at the Federal, State and local levels in support of this endeavor. Please see Appendix II for Youth 2000 themes and possible approaches to Head Start innovative programming.

Specific Head Start program goals include those listed below:

- Serve eligible children and families with demonstrated high needs in such a specific manner that all Head Start programs could eventually benefit from the results of these innovative efforts.
- Improve the quality of service to eligible children and families.
- Meet documented needs of staff, families and children in a more efficient way through networking with specific agencies or joining forces with nearby or adjoining Head Start grantees or other early childhood programs.
- Document and disseminate information on the innovative approaches to service delivery.
- Contribute to the Departmental "Youth 2000" initiative by focusing on those objectives which have causal roots in the early years of childhood. Projects which underline the importance of prevention and early intervention, family involvement and individual perception of worth can serve to support young children and family functioning among young parents.

D. Eligible Applicants

Any existing Head Start grantee is eligible to apply for financial assistance under this announcement.

E. Available Funds

The Administration for Children, Youth and Families expects to award

approximately $2,000,000 in FY 1988 one or two year grants to develop innovative approaches to service delivery or products of benefit to Head Start programs. For two year grants, the second year of support will be available only if: (1) There has been satisfactory performance; (2) the grantee provides information on how it plans to disseminate, evaluate and refine the innovative activity; and (3) if funds are available.

Part II. Specific Responsibilities of the Grantee

A. Grantee Responsibilities

These projects are intended to demonstrate efficiency and high quality of service resulting in lasting effects on children and families or improved performance by staff within a limited time frame. The assumption is that more freedom is needed to meet needs of some individual children and their families than is available in the center-based or home-based options. To test this assumption at the local level, a one or two year time period in which to try out the local option is available. A second year of funding is available only for replication activities which are described in the applications.

For instance, during the first year, a grantee could develop a product or process for use with some of its constituents and try the activity with a small subset of people. In the second year, the activity could be enlarged to include all constituents or part or all of another grantee's or other child development program's constituents. This system, in turn, would test replicability and cost effectiveness within the two-year time frame. ACYF's goal is to disseminate findings which may be applicable to other grantees.

The emphasis is on testing and demonstrating new approaches. For FY 1988, the Innovative Grants program is aimed at improving the quality of services. Requests for funding services to additional children will be considered only if adding children is the only way the proposed option will work. Therefore, grantee activities should be designed to focus on children and families within their current funded enrollment level in specific ways that exceed current Head Start Program Performance Standards requirements.

All innovative projects must:

- Be consistent with good developmental practices for children as well as good adult learning practices in working with parents and staff;
- Work with parents toward greater understanding of child development practices;
- Meet all Head Start Program Performance Standards. An exception to this rule is a model which is designed as an adjunct to a grantee's comprehensive services. Adjunct is defined as a special programmatic focus or circumscribed effort designed to meet a specific local need arising from a review of Head Start component capabilities and aimed at a specified subset of people. For example, some people would get something extra while the regular enrollment of children and families would continue to receive comprehensive Head Start services. This subset of people might be those who are counted in the regular enrollment but who get additional services or they might be an adjunct group of family members, waiting list families, or other low-income families in the community. An example of an adjunct project would be one that provides comprehensive health services to low-income families who are not eligible for Medicaid/Early and Periodic Screening, Diagnosis and Treatment (EPSDT) or other third party comprehensive health services;
- Mainstream children with special needs;
- Address the bilingual/bicultural needs of persons to be served;
- Assure that qualifications of staff to be assigned to the proposed project are appropriate.
- Provide for involvement of parents and other community members and organizations in developing and planning the project;
- Reflect the racial or ethnic background of the population being served with respect to employment of residents from the service area and career development and training opportunities for paraprofessional and other staff;
- Identify precise location or area to be served by the proposed project;
- Address collaborative efforts with other organizations.
- Provide for replication of the project within a one or two year time frame.

B. Grantee Share of the Project

The non-Federal share must be at least 20 percent of the total costs of the proposed program (e.g. if the total program cost is $125,000, the non-Federal share will be $25,000). Start up costs may be available depending on the appropriateness of the request. Suitability and availability of existing facilities and equipment is pertinent since they must be provided at minimum cost. To this end, networking with other programs and sharing of staff facilities and equipment is encouraged.

Part III. Criteria for Review and Evaluation of Applications.

Applications proposing to be funded as innovative projects that will carry out the responsibilities addressed under Part II of this announcement will be reviewed and evaluated against the following criteria:

A. Objectives and Need for this Assistance (15 points)

Identify any revelant physical, economic, social or other community problems related to design and implementation of a Head Start program. Indicate the type and results of planning studies, needs assessments, or community surveys that have been conducted to determine the scope of the need for comprehensive or adjunct services for children of low-income families. Supporting documentation or testimonies from other concerned commnity organizations may be used. Demonstrate the need for assistance, stating the primary and secondary objectives of the program proposed. The proposed program must be consistent with ACYF policies and with needs of the participants and the community that you plan to serve.

B. Beneficial Impact (25 points)

In response to the community needs identified above, indicate the number of children and type of participants to be served and how the participants and the community will benefit from the services provided. For example, if the community needs assessment has shown there are inadequate programs for preschool handicapped children, then in what ways will the proposed program fulfill these needs? All proposed programs must be consistent with Head Start goals and the required performance standards for local Head Start programs. The anticipated contribution to Head Start practice should be indicated.

C. Approach (40 points)

1. In accordance with applicable performance standards and ACYF policies, outline a plan of action pertaining to the scope and detail of how the proposed work will be accomplished for the locally designed option provided for in the budget. Cite factors which might accelerate or decelerate the work and your reason for proposing this option as opposed to others. Describe any unusual features of the project such as social or educational innovations, reductions in costs, and parent and community participation.

2. Provide the following information about the proposed design:

a. Number of children and/or families to be enrolled.

b. Number of handicapped children to be enrolled.

c. Number of families above and below the poverty income level who will be enrolled.

d. Number of hours per week of operation.

e. Number of weeks per year that the program will operate.

3. When accomplishments cannot be quantified by option and component, list them chronologically to show the schedule of accomplishments and their target dates. These projected accomplishments will be reported in quarterly program progress and statistical reports.

4. List resources (e.g., Medicaid, Nutrition programs, volunteers, organizations concerned with handicapped children) that will be mobilized to assist the project. Include a short description and cost estimate of the nature of these efforts or contributions.

D. Budget Appropriateness and Reasonableness (20 points)

The application demonstrates that the project's costs are reasonable in view of the anticipated results, i.e., the cost of service is reasonable.

Part IV. The Application Process

A. Availability of Forms

Agencies and organizations interested in applying for funds may request application kits from Robert Foster, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, DC 20013; (202 755-8208).

In order to be considered for a Head Start innovation grant, an application must be submitted on the standard 424 form which has been approved by the Office of Management and Budget (OMB) under Control Number 0348-0006.

Each application must be executed by an individual authorized to act for the applicant agency and to assume responsibility for the obligations imposed by the terms and conditions of the grant award. Applications must be prepared in accordance with the guidance provided in the announcement and the instructions in the application kit.

B. Application Submission

One signed original and two copies of the grant application, including all attachments, are required. Completed applications must be sent to: Department of Health and Human Services, Office of Human Development Services, Grants and Contracts Management Division, 200 Independence Avenue SW., Room 341-F, HHH Building, Washington, DC 20201. Attention: William J. McCarron, Head Start/Innovation. The program announcement number (13600-872) must be clearly identified on the application.

C. Application Consideration

Applicants will be scored against the criteria outlined above. The review will be conducted in Washington, DC. Reviewers will be persons knowledgeable about Head Start and early childhood education and development.

The results of the competitive review will be taken into consideration by the Associate Commissioner, Head Start Bureau, who, in consultation with ACYF regional officials, will recommend projects to be funded. The Commissioner of ACYF will make the final selection of applicants to be funded. Applications may be funded in whole or in part depending on the innovative approach and applicability to Head Start programs nationwide. The Commissioner may elect not to fund any applicants that have management, fiscal, or other problems and situations which make it unlikely that they would be able to conduct an effective demonstration project.

Successful applicants will be notified through the issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is given, the total length of the project period, and the non-Federal share to be provided.

D. Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is September 17, 1987.

1. *Mailed Applications.* Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the HDS Grants and Contracts Management Office, or

b. Sent on or before the deadline date, and received by the granting agency in time for them to be considered during the competitive review and evaluation process. (Applicants must be cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. *Applications submitted by other means.* Applications which are not submitted in accordance with the above criteria shall be considered as meeting the deadline only if they are physically received before close of business on or before the deadline date. Hand delivered applications will be accepted at the HDS Grants and Contracts Management Office during the normal working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

3. *Late Applications.* Applications which do not meet criteria one and two above are considered late applications and will not be considered in the current competition.

4. *Extension of deadline.* The Head Start Bureau may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is widespread disruption of the mail. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant.

E. Paperwork Reduction Act of 1980

Under the Paperwork Reduction Act of 1980, Pub. L. 96-511, the Department is required to submit to the Office of Management and Budget (OMB) for review and approval any reporting and record keeping requirements in regulations including program announcements. This program announcement does not contain information collection requirements beyond those approved for HDS grant applications under the Part IV narrative under OMB Control Number 0980-0016.

F. Executive Order 12372—Notification Process

This program is covered under Executive Order (E.O.) 12372 "Intergovernmental Review of Federal Programs," and 45 CFR Part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. All States and territories except Alaska, Idaho, Nebraska, American Samoa, and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these five areas need take no action regarding E.O. 12372.

Applications for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOC as

soon as possible to alert them of the prospective application and receive any necessary instructions. Applicants must submit any required material to the SPOC as early as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or date of contact if no submittal is required) on the SF 424, item 22a.

SPOCs have 60 days from the application deadline date to comment on applications for financial assistance under this program. Therefore, comments are due no later than November 16, 1987. SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to OHDS, they should be addressed to: Department of Health and Human Services, Office of Human Development Services, Grants and Contracts Management Division, 200 Independence Ave., SW., Room 341F, Hubert H. Humphrey Building, Washington, DC 20201, Attention: William J. McCarron. OHDS will notify the State of any application received which has no indication that the State process has had an opportunity for review. A list of single points of contact for each State and territory is included at Appendix III of this announcement.

G. Protection of Human Subjects

Department of Health and Human Services policy requires that if any phase of this project will involve subjecting individuals to the risk of physical, psychological, sociological, or other harm, certain safeguards must be instituted and an assurance must be filed. If there is any question about the application of requirements for the protection of human subjects to this project, further information should be requested from Mr. Denis Doyle of the Office for Protection from Research Risks, Building 31–4B09, National Institute of Health, DHHS, 9000 Rockville Pike, Bethesda, Maryland 20014: (202–496–7041)

(Catalog of Federal Domestic Assistance Program Number 13.600, Project Head Start)

Dated: June 23, 1987.

Dodie Livingston,

Commissioner, Administration for Children, Youth and Families.

Approved: July 13, 1987.

Jean K. Elder,

Assistant Secretary for Human Development Services-Designate.

Appendix I

Innovative Projects—1985

The FY 1985 grants, which included one and two year projects, were used to try out practices seen as having merit for all Head Start grantees. All of the innovative projects that were funded in 1985 will conclude on or before September 30, 1987. Since it is ACYF's belief that those persons working in communities know what is needed and are eager to prove their expertise in meeting local needs, the innovative grant process served as a useful proving ground for grantees who were successful applicants. The following list illustrates the types of projects currently funded. It also serves to indicate the types of projects that may not be duplicated in this new cycle of Innovative grants, unless local circumstances might make one of these projects particularly appropriate. Please note that the number of projects may represent work of more than one grantee.

The types are:

1. Mental Health

Four projects focused on:

- Methods for working with high-risk families.
- Development and field testing of a mental health curriculum for 3–5 year olds.
- Integration of recommended mental health training among a consortium of twelve rural grantees.

2. Handicap Services

Four projects focused on:

- Home intervention and parent education for American Indian families with special needs children.
- Hearing screening for Head Start siblings and children on waiting lists; treatment for otitis media and parent/community education on ways to conserve hearing.

3. Health Services

Five programs provided extra services in:

- Dental screening for Head Start siblings and special dental health education for rural home-based families.
- Health and speech screening for Head Start siblings and health/speech education for parents.
- Comprehensive health services to isolated rural children, health education for their parents during the school year, and an eight week summer educational enrichment program for children.
- Family oriented preventive health program for at-risk families with infant and toddlers who have many health problems.

4. Head Start Family Day Homes

Three grantees provided:

- Respite care to high-risk Head Start families by providing the children with family day care services.
- Community college training for current and new family day care providers.
- Family day care for the children of parents enrolled in General Education Training leading to the acquisition of a GED, which is the equivalency of high school graduation.
- Full day child care services to Head Start children through contracts with family day care providers.

5. Parent Involvement

Two programs initiated projects focused on:

- Research on the difference in costs of services to high-risk families vs. low-risk families.
- Individualized parent involvement.

6. Training/Employment/Joint Training Partnership Act [J.T.P.A.] Projects

Five grantees provided:

- Child care for women in job training with decreasing Head Start support and increasing employer support.
- Child care and residential facilities on site for women in job training at a community college.
- Head Start/Community Coordinated child care services for low-income teenage students in GED classes, work-study programs, and job training courses.
- Day care services for families in JTPA training.
- Head Start in an inner city "Enterprise" zone which is a geographic area targeted for economic development.

7. Special Populations

Six projects addressed the needs of specific groups through:

- The provision of comprehensive Head Start services to homeless urban families living in a hotel.
- Child care and follow-up services to urban families receiving emergency housing.
- Comprehensive day care for infants of refugee parents in English-as-a-second-Language training.

• Day care services for high school students who are parents of infants.

• Training and development of a Peer Support Network for home-based programs.

• Documentation of the impact of State/Federal interaction in preschool education in Maine.

8. Five Demonstration Playgrounds

Demonstrations funded were:

• A new Day Care/Head Start Center playground in Colorado under Private Industry Council/County sponsorship.

• A county fairground in California with day care, Head Start and Special Education programs on the premises.

• A rural New England playground featuring indoor and outdoor equipment.

• An urban housing project playground used by Head Start and day care programs in Washington, DC.

• A school district-operated Head Start site in North Carolina with special emphasis on outdoor learning centers.

Funding for the above 34 innovative projects ranged from $3,300 to $261,202 per year which included travel costs for two people to attend three special Innovation Conferences in Washington, DC. Grantees were expected to disseminate their findings in appropriate local, State and National settings.

Appendix II

Youth 2000 Themes

"Window of Opportunity." Changing demographics predict that the number of new jobs created in the next 10–15 years will exceed the number of new entrants into the labor force. Therefore, every youth is important to America's future.

Grantees wishing to tie their innovative projects to the Youth 2000 theme can address Head Start as a system which involves the whole family including grandparents and older siblings. The Head Start Program can be seen as a resource for young parents with infants, toddlers and preschoolers as well as a catalyst for all eligible children in a given neighborhood, whether they are in Head Start programs or other early childhood settings. For instance, development of Head Start families as resources for other families in the neighborhood can build an educational support network which will multiply the effects of Head Start.

Short-Term Goals

The Youth 2000 campaign's short-term goals are:

• To heighten public awareness concerning the problems of youth; and

• To bring about action on their behalf by government agencies, private organizations, business, the media, and concerned individuals at the National, State, and local levels.

Long-Term Goals

The Youth 2000 campaign's long-term goals are:

• To increase opportunities for youth social and economic self-sufficiency, and motivate youth to take advantage of these opportunities; and

• To significantly reduce the incidence and prevalence of specific youth-related problems, such as

—School dropout and illiteracy;
—Teen pregnancy;
—Alcohol, smoking, and drug abuse; and
—Homicides, suicides, and accidents.

Meeting these goals is more likely if sufficient attention is given to prevention and early intervention strategies for children and their families.

Appendix III

Executive Order 12372—State Single Points of Contact

Alabama

Mrs. Donna J. Snowden, SPOC, Alabama State Clearinghouse, Alabama Department of Economic and Community Affairs, 3465 Norman Bridge Road, Post Office Box 2939, Montgomery, Alabama 36105–0939, Tel. (205) 284–8905

Alaska

None

Arizona

Department of Commerce, State of Arizona

Note: Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Janice Dunn, ATTN: Arizona State Clearinghouse, 1700 West Washington, Fourth Floor, Phoenix, Arizona 85007, Tel. (602) 255–5004.

Arkansas

Joe Gillesbie, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, Tel. (501) 371–1074

California

Office of Planning and Research, 1400 Tenth Street, Sacramento, California 95814, Tel. (916) 323–7480

Colorado

State Clearinghouse, Division of Local Government, 1313 Sherman Street, Rm. 520, Denver, Colorado 80203, Tel. (303) 866–2156

Connecticut

Gary E. King, Under Secretary, Comprehensive Planning Division, Office of Policy and Management, Hartford, Connecticut 06106–4459

Note: Correspondence and questions concerning this State's E.O. 12372 process should be directed to:

Intergovernmental Review Coordinator, Comprehensive Planning Division, Office of Policy and Management, 80 Washington Street, Hartford, Connecticut 06106–4459, Tel. (203) 566–3410

Delaware

Executive Department, Thomas Collins Building, Dover, Delaware 19903, Attn: Francine Booth, Tel. (302) 736–4204

Florida

Ron Fahs, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32301, Tel. (904) 488–8114

Georgia

Charles H. Badger, Administrator, Georgia State Clearinghouse, 270 Washington Street, SW—Room 608, Atlanta, Georgia 30334, Tel. (404) 656–3855

Hawaii

Rober A. Ulveling, Director, Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804

For Information Contact: Hawaii State Clearinghouse, Tel. (808) 548–3016 or 548–3085

Idaho

None

Illinois

Tom Berkshire, Office of the Governor, State of Illinois, Springfield, Illinois 62706, Tel. (217) 782–8639

Indiana

Ms. Peggy Boehm, Deputy Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Tel. (317) 232–5604

Iowa

A. Thomas Wallace, Iowa Dept. of Economic Development, Division of Community Progress, 200 East Grand Avenue, Des Moines, Iowa 50309, Tel. (515) 281–3864

Kansas

Martin Kennedy, Intergovernmental Liaison, Department of Administration, Division of Budget, Room 152–E, State Capitol Building, Topeka, Kansas 66612, Tel. (913) 296–2436

Kentucky

Bob Leonard, Kentucky State Clearinghouse, 2nd Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Tel. (502) 564–2382

Louisiana

Colby S. La Place, Assistant Secretary, Dept. of Urban Community Affairs, Office of State Clearinghouse, P.O. Box 94455, Capitol Station, Baton Rouge, Louisiana 70804, Tel. (504) 342–9790

Maine

State Planning Office, Attn: Intergovernmental Review Process/ Hal Kimbal, State House Station No. 38, Augusta, Maine 04333, Tel. (207) 289–3154

Maryland

Guy W. Hager, Director Maryland State Clearinghouse for Intergovernmental Assistance, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201–2365, Tel. (301) 225–4490

Massachusetts

Executive Office of Communities and Development, Attn: Beverly Boyle, 100 Cambridge Street, Rm. 904, Boston, Massachusetts 02202, Tel. (617) 727–3253

Michigan

Michelyn Pasteur, Director, Local Development Services, Department of Commerce, P.O. Box 30225, Lansing, Michigan 48909, Tel. (517) 373–3530, Staff Contact: Don Bailey, Tel. (517) 334–6190

Minnesota

Maurice D. Chandler, Intergovernmental Review, Minnesota State Planning Agency, Room 101, Capitol Square Building, St. Paul, Minnesota 55101, Tel. (612) 296–2571

Mississippi

Office of Federal State Programs, Department of Planning and Policy, 2000 Walter Sillers Bldg., 500 High Street, Jackson, Mississippi 39202. For Information Contact: Mr. Marlan Baucum, Department of Planning and Policy, Tel. (601) 359–3150

Missouri

Lois Pohl, Coordinator, Missouri Federal Assistance Clearinghouse, Office of Administration, Division of General Services, P.O. Box 809—Room 760, Truman Building, Jefferson City, Missouri 65102, Tel. (314) 751–4834

Montana

Sue Heath, Intergovernmental Review Clearinghouse, c/o Office of the Lieutenant Governor, Capitol Station, Helena, Montana 59620, Tel. (406) 444–5522

Nebraska

None.

Nevada

Ms. Jean Ford, Director, Nevada Office of Community Services, Capitol Complex, Carson City, Nevada 89710, Tel. (702) 885–4420

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: John Walker, Clearinghouse Coordinator, Tel. (702) 885–4420.

New Hampshire

David G. Scott, Acting Director, New Hampshire Office of State Planning, 2½ Beacon Street, Concord, New Hampshire 03301, Tel. (603) 271–2155

New Jersey

Mr. Barry Skokowski, Director, Division of Local Government Services, Department of Community Affairs, CN 803, 363 West State Street, Trenton, New Jersey 08625–0803, Tel. (609) 292–6613

Note.—Correspondence & questions concerning this State's E.O. 12372 process should be directed to: Nelson S. Silver, State Review Process, Division of Local Government, Services—CN 803, Trenton, New Jersey 08625–0803, Tel. (609) 292–9025.

New Mexico

Dean Olson, Director, Management and Program Analysis Division, Department of Finance and Administration, Management and Contracts Review Div., Clearinghouse Bureau, Room 424, State Capitol, Santa Fe, New Mexico 87503, Tel. (505) 827–3885

New York

Director of the Budget, New York State.

Note.—Correspondence & questions concerning the State's E.O. 12372 process should be directed to: Harold W. Juhre Jr., New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Tel. (518) 474–1605.

North Carolina

Mrs. Chrys Baggett, Director, State Clearinghouse, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611, Tel. (919) 733–4131

North Dakota

Bill Robinson, Office of Intergovernmental Assistance, Office of Management and Budget, 14th Floor, State Capitol, Bismarck, North Dakota 58505, Tel. (701) 224–2094

Ohio

State Clearinghouse, Office of Budget and Management, 30 East Broad Street, Columbus, Ohio 43215. For Information Contact: Mr. Leonard E. Roberts, Deputy Director, Tel. (614) 466–0699

Oklahoma

Don Strain, Oklahoma Department of Commerce, Office of Federal Assistance Management, 6601 Broadway Extension, Oklahoma City, Oklahoma 73116, Tel. (405) 843–9770

Oregon

Intergovernmental Relations Division, State Clearinghouse, Attn: Delores Streeter, Executive Building, 155 Cottage Street NE., Salem, Oregon 97310, Tel. (503) 373–1998

Pennsylvania

Laine A. Heltebridle, Special Assistant, Pennsylvania Intergovernmental Council, P.O. Box 11880, Harrisburg, Pennsylvania 17108, Tel. (717) 783–3700

Rhode Island

Daniel W. Varin, Chief, Rhode Island Statewide Planning Program, 265 Melrose Street, Providence, Rhode Island 02907, Tel. (401) 277–2656

Note.—Questions & correspondence concerning this State's review process should be directed to: Mr. Michael T. Marfeo, Review Coordinator.

South Carolina

Danny L. Cromer, Grant Services, Office of the Governor, 1205 Pendleton Street, Rm. 477, Columbia, South Carolina 29201, Tel. (803) 734–0435

South Dakota

Sue Korte, State Clearinghouse Coordinator, State Government Operations, Second Floor, Capitol Building, Pierre, South Dakota 57501, Tel. (605) 773–3661.

Tennessee

Charles Brown, Tennessee State Planning Office, 1800 James K. Polk Building, 505 Deaderick Street, Nashville, Tennessee 37219, Tel. (615) 741–1676.

Texas

Leon Willhite, State Planning Director, Office of the Governor, P.O. Box 13561, Capitol Station, Austin, Texas 78711.

Note.—Questions concerning this State's review process should be directed to: Intergovernmental Relations Division, Tel. (512) 463–1814.

Utah

Dale Hatch, Director, Office of Planning and Budget, State of Utah, 116 State Capitol Building, Salt Lake City, Utah 84114, Tel. (801) 533–5245.

Vermont

State Planning Office, Attn: Bernie Johnson, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, Tel. (802) 828–3326.

Virginia

Nancy Miller, Intergovernmental Affairs Review Officer, Department of Housing and Community Development, 205 North 4th Street, Richmond, Virginia 23219, Tel. (804) 786–4474.

Washington

Washington Department of Community Development, Attn: Washington Intergovernmental Review process Dori Goodrich, Coordinator, Ninth and Columbia Building, Olympia, Washington 98504–4151. Tel (206) 586–1240.

West Virginia

Mr. Fred Cutlip, Director, Community Development Division, Governor's Office of Community and Industrial Development, Building #6, Rm. 553, Charleston, West Virginia 25305, Tel. (304) 348–4010.

Wisconsin

Secretary James R. Krauser, Wisconsin Department of Administration, 101 South Webster—GEF 2, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–1741.

Note.—Correspondence and questions concerning this State's E.O. 12372 process should be directed to: Thomas Krauskopf, Federal-State Relations Coordinator, Wisconsin Department of Administration, P.O. Box 7864, Madison, Wisconsin 53707–7864, Tel. (608) 266–8349.

Wyoming

Ann Redman, Wyoming State Clearinghouse, State Planning Coordinator's Office, Capitol Building, Cheyenne, Wyoming 82002, Tel. (307) 777–7574.

Virgin Islands

Toya Andrew, Federal Programs Coordinator, Office of the Governor, The Virgin Islands of the United States, Charlotte Amalie, St. Thomas 00801, Tel. (809) 774–6517.

District of Columbia

Lovetta Davis, D.C. State Single Point of Contact for E.O. 12372, Executive Office of the Mayor, Office of Intergovernmental Relations, Rm. 416, District Building, 1350 Pennsylvania Avenue NW., Washington, DC 20004, Tel. (202) 727–9111.

Puerto Rico

Patricia G. Custodio, P.E., Chairman and Isael Soto Marrero, Director, Federal Proposal Review Office, Puerto Rico Planning Board, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–9985, Tel. (809) 727–4444.

Northern Mariana Islands

Planning and Budget Office, Office of the Governor, Saipan, CM 96950.

American Samoa

None.

Guam

Guam State Clearinghouse, Office of the Lieutenant Governor, P.O. Box 2950, Agana, Guam 96910.

[FR Doc. 87–17580 Filed 7–31–87; 8:45 am]
BILLING CODE 4130-01-M

Federal Register

Monday
August 3, 1987

Part VI

Department of Education

Office of Elementary and Secondary Education

34 CFR Part 221

Assistance for School Construction in Areas Affected by Federal Activities; Final Regulations

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 221

Assistance for School Construction in Areas Affected by Federal Activities

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the school construction program. This amendment is needed to implement changes made by section 301(b) of Pub. L. 98–511. These regulations establish criteria for waiver or reduction of certain statutory eligibility requirements for four categories of federally connected children.

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: Dr. David G. Phillips, Division of Impact Aid, U.S. Department of Education, Room 2117, 400 Maryland Avenue SW., Washington, DC 20202–6272. Telephone (202) 732–4052.

SUPPLEMENTARY INFORMATION: On May 5, 1987, the Secretary published in the Federal Register a notice of proposed rulemaking (NPRM). See 52 FR 16764. The NPRM proposed to amend the regulations governing the school construction program by establishing criteria for the waiver or reduction of certain statutory eligibility requirements for four categories of federally connected children. Section 301(b) of Pub. L. 98–511 reestablished the eligibility of these four categories of children. No comments were received by the Department of Education with respect to the NPRM, and no changes have been made in the final regulations.

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.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

List of Subjects in 34 CFR Part 221

Education, Education of the handicapped, Elementary and secondary education, Federally affected areas, Grant programs—education, Reporting and recordkeeping requirements, School construction.

(Catalog of Federal Domestic Assistance Number 84.040, School Assistance in Federally Affected Areas—Construction)

Dated: July 21, 1987.

William J. Bennett,

Secretary of Education.

The Secretary amends Part 221 of Title 34 of the Code of Federal Regulations as follows:

PART 221—[AMENDED]

1. The authority statement continues to read as follows:

Authority: 20 U.S.C. 631–647, unless otherwise noted.

2. Section 221.15 is amended by revising the introductory text of paragraph (b) and paragraph (b)(3) to read as follows:

§ 221.15 Under what circumstances may an LEA request a waiver or reduction of the minimum increase in the number or percentage of federally connected children?

* * * * *

(b) The Secretary considers the request for a waiver or reduction if the LEA meets the following conditions:

* * * * *

(3)(i) In the case of a request for a waiver or reduction of the minimum percentage requirement of 6 percent in § 221.13(a)(1), or of 10 percent in § 221.13(b)(1), the estimated increase in federally connected membership in the isolated attendance area at the end of the increase period is at least 10 percent of the total average daily membership in the isolated attendance area during the base year.

(ii) In the case of a request for a waiver or reduction of the minimum number requirement of 20 children in § § 221.13(a)(1) or 221.13(b)(1), the estimated increase in the number of the LEA's federally connected children at the end of the increase period is at least 25 percent of the LEA's total average daily membership in the base year.

[FR Doc. 87–17559 Filed 7–31–87; 8:45 am]

BILLING CODE 4000–01–M

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Federal Register

Vol. 52, No. 148

Monday, August 3, 1987

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FEDERAL REGISTER PAGES AND DATES, AUGUST

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Last List July 30, 1987

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

H.R. 3022/Pub. L. 100-80

To provide for a temporary extension of the public debt limit. (July 30, 1987; 101 Stat. 542; 1 page) Price: $1.00

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$9.00	Jan. 1, 1987
3 (1986 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1987
4	14.00	Jan. 1, 1987
5 Parts:		
1–1199	25.00	Jan. 1, 1987
1200–End, 6 (6 Reserved)	9.50	Jan. 1, 1987
7 Parts:		
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1120–1199	11.00	Jan. 1, 1987
1200–1499	18.00	Jan. 1, 1987
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10 Parts:		
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400–499	14.00	Jan. 1, 1987
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11	7.00	Jan. 1, 1986
12 Parts:		
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45 Parts:		
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1987. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

[4] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[7] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—AUGUST 1987

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
August 3	August 18	September 2	September 17	October 2	November 2
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August 6	August 21	September 8	September 21	October 5	November 4
August 7	August 24	September 8	September 21	October 6	November 5
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August 21	September 8	September 21	October 5	October 20	November 19
August 24	September 8	September 23	October 8	October 23	November 23
August 25	September 9	September 24	October 9	October 26	November 23
August 26	September 10	September 25	October 13	October 26	November 24
August 27	September 11	September 28	October 13	October 26	November 25
August 28	September 14	September 28	October 13	October 27	November 27
August 31	September 15	September 30	October 15	October 30	November 30