8-7-87
Vol. 52 No. 152
Pages 29363-29496

federal register

Friday
August 7, 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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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 5688 of August 4, 1987

Women's Equality Day, 1987

By the President of the United States of America

A Proclamation

Throughout our history, an American saga of optimism, hard work, quiet heroism, and steady expansion, the contributions of women have been indispensable to this Nation's progress. From Plymouth and Jamestown to the Oregon Trail and the Great Plains, women of strength and determination helped fashion a new life and a new nation from the raw materials of the American wilderness. Their faith in God, their trust in the promise of the New World, and their love for their families steeled them against the rigors of daily living in a harsh and untamed land. Without their commitment, America would never have yielded up the bounty that was the first hallmark of its greatness.

In recognition of these immeasurable contributions and to redress the injustice of denying American women the right to vote, the Nineteenth Amendment was adopted in 1920 to guarantee political equality, the very bedrock of all rights and liberties, to American women. On this August 26, we celebrate the 67th anniversary of the ratification of the Nineteenth Amendment as Women's Equality Day, and we celebrate as well the role that women have won for themselves in our country's democratic process. Political equality has meant a growing panoply of opportunity for women and accelerating economic growth for America. It has reaffirmed the core ideals of the political compacts that built our Nation and sustain it now—the endowment of unalienable rights and unique abilities that each of us possesses from our Creator. It has opened the horizons of achievement and widened the paths of prosperity and personal fulfillment.

On this occasion, then, we must rededicate ourselves to policies and strategies that safeguard equality of opportunity and that help us secure the goals that equality serves: healthy families, good neighborhoods, productive work, true peace, and genuine freedom. America today honors women for all they have done, as pioneers, patriots, parents, and partners, to build happy homes and a strong society.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 26, 1987, as Women's Equality Day. I call upon all Americans to mark this occasion with appropriate observances.

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

Ronald Reagan

[FR Doc. 87-18059
Filed 8-5-87; 12:19 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5689 of August 4, 1987

National Alzheimer's Disease Month, 1987

By the President of the United States of America

A Proclamation

Alzheimer's disease is a degenerative brain disorder that causes progressive loss of memory and intellectual function. Those afflicted suffer increasing forgetfulness, confusion, irritability, and other changes in personality and behavior, and sometimes in judgment, concentration, and speech.

The tragedy of Alzheimer's disease has spurred scientists to intensify their efforts to understand what causes the brain to deteriorate. Recently, a research team cloned a gene involved in the wayward biochemistry of the Alzheimer's brain and located this gene on a specific chromosome. This achievement opens new lines of investigation and offers hope that one day we can identify those at risk and develop methods of treatment and prevention.

Until we conquer Alzheimer's disease, we must continue our research efforts, provide the public with information about the disorder, and seek other ways to ease its burden on patients, families, and caregivers. Many people and organizations are already devoted to this effort, including the Federal government's National Institute on Aging and National Institute of Mental Health and the private sector's Alzheimer's Disease and Related Disorders Association, which conducts and promotes research and lends support to families seeking help.

The Congress, by Public Law 100–68, has designated the month of November 1987 as "National Alzheimer's Disease Month" and authorized and requested the President to issue a proclamation in observance of this occasion.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1987 as National Alzheimer's Disease Month, and I call upon the people of the United States to observe this month with appropriate ceremonies and activities.

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

Ronald Reagan

[FR Doc. 87–18060
Filed 8–5–87; 12:20 pm]
Billing code 3195–01–M

Presidential Documents

Memorandum of August 5, 1987

Import Relief Determination Under Section 406 of the Trade Act of 1974 on Ammonium Paratungstate and Tungstic Acid From the People's Republic of China

Memorandum for the United States Trade Representative

Pursuant to sections 406, 202, and 203 of the Trade Act of 1974, as amended (19 U.S.C. 2436, 2252, and 2253), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC) dated June 5, 1987, concerning the results of its investigation, as requested by the United States Trade Representative, of the domestic industry producing ammonium paratungstate and tungstic acid, provided for in Items 417.40 and 416.40, respectively, of the Tariff Schedules of the United States.

After considering all relevant aspects of the case, including those set forth in section 202(c) of the Trade Act of 1974, I have determined to provide import relief for the domestic industry. Relief should be granted in the form of a negotiated orderly market agreement.

I therefore direct you to negotiate and conclude an orderly marketing agreement and to report the results of such negotiations not later than 50 days from the date of this determination. If such negotiations are not successful, I direct you to prepare and present to me for signature no later than 60 days from the date of this decision a proclamation imposing quantitative restrictions.

Finally, in view of this determination to provide relief, I direct that a review be completed, within 60 days, regarding relevant plans for the operation of the stockpile for the fiscal years 1988 and 1989.

This determination is to be published in the **Federal Register.**

Ronald Reagan

THE WHITE HOUSE,
Washington, August 5, 1987.

[FR Doc. 87-18122
Filed 8-5-87; 4:25 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 52, No. 152
Friday, August 7, 1987

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 87-020]

Importation of Fruits and Vegetables From Definite Areas or Districts

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the Fruits and Vegetables regulations by adding criteria that must be met before we will issue a permit for importation of fruits and vegetables from "definite areas or districts" in a foreign country when that country is infested by injurious insects. These amendments are necessary to protect against the introduction into the United States of injurious insects. We are also making nonsubstantive editorial changes to the proposed rule.

EFFECTIVE DATE: September 8, 1987.

FOR FURTHER INFORMATION CONTACT: Frank Cooper, Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 637, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8248.

SUPPLEMENTARY INFORMATION: The Fruits and Vegetables regulations in 7 CFR 319.56 *et seq.* (referred to below as the regulations) impose restrictions on the importation of fruits and vegetables in order to prevent the introduction and dissemination of injurious insects, including fruit and melon flies, that are new to or not widely distributed within and throughout the United States.

The regulations include a provision that fruits and vegetables may be imported under a permit if the Department is satisfied "that their importation from definite areas or districts under approved safeguards prescribed in the permit can be authorized without risk . . ."(§ 319.56-2(e)(2).)

In a document published in the **Federal Register** on January 8, 1987 (52 FR 685-687, Docket No. 86-330), we proposed to amend the regulations by specifying criteria for the importation of fruits and vegetables from definite areas and districts in order to ensure that they are free from injurious insects. Since each definite area or district exists in a country infested by injurious insects, there is an ever-present danger that these insects could spread into the definite area or district.

We also proposed to amend the regulations by specifying criteria that would have to be met to authorize the importation of a fruit or vegetable from certain definite areas or districts.

We solicited comments on the proposal for 30 days, ending February 9, 1987, and received four comments, two from associations, one from a State agency, and one from a foreign embassy. We have considered the comments carefully and discuss below the issues raised by them. Based on the rational set forth in the proposal and in this document, we are adopting the provisions of the proposal with the changes discussed below as a final rule. We are also making nonsubstantive editorial changes to the proposed rule.

Comments

Two commenters indicated that one of our proposed criteria for establishing a definite area or district—that there are no reports in the scientific literature of occurrence in the definite area or district of the country of origin of injurious insects known to attack fruits or vegetables—was a problem because it could exclude areas where such a report was later shown to be in error or where injurious insects were once reported but where they no longer exist or have been eradicated.

We recognized that this criterion might cause confusion and possibly result in the unnecessary elimination of an area from the status of definite area or district under the regulations. We intend to allow a definite area or district to be established only after we determine that the area is free from certain injurious insect species. We believe that the best way to determine the presence or absence of particular insect species in an area is to rely on recent surveys of the area that are performed according to procedures approved by the Animal and Plant Health Inspection Service (APHIS). Therefore, in response to these comments, we are eliminating the scientific literature criterion but will retain the criterion requiring injurious insect surveys that must be approved by the Deputy Administrator, Plant Protection and Quarantine, APHIS.

Two commenters also requested that the regulations make it clear that the procedures concerning surveys and enforcement activities conducted by the countries of origin must be submitted to the Deputy Administrator in writing. We agree, and are therefore requiring the plant protection service of the country of origin to submit to the Deputy Administrator written detailed procedures for the conducting of surveys and the enforcement of requirements to prevent the introduction of injurious insects.

Two commenters questioned the advisability of relying on survey and eradication efforts of foreign countries, and requested clarification of the procedures APHIS would use to monitor compliance with the regulations by foreign countries. APHIS will assign employees from its International Programs office to regularly visit participating countries to observe and report on compliance with this regulation by the countries of origin.

One commenter stated that it is unclear what the requirements are that will prevent the introduction of injurious insects into definite areas and districts. As criterion (2) in the new paragraph (f) states, these requirements must be at least equivalent to the requirements imposed under Chapter III to prevent the introduction into the United States and interstate spread of injurious insects. Chapter III includes a variety of regulatory requirements, including certificate requirements, inspections, treatments, and prohibition or restriction of movement of plant pests and regulated articles that may spread plant pests. It will be necessary for the country of origin to impose those requirements on a definite area or district which are necessary in the opinion of the Deputy Administrator to exclude injurious insects as effectively as they would be excluded in a United States area subject to the regulations in Chapter III.

Executive Order 12291 and Regulatory Flexibility Act

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

The primary effect of adoption of this rule will be to establish criteria that the Department will use in making decisions about when to allow importations of fruits and vegetables from definite areas or districts of foreign countries under the provisions of § 319.56–2(e). We do not expect that the rule will have a major effect on the amount or types of fruit imported into the United States, or that there will be any adverse economic effects on small domestic growers and importers. The total annual increase in the amount of fruits and vegetables imported as a result of this rule will be insignificant compared with the total amount of fruits and vegetables imported annually.

We do not expect this rule to increase the costs of affected articles or to impose other economic hardships on any entities involved in importing fruits and vegetables under its provisions.

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

Paperwork Reduction Act

Information collection requirements included in this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 0579–0049.

Executive Order 12372

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

List of Subjects in 7 CFR Part 319

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

Accordingly, 7 CFR Part 319 is amended as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for 7 CFR Part 319 continues to read as follows:

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

2. In § 319.56–1 the paragraph designations are removed; the definitions are placed in alphabetical order; and the following definition is added in alphabetical order to read as follows:

§ 319.56–1 Definitions.

* * * * *

Deputy Administrator. The Deputy Administrator, Plant Protection and Quarantine, or any person to whom the Deputy Administrator has delegated his or her authority.

* * * * *

3. Paragraph (e) of § 319.56–2 is revised to read as follows without revising the language in footnotes 1 and 2:

§ 319.56–2 Restrictions on entry of fruits and vegetables.

* * * * *

(e) Any other fruit or vegetable, except those restricted to certain countries and districts by special quarantine[2] and other orders[1] now in force and by any restrictive order as may hereafter be promulgated, may be imported from any country under a permit issued in accordance with this subpart and upon compliance with the regulations in this subpart, at the ports as shall be authorized in the permit, if the United States Department of Agriculture, after reviewing evidence presented to it, is satisfied that the fruit or vegetable either: (1) Is not attacked in the country of origin by injurious insects, including fruit and melon flies (Tephritidae); (2) has been treated or is to be treated for all injurious insects that attack it in the country of origin, in accordance with conditions and procedures that may be prescribed by the Deputy Administrator; (3) is imported from a definite area or district in the country of origin that is free from all injurious insects that attack the fruit or vegetable, its importation can be authorized without risk, and its importation is in compliance with the criteria of paragraph (f) of this section; or (4) is imported from a definite area or district of the country of origin that is free from certain injurious insects that attack the fruit or vegetable, its importation can be authorized without risk, and the criteria of paragraph (f) of this section are met with regard to those certain insects, provided that all other injurious insects that attack the fruit or vegetable in the area or district of the country of origin have been eliminated from the fruit or vegetable by treatment or any other procedures that may be prescribed by the Deputy Administrator.

* * * * *

4. Paragraph (f) of § 319.56–2 is redesignated as paragraph (g), and the following sentence is added at the end of new paragraph (g):

(Approved by the Office of Management and Budget under control number 0579–0049)

5. A new paragraph (f) is added to § 319.56–2, to read as follows:

* * * * *

(f) Before the Deputy Administrator may authorize importation of a fruit or vegetable under § 319.56–2(e) (3) or (4), he or she must determine that the following criteria have been met: (1) Within the past 12 months, the plant protection service of the country of origin has established the absence of infestations of injurious insects known to attack fruits or vegetables in the definite area or district based on surveys performed in accordance with requirements approved by the Deputy Administrator as adequate to detect these infestations; (2) the country of origin has adopted and is enforcing requirements to prevent the introduction of injurious insects known to attack fruits and vegetables into the definite area or district of the country of origin that are deemed by the Deputy Administrator to be at least equivalent to those requirements imposed under this chapter to prevent the introduction into the United States and interstate spread of injurious insects; and (3) the plant protection service of the country of origin has submitted to the Deputy Administrator written detailed procedures for the conduct of surveys and the enforcement of requirements under this paragraph to prevent the introduction of injurious insects. When used to authorize importation under § 319.56–2(e)(3), the criteria must be applied to all injurious insects that attack the fruit or vegetable; when used to authorize importation under § 319.56–2(e)(4), the criteria must be applied to those particular injurious insects from

which the area or district is to be considered free.

* * * * *

Done at Washington, DC, this 4th day of August, 1987.

William F. Helms,

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

[FR Doc. 87-18022 Filed 8-6-87; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 573]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 573 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 351,393 cartons during the period August 9 through August 15, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

DATES: Regulation 573 (§ 910.873) is effective for the period August 9 through August 15, 1987.

FOR FURTHER INFORMATION CONTACT: James M. Scanlon, Acting Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Washington, DC 20250-0200, telephone: (202) 447-5697.

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

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

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended 7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act. This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on August 4, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market is good. It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

Authority: Secs. 1-9, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.873 is added to read as follows:

§ 910.873 Lemon Regulation 573.

The quantity of lemons grown in California and Arizona which may be handled during the period August 9 through August 15, 1987, is established at 351,393 cartons.

Dated: August 5, 1987.

Ronald L. Cioffi,

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

[FR Doc. 87-18121 Filed 8-6-87; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-40-AD; Amdt. 39-5703]

Airworthiness Directives: Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 airplanes, which requires replacement of an existing 50-ampere circuit breaker with a 35-ampere circuit breaker. This 35-ampere circuit breaker provides current overload protection for the auxiliary power unit (APU) starter transformer rectifier unit (TRU). This amendment is prompted by reports of smoke filling the aft cargo compartment on Model 757 airplanes (which have a design similar to Model 767 airplanes) and open flame at the TRU, resulting from failure of the existing 50-ampere circuit breaker to open when the APU starter motor had seized.

EFFECTIVE DATE: September 13, 1987.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Rees, Aerospace Engineer, Systems and Equipment Branch, ANM-130S; telephone (206) 431-1941. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which requires replacement of the APU starter TRU circuit breaker on Boeing Model 767 series airplanes, was published in the

Federal Register on May 6, 1987 (52 FR 16851).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter had no objection to the proposed rule because no U.S. registered airplanes were affected. The commenter stated that the FAA should only issue the AD if any unmodified airplanes are determined to exist. The FAA does not agree. Twenty-six airplanes equipped with 50 ampere circuit breakers were delivered to eight foreign operators. In accordance with existing provisions of the bilateral airworthiness agreements, the FAA must issue the AD to advise the foreign regulatory agencies that an unsafe condition may exist or develop on airplanes. Furthermore, the AD is needed to ensure that, if any of the twenty-six foreign-registered airplanes equipped with 50 ampere circuit breakers are later imported into the United States, the circuit breaker will have been replaced.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule, as proposed.

No Model 767 airplanes of U.S. registry are affected by this AD, since U.S. operators have elected a different system configuration option. However, it is estimated that it will take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor charge will be $40 per manhour. The cost of one 35-ampere circuit breaker per airplane is estimated to be $145 per unit.

For these reasons, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 767 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

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 of 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:

Boeing: Applies to Model 767 series airplanes specified in Boeing Alert Service Bulletin 767–24A0039, dated March 12, 1987, certificated in any category. Compliance is required as indicated unless previously accomplished.

To minimize the fire hazard associated with overheating of the transformer rectifier unit (TRU) of the auxiliary power unit (APU) starter motor, accomplish the following within 3 months after the effective date of this AD:

A. Replace the 50-ampere circuit breaker used for the APU starter TRU with a 35-ampere circuit breaker in accordance with Boeing Service Bulletin 767–24A0039, dated March 12, 1987, or later FAA-approved revision.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the modification required by this AD.

All persons affected by this directive who have not already received copies of the appropriate service document from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. This document may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 13, 1987.

Issued in Seattle, Washington, on July 29, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87–17920 Filed 8–6–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 86–NM–31–AD; Amdt. 39–5704]

Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, and –83 Airplanes, Fuselage Numbers 909 Through 1208

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that would require inspection and replacement, as necessary, of main landing gear retainer assemblies on certain McDonnell Douglas DC–9–80 (MD–80) series airplanes. This AD is prompted by a report of a main landing gear (MLG) wheel separating from the aircraft during landing. This AD is needed to minimize the possibility of a wheel assembly separation during wheel rotation.

EFFECTIVE DATE: September 13, 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–L65 (54–60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Jerald R. Berube, Aviation Safety Inspection, Manufacturing Inspection Branch, ANM–180L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514–6343.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new airworthiness directive (AD) which requires modification of certain main landing gear retainer assemblies on McDonnell Douglas DC–9–80 (MD–80) series airplanes was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on May 8, 1986 (51 FR 17054), and as an amended NPRM on February 19, 1987 (52 FR 5141).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to all comments received.

One commenter requested to be exempt from the proposed rule if the subject retainer assemblies are modified so that the lockpin is secured to the retainer with a lockpin. The FAA notes

that provisions for applying for an alternate means of compliance are included in paragraph B. of the rule.

One commenter objected to the proposed six-month compliance time because of the lack of availability of parts from the manufacturer; however, the commenter did not propose an alternate compliance time. The FAA does not agree that the availability of parts within the proposed compliance time will be a problem to operators. The manufacturer has notified FAA that replacement parts are available when requested in accordance with the Service Bulletin instructions. Therefore, the FAA has determined that the proposed compliance time is appropriate.

In addition, paragraph A. of the final rule has been revised to clarify the requirement that any main landing gear axle nut retainer assembly found to be improperly installed must be replaced prior to further flight.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously mentioned.

It is estimated that 146 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $23,360.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because few, if any, Model DC-9-80 (MD-80) series airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the docket.

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 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 1208, certificated in any category. Compliance required as indicated, unless previously accomplished.

To preclude the potential of main landing gear wheel assembly separation from the airplane, accomplish the following:

A. Within 6 months after the effective date of this AD, inspect the main landing gear axle nut retainer in accordance with the accomplishment instructions of McDonnell Douglas Corporation Alert Service Bulletin A32-206 Revision 1, dated July 18, 1986, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region. Any retainer assembly found to be improperly installed must be replaced prior to further flight, in accordance with the service bulletin.

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 operate 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 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 the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

This amendment becomes effective September 13, 1987.

Issued in Seattle, Washington, on July 29, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-17919 Filed 8-6-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371 and 399

[Docket No. 70630-7130]

Clarification of G-COM Procedure

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: General License G-COM (§ 371.8) allows shipment, without a validated export license, to COCOM participating countries of goods described in certain Advisory Notes on the Commodity Control List (CCL), a list of those items subject to Department of Commerce export controls.

The regulation clearly states that eligibility for G-COM is based solely on the technical performance characteristics of the commodity. Nevertheless, some exporters have been uncertain about the application of G-COM to computer peripherals that are not included as part of complete computer systems. Their concern is based on entry 1565A or the CCL, Advisory Note 9(a)(3), which states that computers must be exported as complete systems. This rule clarifies that this is an end-use restriction, not a technical characteristic, and does not prevent individual or bulk exports of peripheral devices under General License G-COM provided the technical parameters are such that the peripheral device would be eligible for export under Advisory Note 9 to ECCN 1565A.

EFFECTIVE DATE: This rule is effective August 7, 1987.

FOR FURTHER INFORMATION CONTACT: John Black or Patricia Muldonian, Regulations Branch, Export Administration, Office of Technology and Policy Analysis, Telephone: (202) 377-2440.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2412(a)), exempts this rule from all requirements of section 553

of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Comments should be submitted to Vincent Greenwald, Office of Technology and Policy Analysis, Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

4. This rule does not contain a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 15 CFR Parts 371 and 399

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

1. The authority citation for Parts 371 and 399 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. App. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223, 50 U.S.C. 1701 *et seq.*; E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 (October 2, 1986); E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

PART 371—[AMENDED]

2. Paragraph (c) of § 371.8 is revised to read as follows:

§ 371.8 General License G-COM: certain shipments to COCOM countries.

* * * * *

(c) *Eligible commodities.* The commodities eligible for export under this general license are described in Advisory Notes in certain entries on the Commodity Control List. When G–COM is applicable, the "Controls for ECCN" section of the CCL entry will include a "G–COM Eligibility" paragraph indicating which Advisory Notes apply. Only those portions of Advisory Notes that relate to technical specifications of commodities are to be considered in determining eligibility. End-use, quantity and other restrictions in the Advisory Notes may be disregarded in determining whether G–COM may be used. For example, Advisory Note 9 to ECCN 1565A, paragraph (a)(3), refers to computers exported as a complete system; this restriction may be ignored in determining the eligibility of exports of peripherals and components, individually or in bulk, separately from systems.

PART 399—[AMENDED]

§ 399.1 [Amended]

3. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1565A is amended by adding the following sentence to the end of the *G–COM Eligibility* paragraph: "Advisory Note 9(a)(3) is an end-use restriction and not a technical restriction; therefore, Advisory Note 9(a)(3) does not prohibit G–COM eligibility."

Dated: August 3, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87–17967 Filed 8–6–87; 8:45 am]

BILLING CODE 3510-DT-M

DEPARTMENT OF STATE

Bureau of Consular Affairs

22 CFR Part 41

[108.862]

Visas; Nonimmigrant Classes; Temporary Workers

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This action makes final a proposed rule published on April 14, 1987, to prohibit according classification as a nonimmigrant visitor for business (B–1) to nonimmigrant visa applicants seeking entry for certain purposes. This action is consistent with a final rule published by the Immigration and Naturalization Service on December 9, 1986, at 51 FR 44266, and reflects the Department of State's concurrence in the policy set forth in the Service's final rule. This rule affects a small number of aliens who seek to enter the United States temporarily to perform building and construction work.

EFFECTIVE DATE: August 7, 1987.

FOR FURTHER INFORMATION CONTACT: Rudolph Henderson, Legal Adviser's Office, Department of State, Washington, DC 20520, (202) 647–4415.

SUPPLEMENTARY INFORMATION: On December 9, 1986, the Immigration and Naturalization Service published a final rule barring classification and admission as temporary visitors for business of aliens seeking to enter the United States to perform building or construction work. The background of the Service's rule is explained in the Supplementary Information published therewith. The Department has a responsibility to coordinate with the Immigration and Naturalization Service issues involving certain visa-issuance practices. In this instance, the Department believes visa issuing procedures under § 41.25(b) require such coordination. Accordingly, on April 14, 1987, the Department published a proposed amendment to § 41.25(b), which would conform its policies regarding visa issuance to temporary business visitors with the Service's regulations. (51 FR 12001.)

The Supplementary Information in the April 14 notice of proposed rulemaking stated that the Service had confirmed to the Department that its December 9, 1986 amendment to 8 CFR 214.2(b) precludes B–1 nonimmigrant status to any alien seeking to enter the United States to perform building or construction work, whether on-site or in-plant, subject only to an exception for supervision and training as described in the amendment. The Service has confirmed that it does not read the December 9 amendment to allow an additional exception for building or construction work incident to after-sale installation and service or other warranty work after installation. It does not appear that further clarification of that point is needed.

Comments Received

Interested persons were given an opportunity to participate in the proposed rule. Consideration has been given to the two comments received and an analysis follows below.

One commenter asked whether the proposed rule will affect aliens coming into this country to perform work on equipment or machinery. The answer is that the regulation may affect such

aliens if their work constitutes nonsupervisory building or construction work, as described in the regulation. It is not possible to give an advance ruling on what constitutes "building or construction work," since that will depend on the facts of the individual case.

The second commenter expressed some concern that the proposed rule would remove otherwise applicable restrictions on the issuance of B–1 visas to aliens seeking to enter the country to perform supervision or training of others engaged in building or construction work. This was not the intent of the proposal, and the language has been changed to make it clear that persons performing supervision or training of others engaged in building or construction work must be otherwise qualified as B–1 nonimmigrants in order to obtain B–1 visas. With this change, it is clear that the State Department and the INS standards are identical with regard to the non-availability of B–1 visas for aliens seeking to enter the country to perform building or construction work.

In view of the fact that the Service's regulations have been in effect since the date of publication of its final rule, December 9, 1986, this rule will become effective upon publication in the **Federal Register.**

This rule is not considered to be a major rule for purposes of E.O. 12291 nor is it expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 22 CFR Part 41

Visa, Temporary visitors, Nonimmigrants.

Accordingly, the amendments contained in the proposed rulemaking at 52 FR 12001, Part 41, § 41.25 are adopted with the following modifications.

PART 41—[AMENDED]

1. The authority citation for Part 41 continues to read as follows:

Authority: Sec. 104, 66 Stat. 174, 8 U.S.C. 1104; Sec.109(b)(1), Pub. L. 95–105, 91 Stat. 847.

2. The new sentence is added following the second sentence in § 41.25(b) to read as follows:

§ 41.25 Temporary visitors for business of pleasure.

* * * * *

(b) * * * For the purposes of this section building or construction work, whether on-site or in-plant, shall be deemed to constitute purely local employment or labor for hire; provided that the supervision or training of others engaged in building or construction work (but not the actual performance of any such building or construction work) shall not be deemed to constitute purely local employment or labor for hire if the alien otherwise qualified as a B–1 nonimmigrant.

Date: July 13, 1987.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 87–17903 Filed 8–6–87; 8:45 am]

BILLING CODE 4710–06–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8148]

Income Taxes; Capitalization and Inclusion in Inventory of Certain Costs; Practical Capacity

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations under section 263A of the Internal Revenue Code of 1986, relating to accounting for costs incurred in the production of property. In addition, the text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the Notice of Proposed Rulemaking in the proposed rules section of this issue of the **Federal Register.** Changes to the applicable tax law were made by the Tax Reform Act of 1986.

DATES: In general, the amendments are effective for costs incurred after December 31, 1986 or, in the case of inventories, for taxable years beginning after December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Paulette C. Galanko of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T), (202) 566–3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On March 30, 1987, proposed and temporary regulations interpreting section 263A of the Internal Revenue Code of 1986 were published in the **Federal Register** (Treasury Decision 8131). This document contains additional amendments to the Income Tax Regulations (26 CFR Part 1) under section 263A of the Code. These amendments conform the regulations to the requirements of section 803 of the Tax Reform Act of 1986 (Pub. L. 99–514), 100 Stat. 2085 (the "Act"). The temporary regulations contained in this document will remain in effect until additional temporary or final regulations are published in the **Federal Register.**

Practical Capacity

Under prior law, § 1.471–11(d)(4) of the full absorption regulations permitted manufacturers of inventory to use the "practical capacity concept" in determining the amounts of fixed indirect production costs which were subject to inclusion in ending inventory. Under the practical capacity concept, taxpayers were required to apportion only a percentage of their fixed indirect production costs to units of production; this percentage corresponded to the percentage of productive capacity at which the particular manufacturing facility was operating. The remaining amounts of fixed indirect production costs were then currently deducted by the taxpayer.

The temporary regulations prohibit the use of the practical capacity concept in accounting for costs under section 263A. The legislative history to section 263A clearly provides that the new uniform capitalization rules are to be patterned after the rules contained in § 1.451–3 of the Income Tax Regulations applicable to "extended period long-term contracts." S. Rep. No. 99–313, 99th Cong., 2d Sess. 141–42 (1986). It is the position of the Internal Revenue Service that the rules of § 1.451–3 do not permit the use of the practical capacity concept. The capitalization rules applicable to extended period long-term contracts contain no provision allowing the use of the practical capacity concept, an exception to the general rules of "full absorption" accounting that apply to the determination of inventoriable costs.

The practical capacity concept conflicts with the principles of the extended period long-term contract regulations which, in order to properly match income and expense, require capitalization of all indirect costs that "directly benefit the performance of extended period long-term contracts, or are incurred by reason of the performance of extended period long-term contracts." section 1.451-3(d)(6)(ii). The use of the practical capacity concept would undermine and conflict with the careful delineation in the extended period long-term contract regulations of certain indirect costs which may be currently expensed and not allocated to production activities (*e.g.*, certain costs of equipment and facilities which are temporarily idle).

Moreover, the fact that the temporary regulations retain certain cost allocation methods available to manufacturers under prior law (*e.g.*, the manufacturing burden rate method, and the standard cost method) does not support the ratification of the practical capacity concept under section 263A. The cost allocation methods retained in the regulations are used to apportion inventoriable costs among different units of production; in contrast, the practical capacity concept identifies which costs are subject to capitalization. Thus, the practical capacity concept effectively functions as a capitalization rule which allows a specified percentage of otherwise inventoriable costs to be currently expensed, with the remaining inventoriable costs to be separately apportioned to units of production under whatever separate cost allocation methods are used by the taxpayer.

The repeal of the practical capacity concept applies under the effective date provisions of section 803(d) of the Act, including section 803(d)(2) which requires a change in method of accounting for inventory taxpayers and a corresponding section 481(a) adjustment. The section 481(a) adjustment is determined by assuming that the capitalization rules of section 263A (including the repeal of the practical capacity concept) applied for all relevant prior years of the taxpayer.

Change in Method of Accounting and Deferred Intercompany Transactions

Section 1.1502–13 of the regulations provides rules with respect to affiliated groups of corporations filing consolidated Federal income tax returns. Under those regulations, gain or loss with respect to certain intercompany transactions may be deferred by members of the affiliated group until such time as certain subsequent events occur. For example, a member of an affiliated group may sell inventory property to another member of the group, and the selling taxpayer may defer recognition of the gain from such sale until the property is sold to a person outside the affiliated group. Moreover, in determining the amount of gain which is deferred by the selling taxpayer in such a situation, the rules of section 263A shall apply in determining the cost of the sold property. See § 1.1502–13(c)(2) as amended by Treasury Decision 8131, published in the Federal Register on March 30, 1987.

Under section 263A, taxpayers are required to change their methods of accounting with respect to inventory property, effective for taxable years beginning after December 31, 1986. The regulations clarify that taxpayers with outstanding balances of deferred intercompany gain or loss as of the beginning of the year of change in method of accounting must revalue the amount of the deferred intercompany gain or loss if such gain or loss pertains to the sale or exchange of inventory property. The deferred intercompany gain or loss must be revalued to an amount equal to the deferred gain or loss which would have resulted had the cost of goods sold for that inventory property been determined under the capitalization rules of section 263A.

Thus, for example, assume that corporation A, a member of an affiliated group filing a consolidated Federal income tax return on a calendar year, manufactures and sells inventory property to corporation B, a member of the same affiliated group, in 1985. As of January 1, 1987, the inventory property is still held by corporation B, based on the particular inventory identification method used by B for Federal income tax purposes, e.g., the last-in, first-out method ("LIFO") or the first-in, first-out method ("FIFO").

The property was sold by A to B in 1985 for $150; the cost of goods sold with respect to the property under the law in effect at the time the inventory was produced (see § 1.471–3) was $100, resulting in a gain of $50 which A deferred under § 1.1502–13(c). The deferred intercompany gain of $50 is still outstanding on A's books and records as of January 1, 1987.

The regulations require A to revalue the amount of the deferred gain, assuming that the rules of section 263A had applied to A's production of the inventory in 1985 and thus had determined the cost of the property. Assume that the cost of the inventory under the capitalization rules of section 263A would have been $110, had the rules applied to A's manufacturing activities in 1985. Under the regulations, A is required to revalue the amount of the deferred gain to $40; moreover, since the revaluation of the deferred gain would result in the omission of $10 of such gain, A is required to increase its section 481(a) adjustment by $10.

The regulations require the revaluation of the deferred gain or loss resulting from sales of inventory property for both inventory property which was produced by the selling taxpayer, and inventory property which was acquired for resale by the selling taxpayer. The regulations provide that, in revaluing the amount of the deferred gain, all of the provisions applicable to the revaluation of inventory property accompanying the taxpayer's change in method of accounting under section 263A shall apply, including, for example, the use of simplified methods and other procedures available to inventory taxpayers under the regulations.

The regulations require the revaluation of the deferred gain or loss from intercompany sales in order to prevent such sales from substantially altering the results which would otherwise occur from the change in method of accounting under section 263A. (See section 263A(h)(1) of the Code). Without such a revaluation of deferred gain or loss, an affiliated group making intercompany sales of inventory property would experience significantly different results under section 263A than inventory taxpayers not making such sales. Such results could be favorable, or unfavorable to the affiliated group, depending on the particular methods of accounting used by members of the group. Moreover, any such differences in result would be inappropriate, in light of the fact that the affiliated sales are not given full, immediate effect for Federal income tax purposes and may, in certain situations, lack economic significance. Thus, based on the foregoing, the regulations require the revaluation of deferred gain or loss from inventory sales under section 263A in order that the transitional rules of section 263A may be applied in an equitable and uniform manner.

The requirement to revalue the amount of deferred intercompany gain or loss applies only for purposes of determining the section 481(a) adjustment that results from the application of the rules of section 263A. The Service, however, is considering the issue of whether to require a similar restatement of deferred intercompany gain or loss in other situations where a change in method of accounting generates a section 481(a) adjustment within a consolidated group.

Availability of Certain Inventory Methods for Property Produced in Farming Businesses

Under the existing regulations, the costs required to be allocated to any plant or animal produced in the trade or business of farming may be determined using reasonable inventory methods such as the farm-price method or the unit-livestock-price method. See §§ 1.263A–1T(c)(5)(i) and 1.471–6. The regulations clarify that, for purposes of section 263A, taxpayers may use the farm-price method or the unit-livestock-price method to determine the costs allocated to any plant or animal produced in the trade or business of farming, regardless of whether such plant or animal is held as inventory by

the taxpayer. Thus, for example, taxpayers may use the unit-livestock-price method to account for the costs of raising livestock which will be used in the trade or business of farming (e.g., a breeding animal or a dairy cow), although the animal in question will not be held or treated as inventory property by the taxpayer. In addition, the regulations contain a clarifying example with respect to the definition of farming under section 263A.

Capitalization of Taxes

Section 1.263A–1T(b)(2)(iii)(I) of the existing regulations generally requires the capitalization of taxes otherwise allowable as a deduction under section 164 (other than income taxes) that relate to labor, materials, supplies, equipment, land or facilities. The regulations modify the reference to section 164 in acknowledgement of the fact that taxes relating to labor, materials, supplies, equipment, land or facilities may be deducted under sections of the Code other than section 164 (*e.g.*, section 162). Thus, under section 263A, taxes relating to the previously enumerated factors are required to be capitalized irrespective of the particular Code section which would otherwise allow the deduction of such taxes.

Use of Simplified Methods

Under the existing regulations, taxpayers producing certain types of property may elect the use of the simplified production method and the simplified service cost method to account for the costs required to be capitalized under section 263A. Similarly, taxpayers acquiring property for resale may elect the use of the simplified resale method to account for their section 263A costs. It is intended that inventory taxpayers electing the use of a particular simplified method shall use such method for purposes of both (i) restating their beginning inventory balances under the change in method of accounting required by section 263A, and (ii) accounting for their inventory costs under section 263A on an ongoing, prospective basis. Taxpayers may not, for example, use a simplified method to restate their beginning inventory balances, and another method to account for their section 263A costs incurred after the effective date of section 263A unless such taxpayers obtain the consent of the Commissioner to change their methods of accounting. Although the Internal Revenue Service believes that the regulations already required the use of the simplified methods in the foregoing manner, the regulations have been amended in order to make this requirement more clear.

Acceleration of Section 481(a) Adjustment

Section 1.263A–1T(e)(3)(iii) of the existing regulations provides that, in certain circumstances, a taxpayer is required to take its section 481(a) adjustment into account over the number of tax years (not to exceed 4) that the taxpayer has used its present method of accounting. The regulations clarify that, for purposes of this particular provision only, the section 481(a) adjustment is to be taken into account ratably over the number of tax years (not to exceed 4) that the taxpayer has engaged in the particular trade or business to which the adjustment applies. Thus, the period over which the section 481(a) adjustment is to be taken into account is not limited to the number of years that the taxpayer has used a particular method of accounting in such trade or business. For example, a taxpayer engaged in the business of producing property for 5 years prior to its taxable year beginning after December 31, 1986 shall, if otherwise allowed under the regulations, take into account the section 481(a) adjustment over a period of 4 years, although such taxpayer changed its method of accounting for the property produced in the particular trade or business within the four year period preceding the year of change under section 263A.

On-Site Storage

Under the present regulations, costs associated with an "on-site storage facility" are not required to be capitalized with respect to inventory property. The present regulations provide that an on-site storage facility is a facility which is physically attached to, and an integral part of, a retail sales facility where the taxpayer sells merchandise stored at the facility to retail customers physically present at the facility. The present regulations provide that a storage or warehousing area operated by a person making sales of goods "wholesale" to persons physically present at the facility who in turn resell the goods to others, is not an on-site storage facility because such sales are not made to retail customers. The regulations clarify that, for purposes of this provision, the term "retail sales" means sales to a "retail customer", i.e., the final purchaser or consumer of the merchandise sold. Thus, the term "retail sales" does not mean sales of goods to an intermediary who resells the goods to others, including a contractor or manufacturer who incorporates the goods into another product which is then sold to customers.

Distribution Costs

The present regulations provide that "distribution costs" are not subject to capitalization under section 263A. Distribution costs are defined as "the costs of delivering goods directly to the customer, *e.g.*, costs incurred in delivering an item from a storage facility to a customer's home." Section 1.263A–1T(d)(3)(ii)(C)(*3*). It is intended that distribution costs include costs incurred in delivering goods directly to an unrelated customer's facility although that customer resells such goods to other persons. The regulations clarify the definition of distribution costs in this regard. Distribution costs do not, however, include internal transportation or delivery costs, such as costs incurred by a taxpayer in moving inventory from the taxpayer's warehouse to its retail store.

Change in Method of Accounting

The present regulations generally require that taxpayers change their method of accounting in order to conform to the capitalization requirements of section 263A. Section 1.263A–1T(e)(11) of the regulations provides that such change in method of accounting shall be automatic if such change in method of accounting is required under that section, *i.e.*, if such change is necessary in order for the taxpayer to properly capitalize and allocate costs with respect to production and resale activities in the manner prescribed in the regulations. The regulations clarify that an automatic change in method of accounting under section 263A includes:

(i) A change in method of accounting whereunder a taxpayer properly expenses certain costs under section 263A which were previously capitalized by the taxpayer under the taxpayer's prior method of accounting; and

(ii) A change in method of accounting whereunder a taxpayer properly capitalizes certain costs under section 263A which were previously expensed by the taxpayer under the taxpayer's prior method of accounting,

regardless of whether such prior methods of accounting were correct or erroneous methods under the law in effect at that time.

The regulations also provide guidance regarding the interaction of the change in method of accounting under section 263A with respect to inventory property, and any other changes in method of accounting which the taxpayer may make for its first taxable year beginning after December 31, 1986. The regulations provide that the taxpayer is deemed to make any change in method of accounting required under section 263A

(and the accompanying section 481(a) adjustment) before making any other changes in methods of accounting for the same taxable year.

Thus, for example, assume a calendar year taxpayer that produces inventory property is required to change its method of accounting under section 263A for its taxable year beginning January 1, 1987. That taxpayer also desires to change from the LIFO to the FIFO method for the same taxable year, and complies with all necessary procedures to effectuate such change, including obtaining the consent of the Commissioner to such change in method of accounting (if required under such procedures). The change in method of accounting required by section 263A shall be deemed to occur first, and such change in method of accounting (including the calculation of the section 481(a) adjustment) shall be based on the taxpayer's inventory records existing as of January 1, 1987, under the LIFO method used by the taxpayer. After the change in method of accounting under section 263A is deemed to be made and the amount of the resulting section 481(a) adjustment is determined, the change in method of accounting from LIFO to FIFO is then deemed to occur.

Tangible Personal Property

The existing regulations provide that section 263A applies to the production of tangible personal property, including the production of property such as films, sound recordings, video tapes, books and other similar property. In the case of a book, the costs of production include the costs incurred in developing, researching, and writing the book (including costs incurred by authors engaged in these activities) as well as the costs incurred in connection with the book's publication. The regulations have been amended in order to make this requirement more clear.

Special Analyses

The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. A general notice of proposed rulemaking is not required for temporary regulations. Accordingly, the temporary regulations are not subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Paulette C. Galanko of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation with respect to matters of both substance and style.

List of Subjects in 26 CFR Part 1

Income taxes, Accounting, Deferred compensation plans.

Amendments to the Regulations

For the reasons set forth in the preamble, Subchapter A, Part 1, Chapter I of the Code of Federal Regulations are amended as set forth below:

PART 1—[AMENDED]

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

Authority: 26 U.S.C. 7805. * * * Section 1.263A–1T also issued under 26 U.S.C. 263A.

Par. 2. Section 1.263A–1T is amended as follows:

1. Paragraph (a)(5)(iii)(A) is revised;
2. Paragraph (b) is amended by revising paragraphs (b)(2)(iii)(I) and by adding paragraphs (b)(2)(vii), (b)(5)(vii) and (b)(6)(vi);
3. Paragraph (c) is amended by revising paragraph (c)(4)(i)(C) and by adding paragraph (c)(5)(iii).
4. Paragraph (d) is amended by revising paragraphs (d)(3)(ii)(A) (*1*), (d)(3)(ii)(C) (*3*) and (*4*), and (d)(5);
5. Paragraph (e) is amended by revising paragraphs (e)(1), (e)(3)(iii), (e)(7)(iii), by adding paragraph (e)(7)(iv) and new examples (4) and (5) to paragraph (e)(9)(ii), by revising paragraph (e)(11)(iii) and adding (e)(11)(v). The revised and added provisions read as follows:

§ 1.263A–1T Capitalization and inclusion in inventory costs of certain expenses (temporary).

(a) *Introduction and effective date.* * * *

(5) *Definitions and special rules.* * * *

(iii) *Tangible personal property*—(A) *General rule.* For purposes of this section, the term "tangible personal property" includes films, sound recordings, video tapes, books and other similar property containing words, ideas, concepts, images or sounds. A sound recording is a work that results from the fixation of a series of musical, spoken, or other sounds, regardless of the nature of the material objects, such as discs, tapes or other phonorecordings, in which such sounds are embodied. This section applies to the production of tangible personal property within the meaning of this paragraph (a)(5)(iii) without regard to whether such property is treated as tangible or intangible under other sections of the Code. Thus, the requirements of this section apply to the costs of the properties enumerated in this paragraph (a)(5)(iii) although such costs may consist of copyrights, licenses, manuscripts, and other items which may be treated as intangible for other purposes of the Code. For example, the costs of producing or developing a book (including teaching aids and other similar property) required to be capitalized under this section include costs incurred by authors in researching, preparing, and writing literary works. In addition, such costs include prepublication expenditures incurred by publishers of books and other similar property, including payments made to authors of literary works, as well as costs incurred by such publishers in the writing, editing, compiling, illustrating, designing and development of books or similar property. Such costs are required to be capitalized under this section without regard to whether such costs are determined to relate to the production of a manuscript or copyright of a book, as opposed to physical costs (e.g., paper and ink) of printing and binding a book. See § 1.174–2(a)(1), which provides that the term "research or experimental expenditures" does not include expenditures incurred for research in connection with literary, historical, or similar projects.

* * * * *

(b) *Capitalization of costs.* * * *

(2) *Types of costs.* * * *

(iii) *Examples of indirect costs.* * * *

(I) Taxes otherwise allowable as a deduction (other than State, local, and foreign income taxes) that relate to labor, materials, supplies, equipment, land or facilities, (other than taxes described in section 164 that are paid or accrued by a taxpayer in connection with the acquisition of property described in paragraph (b)(2)(iii)(J) of this section, and which are treated as part of the cost of such acquired property);

* * * * *

(vii) *Practical capacity.* Notwithstanding any provision to the contrary, the use, directly or indirectly, of the "practical capacity concept" is not permitted under this section. For purposes of this section, the practical capacity concept is defined as any concept, method, procedure, or formula (such as the practical capacity concept described in § 1.471–11(d)(4)) whereunder fixed costs are not capitalized because of the relationship between the actual production at the taxpayer's production facility and the

"practical capacity" of such facility. For purposes of this section, the practical capacity of a facility shall include either the practical capacity or theoretical capacity of the facility, as defined in § 1.471–11(d)(4), or any other similar determination of productive or operating capacity. Under this section, the practical capacity concept may not be used with respect to any activity to which this section applies, *i.e.*, production or resale activities. For purposes of this section, a taxpayer shall not be considered as utilizing the practical capacity concept solely because the taxpayer properly does not capitalize costs described in paragraph (b)(2)(v) of this section, relating to certain costs attributable to temporarily idle equipment.

* * * * *

(5) *Simplified method of accounting for production costs.* * * *

(vii) *Section 481(a) adjustment.* Taxpayers using the simplified production method must use such method for purposes of both allocating costs incurred after the effective date of this section and for revaluing their inventories under the change in method of accounting required under this section. See paragraph (e) of this section for rules relating to the methods permitted for inventory revaluations and the calculation of the adjustment under section 481(a).

(6) *Simplified procedure for allocating mixed service costs.* * * *

(vi) *Section 481(a) adjustment.* Taxpayers using the simplified service cost method must use such method for purposes of both allocating costs incurred after the effective date of this section and for revaluing their inventories under the change in method of accounting required under this section. See paragraph (e) of this section for rules relating to the methods permitted for inventory revaluations and the calculation of the adjustment under section 481(a).

* * * * *

(c) *Special rules for property produced in a farming business.* * * *

(4) *Definitions*—(i) *Farming business.* * * *

(C) (*1*) For purposes of this section, the term "farming business" does not include the processing of commodities or products beyond those activities which are normally incident to the growing, raising or harvesting of such products.

(*2*) Thus, for example, assume the taxpayer, a C corporation, is in the business of growing and harvesting wheat and other grains. The taxpayer processes grain that it has harvested in order to produce breads, cereals, and other similar food products, which it then sells to customers in the course of its business. Although the taxpayer is in the farming business with respect to the growing and harvesting of grain, the taxpayer is not in the farming business with respect to the processing of such grains to produce food products that it sells to customers.

(*3*) Similarly, assume the taxpayer is in the business of raising poultry or other livestock. The taxpayer then uses such livestock in a meat processing operation in which the livestock are slaughtered, processed, and packaged or canned in preparation for their sale to customers. Although the taxpayer is in the farming business with respect to the raising of livestock, the taxpayer is not in the farming business with respect to the meat processing operation.

(*4*) However, under this section the term "farming business" does include processing activities which are normally incident to the growing, raising of harvesting or agricultural products. For example, assume a taxpayer is in the business of growing fruits and vegetables. When the fruits and vegetables are ready to be harvested, the taxpayer picks, washes, inspects, and packages the fruits and vegetables for sale. Such activities are normally incident to the raising of these crops by farmers. The taxpayer will be considered to be in the business of farming with respect to the growing of fruits and vegetables, and the processing activities incident to their harvest.

* * * * *

(5) *Inventory methods*—* * *

(iii) *Availability to property used in trade or business.* The farm-price method or the unit-livestock-price method may be used by any taxpayer to allocate costs to any plant or animal under this section, regardless of whether the plant or animal is held or treated as inventory property by the taxpayer. Thus, for example, a taxpayer may use the unit-livestock-price method to account for the costs of raising livestock which will be used in the trade or business of farming (e.g., a breeding animal or a dairy cow) although the property in question is not inventory property.

* * * * *

(d) *Definitions and special rules relating to property acquired for resale* * * *

(3) *Simplified method of accounting for resale costs* * * *

(ii) *Costs required to be capitalized.* * * *

(A) *Off-site storage or warehousing*—(*1*) *Definition.* (*i*) Costs attributable to the operation of off-site storage or warehousing facilities ("off-site storage facilities") under this section are required to be capitalized with respect to inventory.

(*ii*) For purposes of this section, an off-site storage facility is defined as any storage or warehousing facility that is not an on-site storage facility. An on-site storage facility is a facility which is physically attached to, and an integral part of, a retail sales facility where the taxpayer sells merchandise stored at the facility to retail customers physically present at the facility ("on-site sales").

(*iii*) For purposes of this section, a retail customer is defined as the final consumer of the merchandise in question. A retail customer does not include a person who resells the merchandise to others, such as a contractor or manufacturer who incorporates the merchandise into another product for sale to customers. A facility where sales are made to both retail customers physically present at the facility and to persons acquiring merchandise for resale to others (regardless of whether such persons are physically present at the facility) is a dual function facility which shall be accounted for under the provisions of paragraph (d)(3)(ii)(A)(*2*) of this section.

(*iv*) Thus, for example, a catalog or mail order center which stores merchandise for shipment to customers who purchase such merchandise through orders placed over the telephone, or orders delivered in the mail, is not an on-site storage facility, and thus is treated as an off-site storage facility.

(*v*) Similarly, a "pooled stock facility" which functions as a "back-up" regional storage facility for particular retail sales outlets in the nearby area is not an on-site storage facility, and is thus treated as an off-site storage facility.

(*vi*) Moreover, a storage or warehousing area operated by a person making sales of goods "wholesale" to persons physically present at the facility who in turn resell the goods to others, is not an on-site storage facility because such facility is not an integral part of a retail sales facility.

* * * * *

(C) *Handling, processing, assembly, and repackaging.* * * *

(*3*) *Exception for distribution costs.* For the purpose of this paragraph (d)(3), handling costs shall not include distribution costs. Distribution costs are defined as the costs of delivering goods directly to an unrelated customer, *e.g.*, costs incurred in delivering an item from a storage facility to a customer's home or a customer's sales facility where the item will be resold. Except as provided

in paragraph (d)(3)(ii)(C)(*4*) of this section, distribution costs do not include costs of transporting an item from a storage facility to a store or outlet of the taxpayer where the sale of the item occurs.

(*4*) *Custom delivery of ordered items.* Costs incurred in delivering goods froma storage facility to a store of the taxpayer where the sale of the goods occurs are presumed to be handling costs allocable to the property and not distribution costs incurred for delivery of goods directly to the customer. This presumption can be overcome only if the taxpayer can demonstrate that a delivery to the taxpayer's store or other selling location is made to fill an identifiable order of a particular customer (placed by such customer before the delivery of the goods occurs) for the particular goods in question. Factors that may demonstrate the existence of a specific, identifiable delivery include the following:

(*i*) The customer has paid for the item in advance of delivery;

(*ii*) The customer has submitted a written order for the item;

(*iii*) The item is not normally available at the retail store for on-site customer purchases; or

(*iv*) The item will be returned to the storage facility (and not held for sale at the store or selling location) if the customer cancels an order.

* * * * *

(5) *Section 481(a) adjustment.* Taxpayers using the simplified resale method must use such method for purposes of both allocating costs incurred after the effective date of this section and for revaluing their inventories under the change in method of accounting required under this section. See paragraph (e) of this section for rules relating to the methods permitted for inventory revaluations and the calculation of the adjustment under section 481(a).

(e) *Inventories*—(1) *In general.* (i) Under this section, taxpayers are required to change their method of accounting with respect to inventory property, effective for taxable years beginning after December 31, 1986. The required change in method of accounting applies to inventory produced by the taxpayer, as well as to inventory acquired by the taxpayer for resale. The change in method of accounting is to be made by revaluing the items or costs included in beginning inventory in the year of change as if the new capitalization rules of section 263A and this section had been in effect during all prior periods. In revaluing inventory costs under this procedure, all of the capitalization provisions of this section (*e.g.*, the requirement to capitalize the entire amount of tax depreciation and cost recovery allowances with respect to equipment and facilities and the repeal of the practical capacity concept), shall apply to all inventory costs accumulated in prior periods. The necessity to revalue beginning inventory as if the new capitalization rules had been in effect for all prior periods includes, for example, the revaluation of costs or layers incurred in taxable years preceding the transition period to the full absorption method of inventory costing as described in § 1.471–11(e), regardless of whether a taxpayer employed a "cut-off" method under those regulations. The difference between the inventory as originally valued and the inventory as revalued by applying the new capitalization rules is equal to the amount of the adjustment required under section 481(a). For example, with respect to inventories of films, sound recordings, video tapes, books, and other similar property, the taxpayer shall revalue the costs of such items under the principles of this paragraph (e)(1).

(ii) Pursuant to the change in method of accounting required under this section, taxpayers are required to revalue the amount of deferred gain or loss resulting from the sale or exchange of inventory property in a deferred intercompany transaction, to an amount equal to the deferred gain or loss that would have resulted had the cost of goods sold for that inventory property been determined under the capitalization rules of this section. The requirement of the preceding sentence shall apply with respect to both property produced by the taxpayer, or property acquired by the taxpayer for resale. In addition, the requirements of this paragraph shall apply only to the deferred gain or loss of the taxpayer as of the beginning of the year of change in method of accounting required under this section. (See § 1.1502–13(c)(2), which separately requires that the capitalization rules of this section shall apply in determining the cost of goods sold for deferred intercompany transactions occurring after the effective date of section 263A.)

Corresponding changes to the adjustment required under section 481(a) shall be made with respect to any adjustment of the deferred gain or loss required under this paragraph. Moreover, the requirements of this paragraph shall apply regardless of whether the taxpayer has any items in beginning inventory as of the year of change in method of accounting. The terms "deferred gain or loss" and "deferred intercompany transaction" as used herein are defined in § 1.1502–13.

(iii) The provisions of paragraph (e)(1)(ii) of this section are illustrated by the following example.

(A) *Example.* Assume that corporation A, a member of an affiliated group of corporations filing a consolidated federal income tax return on a calendar year, manufactures and sells inventory property to corporation B, a member of the same affiliated group, in 1985. The gain from the sale of the inventory property is deferred by A under § 1.1502–13(c) of the regulations. As of the beginning of the year of change in method of accounting (January 1, 1987), the inventory property is still held by corporation B based on the particular inventory method of accounting used by B for Federal income tax purposes (e.g., LIFO or FIFO). The property was sold by A to B in 1985 for $150; the cost of goods sold with respect to the property under the law in effect at the time the inventory was produced (see § 1.471–3) was $100, resulting in a gain of $50 which A deferred under § 1.1502–13(c). The deferred intercompany gain as of January 1, 1987, with respect to the transaction, is $50.

(B) Under this section, A is required to revalue the amount of deferred intercompany gain resulting from the sale of the inventory property to an amount equal to the deferred gain which would have resulted had the cost of goods sold for that inventory property been determined under the capitalization rules of this section. Assume that the cost of the inventory under the capitalization rules of this section would have been $110, had the capitalization rules applied to A's manufacture of the property in 1985. Thus, A is required to revalue the amount of deferred gain to $40 (i.e., $150 less $110), necessitating a negative adjustment to the deferred gain of $10. Moreover, A is required to increase its section 481(a) adjustment by $10 in order to prevent the omission of such amount by virtue of the decrease in the deferred intercompany gain.

(iv) In determining the amount of intercompany gain which would have resulted had the cost of goods sold for that inventory property been determined under the capitalization rules of this section, a taxpayer may use the other methods and procedures otherwise properly available to that particular taxpayer in revaluing inventory under this section, including, if appropriate, the various simplified methods provided in this section and the various procedures described in paragraph (e) of this section.

* * * * *

(3) *Timing of section 481(a) adjustment* * * *

(iii) If paragraph (e)(3)(ii) of this section does not apply, the section 481(a) adjustment is to be taken into account ratably over the number of tax years (not to exceed 4) that the taxpayer has engaged in the particular trade or

business of producing property or acquiring property for resale to which the adjustment applies.

* * * * *

(7) *Adjustments to inventory costs from prior years.* * * *

(iii) *Exceptions from general rule.* Costs which are described in this paragraph (e)(7) (iii) shall be eligible for the restatement adjustment procedure under paragraph (e)(9) of this section even though such costs do not otherwise meet the requirements for such eligibility under the provisions of paragraph (e)(7)(i) of this section. Except as provided in this paragraph (e)(7)(iii), no other costs shall be eligible for the restatement procedure unless those costs satisfy the requirements of paragraph (e)(7)(i) of this section. Costs described in this paragraph which are eligible for the restatement adjustment procedure are:

(A) Costs attributable to different depreciation and cost recovery ("depreciation") methods used for Federal income tax purposes, except that no adjustment shall be made for "applicable pre-cutoff years" as defined in paragraph (e)(8) of this section; and

(B) Differences in the percentage of fixed indirect production costs which were expensed due to unutilized capacity by taxpayers in prior years using the practical capacity concept, as described in § 1.471-11(d)(4), subject to the consecutive year requirement as described in paragraph (e)(7)(iv) of this section. Moreover, any taxpayer adjusting the revaluation factor with respect to practical capacity shall make such adjustment after the revaluation factor is adjusted for all other eligible costs as permitted under this section. In addition, if such other eligible costs are fixed indirect production costs, the adjustments attributable to such eligible costs shall be taken into account in determining the amount of fixed indirect production costs which are utilized in adjusting the revaluation factor with respect to the practical capacity concept.

(iv) *Consecutive year requirement.* Any taxpayer adjusting the revaluation factor to reflect differences in the percentages of fixed indirect production costs which were expensed under the practical capacity concept, shall only make such adjustments for consecutive years. Thus, for example, assume a taxpayer's beginning inventory balance as of the year of change in method of accounting consists of costs accumulated in years 1983, 1982, 1980 and 1978. The taxpayer may not apply the restatement adjustment procedure with respect to the practical capacity concept for the years 1983 and 1980, unless such procedure is similarly applied for 1982. However, the taxpayer may apply the restatement adjustment procedure only to the year 1983 (or for the years 1983 and 1982), with no restatement adjustment with respect to the practical capacity concept occurring for earlier years.

* * * * *

(9) *Restatement adjustment procedure.* * * *

(ii) *Examples of restatement adjustment procedure.* * * *

Example (4). Assume that taxpayer A is eligible to make a restatement adjustment by virtue of differences in the percentage of fixed indirect production costs which were expensed under the practical capacity concept. Assume that during the revaluation period, A's production facilities functioned, on a weighted average basis, at 60 percent of practical capacity. Assume the revaluation factor before adjustment of data to reflect the differences in operating capacity is the same factor as in example (1), *i.e.*, a percentage restatement change for 1984 of .29. A determines that during the taxable year 1983, A's facilities operated at 70 percent of capacity. Under the restatement procedure, A determines, using reasonable assumptions and estimates, the total amount of inventoriable costs under A's prior method of accounting which would have been incurred in 1984, had the facilities been operating at 70 percent of capacity for that year. Using this information, A determines that the total inventoriable costs under A's prior method of accounting for 1984 would have been $38,000. (This difference is attributable to the fact that A's facilities functioned at a higher rate of capacity in 1983 than in 1984). The total inventoriable costs under this section continue to be $45,150. The restatement adjustment determined under this paragraph would then be equal to .19. A would make similar calculations with respect to 1985 and 1986. The weighted average of such amounts for each of the three years in the revaluation period would then be determined as in the example in paragraph (e)(6)(iv)(C) of this section. Such weighted average would be used to revalue the cost layer for 1983. With respect to cost layers incurred during the revaluation years, no adjustment of the revaluation factor would occur. As provided in paragraph (e)(7)(iv) of this section, any taxpayer using the restatement adjustment procedure with respect to the practical capacity concept must do so for consecutive years.

Example (5). Assume the same facts as in example (4), except that during the taxable year 1983, B's facilities functioned at 50 percent of capacity. Using this information, B determines that the total inventoriable costs under B's prior method of accounting for 1984 would have been $32,000 had the facilities been operating at 50 percent of capacity for that year. The total inventoriable costs under this section continue to be $45,150. The restatement adjustment determined under this paragraph would then be equal to .41. A would make similar calculations with respect to 1985 and 1986. The weighted average of such amounts for each of the three years in the revaluation period would then be determined as in the example in paragraph (e)(6)(iv)(C) of this section. Such weighted average would be used to revalue the cost layer for 1983. With respect to cost layers incurred during the revaluation years, no adjustment of the revaluation factor would occur.

* * * * *

(11) *Change in methods of accounting.* * * *

(iii) *Definition of changes in method required.* For purposes of this paragraph (e)(11), a change in method of accounting is required under this paragraph (e)(11) if such change is necessary in order for the taxpayer to properly capitalize and allocate costs with respect to production and resale activities in the manner prescribed in this section. A change in method of accounting may be described in the preceding sentence irrespective of whether the taxpayer's previous method of accounting resulted in the capitalization of more (or fewer) costs than the costs required to be capitalized under this section, and irrespective of whether the taxpayer's previous method of accounting was a correct method under the law in effect at that time. A change in method of accounting is not required under this paragraph (e)(11) if such change relates to factors other than those described herein. For example, a required change in method of accounting does not include a change from an inventory valuation method to another inventory valuation method, such as—

(A) A change from LIFO (or FIFO) to FIFO (or LIFO); or

(B) A change in accounting method for an inventory of securities from market value to cost.

In addition, a required change in method of accounting does not include a change within inventory valuation methods, such as a change from the "double-extension" method to the "link-chain method", or a change in the method used for determining the number of pools.

* * * * *

(v) *Ordering rule for other changes in method of accounting.* A change in method of accounting required under this section for any taxable year shall be deemed to occur prior to any other change in method of accounting for such taxable year. Thus, for example, assume a calendar year taxpayer who produces inventory property is required to change its method of accounting under this section for its taxable year beginning January 1, 1987. The taxpayer also desires to change from the LIFO to the

FIFO method for the same taxable year, and complies with all necessary procedures to effectuate such change, including obtaining the consent of the Commissioner to such change in method of accounting, if required under such procedures. The change in method of accounting required by section 263A shall be deemed to occur first, and such change in method of accounting (including the calculation of the section 481(a) adjustment) shall be based on the taxpayer's inventory records existing as of January 1, 1987, under the LIFO method used by the taxpayer. After the change in method of accounting under section 263A is deemed to be made, and the amount of the resulting section 481(a) adjustment is determined, the change in method of accounting from LIFO to FIFO is then deemed to occur.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impractical to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved:

J. Roger Mentz,

Assistant Secretary of the Treasury.

July 29, 1987.

[FR Doc. 87-17954 Filed 8-4-87; 3:27 pm]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[AD-FRL-3244-2]

National Ambient Air Quality Standards for Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The EPA is correcting errors in the preamble to the revisions to the national ambient air quality standards for particulate matter and in Appendix K of 40 CFR Part 50 published in the **Federal Register** on July 1, 1987 (52 FR 24634).

FOR FURTHER INFORMATION CONTACT: John H. Haines at (919) 541-5533.

SUPPLEMENTARY INFORMATION: EPA promulgated revisions to the national ambient air quality standards for particulate matter on July 1, 1987 (52 FR 24634). A review of that notice resulted in the identification of several production errors in the preamble and in Appendices J and K. These production errors have been corrected by the Office of the Federal Register in a notice published on July 14, 1987 (52 FR 26401) and in a subsequent notice published elsewhere in today's **Federal Register.** In addition, EPA identified errors in the preamble and Appendix K which are discussed below and are corrected by this notice. These corrections address typographical and editing errors as well as the omission of the sigma (Σ) in formulas 2, 3, 4, 5, and 6 of Appendix K.

Date: August 1, 1987.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

Editorial Note: An additional correction to this document appears elsewhere in the Corrections Section of this issue.

The following corrections are made in FRL 3141-9(a), Revisions to the National Ambient Air Quality Standards for Particulate Matter published in the **Federal Register** on July 1, 1987 (52 FR 24634).

1. On page 24634, column 2, under **SUPPLEMENTARY INFORMATION,** line 11, change "$13.50 microfiche," to "$13.50 microfiche),".

2. On page 24639, column 2, first full paragraph, line 25 change "mouthbreathing" to "mouth breathing".

3. On page 24641, column 1, fourth paragraph, line 8, change "suhject" to "subject".

4. On page 24642, column 1, first paragraph, line 2, change "expnsed" to "exposed" and column 2, first full paragraph, line 2, change "Lawther et al. (1970) judged to provide" to "Lawther et al. (1970) was judged to provide".

5. On page 24645, column 2, bottom paragraph, line 3, change "Section IV" to "section III".

6. On page 24646, column 2, first full paragraph, line 13, change "concentrations of in TSP," to "concentrations of TSP,"; second full paragraph, line 8, change "(SP, Table 2-1)" to "(SPA, Table 2-1)"; and line 15, change "(Pace et al." to "(Pace et al.,".

7. On page 24647, column 2, the first sentence of the second full paragraph which reads, "In Section 4.0 the term "reproducibility" has been changed to "precision" and the specification for PM_{10} samplers has been changed from 15 percent or better to 7 percent or 5 $\mu g/m^3$, whichever is higher." is revised to read as follows:

"In Section 4.0 the term "reproducibility" has been changed to "precision" and the specification for PM_{10} sampler has been changed from 15 percent or better to 5 $\mu g/m^3$ for PM_{10} concentrations below 80 $\mu g/m^3$ and 7 percent for PM_{10} concentrations above 80 $\mu g/m^3$.".

8. On page 24648, column 1, the third and fourth sentences of the third full paragraph which read "When temperature and pressure corrections to flow indicator readings are required, existing temperature and pressure at the time the readings are taken (or daily average values during the sampling period in some cases) must be used. Likewise, the calculations section has been changed to require that the average barometric pressure and average ambient temperature during the sampling period be used to calculate Q std." are deleted.

9. On page 24649, column 1, first full paragraph, line 5, change "addendum" to "addenda" and third full paragraph, line 4, change "(SP, p. 32)." to "(SPA, p. 36)."; column 2, fourth paragraph, line 4, change "substantial limits on fine mass, and" to "substantial limits on fine mass."; column 3, under "Comments:", line 27, change "morbid" to "morbidity" and under "Agency Response:", line 2, change "analysis" to "analyses".

10. On page 24652, column 1, under "Agency Response:", line 17, change "(SP," to "(SPA," and column 3, under "Agency Response:" regarding soiling and nuisance, line 14, change "indicate that it is relatively more" to "indicates that it is relatively more".

11. On page 24653, column 1, under "Agency Response:", line 7, change "reviewers" "reviewers' " and line 32, change "Identification and (Use of Air Quality" to "Identification and Use of Air Quality"; column 2, last paragraph, change "Response:" to "Agency Response:".

12. On page 24657, column 2, under "Chapter 12:", line 8, change "Significance" to "significance".

13. On page 24660, column 3, line 2, change "et al., 1986; Dassen et al., 1986)" to "et al., 1982; Dassen et al., 1986)".

14. On page 24661, column 2, line 7, change "1000 μm" to "100μm".

15. On page 24662, column 2 below Table 1, line 17, change "150 $\mu g/m^3$." to "250 $\mu g/m^3$.".

Appendix K—[Corrected]

16. On page 24667, column 1, Section 1.0, second paragraph, line 15 of Appendix K, change "standard" to "standards".

17. On page 24667, column 2, Section 2.2 of Appendix K, the last sentence which reads "The expected annual arithmetic mean is rounded to the

nearest 1 $\mu g/m^3$ before comparison with the annual primary standard (fractional values equal to or greater than 0.5 are to be rounded up)." is corrected to read "The expected annual arithmetic mean is rounded to the nearest 1 $\mu g/m^3$ before comparison with the anual standards (fractional values equal to or greater than 0.5 are to be rounded up).".

18. On page 24667, column 3, Section 3.0 of Appendix K, change "Computational formulas for the 24-hour standard" to "Computational formulas for the 24-hour standards".

19. On page 24668, column 1, line 17 of Appendix K, change "$_q$" to "q" and line 24, change "years" to "year".

20. On page 24668, the following formulas in Appendix K are corrected:

Formula (2) is corrected to read

$$e = \sum_{q=1}^{4} e_q$$

formula (3) is corrected to read

$$e_q = (N_q/m_q) \times \sum_{j=1}^{m_q} (v_j/k_j)$$

formula (4) is corrected to read

$$\bar{x}_q = (1/n_q) \times \sum_{i=1}^{n_q} x_i$$

and lines 6 and 7 under formula (4) which read "x_i=the ith concentration value recorded in the quarter." are corrected to read "x_i=the ith concentration value recorded in the quarter.".

formula (5) is corrected to read

$$\bar{x} = (1/4) \times \sum_{q=1}^{4} \bar{x}_q$$

21. On page 24669, column 2, line 4 of Appendix K, change "means" to "mean".

22. On page 24669 of Appendix K, the formula which reads

$\dot{x} = (1/4) \times (52.4 + 75.3 + 82.1 + 63.2 = 68.25$ or 68.3

is corrected to read

$\dot{x} = (1/4) \times (52.4 + 75.3 + 82.1 + 63.2 = 68.25$ or 68.3

23. On page 24669, formula (6) in Appendix K is corrected to read

$$\bar{x}_q = (1/m_q) \times \sum_{j=1}^{m_q} \sum_{i=1}^{k_j} (x_{ij}/k_j)$$

[FR Doc. 87-17983 Filed 8-6-87; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Parts 51 and 52

[AD-FRL-3244-6]

PM_{10} Group I and Group II Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: List of PM_{10} Group I and Group II areas.

SUMMARY: On July 1, 1987, the EPA promulgated national ambient air quality standards (NAAQS) for particulate matter with an aerometric diameter of a nominal 10 micron of less (PM_{10}) (see 52 FR 24634). The EPA also promulgated policies and regulations by which it will implement the PM_{10} NAAQS (52 FR 24672). In accordance with these policies, EPA has categorized areas of the Nation into three groups based on the likelihood that the existing State implementation plan (SIP) must be revised to protect the PM_{10} NAAQS. Areas with a strong likelihood of violating the PM_{10} NAAQS and requiring substantial SIP revisions were placed in Group I; areas where attainment of the PM_{10} NAAQS is uncertain and the SIP may require only slight adjustment were placed in Group II; and areas with a strong likelihood of attaining the PM_{10} NAAQS, and therefore probably having an adequate control strategy, were placed in Group III.

By this notice, EPA is identifying the Group I and Group II areas in each State. The remainder of the State not in Group I or II is placed in Group III.

ADDRESSES: Information supporting the placement of each area in Group I, II, or III can be obtained from the respective EPA Regional Office which services the particular State. The addresses of the Regional Offices are:

- State Air Programs Branch, EPA, Region I, JFK Federal Building, Boston, Massachusetts 02203.
- Air Programs Branch, EPA, Region II, 26 Federal Plaza, New York, New York 10278.
- Air Programs Branch, EPA, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107.
- Air Programs Branch, EPA, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30365.
- Air and Radiation Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.
- Air Programs Branch, EPA, Region VI, Allied Bank Tower, 1445 Ross Avenue, Dallas, Texas 75202-2733.
- Air Branch, EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.
- Air Programs Branch, EPA, Region VIII, 999 18th Street, Suite 1300 Denver, Colorado 80202-2413.
- Air Programs Branch, EPA, Region IX, 215 Fremont Street, San Francisco, California, 94105.
- Air Programs Branch, EPA, Region X, 1200 6th Avenue, Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Kenneth Woodard, Standards Implementation Branch (MD-15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone: (919) 541-5351 (FTS 629-5351).

SUPPLEMENTARY INFORMATION:

I. Background

On July 1, 1987 (52 FR 24672), EPA promulgated in 40 CFR Parts 51 and 52 policies and regulations by which it will implement the PM_{10} NAAQS. The EPA's policies for developing SIP's for PM_{10} are discussed fully in section IV.C. of the preamble to that **Federal Register** (52 FR 24679). Also as noted in that preamble, section 110(a)(1) of the Clean Air Act (Act) requires that each State adopt and submit, within 9 months after revision of a NAAQS, a SIP providing for attainment and maintenance of the primary NAAQS as expeditiously as practicable but no later than 3 years from the date EPA approves the SIP.

Due to a lack of PM_{10} ambient monitoring data, EPA considered different ways of implementing this requirement, including simply calling upon States to develop and submit a full PM_{10} attainment demonstration and control strategy for every area of the country within the 9-month period. The EPA believes, however, that such a requirement would be unreasonable in many areas. An analysis of ambient total suspended particulate (TSP) data for 1984-1986 in conjunction with the methodology described in EPA's "probability guideline" (Procedures for Estimating Probability of Nonattainment of a PM_{10} NAAQS Using Total

Suspended Particulate Matter or PM_{10} Data, EPA 450/4–86–017) indicates that there could be from 50 to 150 counties in which the PM_{10} NAAQS will not be attained. While these numbers are the best indication at this time of the potential nonattainment situation for PM_{10}, they are only estimates and will probably change as new ambient PM_{10} data become available. The estimates are, however, useful as an indication of the degree of PM_{10} SIP development that may eventually be necessary. The key point is that many of the 3141 counties in the Nation may need no additional particulate matter SIP provisions to meet the revised NAAQS. Thus, for many areas, the existing TSP SIP's may already provide for timely attainment and maintenance of the PM_{10} NAAQS. To call upon areas that almost certainly have adequate SIP's to resubmit those SIP's along with full attainment demonstrations would be unnecessary and therefore wasteful of limited State resources.[1]

There are, also, several areas where available data indicate that air quality may be close to the level of the NAAQS. Many of these areas may actually be shown, with more ambient data, to be in attainment or may need only minor SIP changes. Therefore, EPA believes that a demand for immediate submissions of attainment demonstrations and control strategies for all of these areas is unreasonable when additional PM_{10} air quality data could provide a more clear picture of the status of the area. On the other hand, due to applicable Act requirements and the potential environmental risk, the Administrator did not consider it reasonable to permit delay in the development of PM_{10} control programs for areas with severe air quality problems until adequate PM_{10} data were available to show that the area was violating the PM_{10} NAAQS.

For the reasons given immediately above, EPA adopted a policy by which it is dividing all areas of the country into three categories: (1) Areas with a strong likelihood of violating the PM_{10} NAAQS and requiring substantial SIP adjustment (Group I), (2) areas where attainment of the standards is possible and existing SIP's probably need less adjustment (Group II), and (3) areas with a strong likelihood of attaining the PM_{10} NAAQS and therefore needing only adjustments to the applicable prevention of significant deterioration/new source review (PSD/NSR) and monitoring provisions in their SIP's (Group III).

The EPA used a three-step process to categorize areas into Groups I, II, and III. First, where only ambient TSP data or limited amounts of PM_{10} data were available, EPA in cooperation with State agencies used those data and the probability guideline to classify areas preliminarily as Group I, II, or III. The EPA presumed that, at a minimum, the (1) areas with a probability of not attaining the PM_{10} standard of at least 95 percent fit into Group I, (2) areas with a probability of between 20 and 95 percent fit into Group II, and (3) areas with a probability of less than 20 percent fit into Group III.

Second, EPA's Regional Offices, after consulting with the appropriate State and local agencies, evaluated the existing TSP SIP's, available existing source data, and other relevant information for each area in their jurisdiction (1) to see whether information other than the probability of nonattainment justified changing the group for an area, and (2) to determine the appropriate group for areas that the EPA could not classify under the first step because ambient TSP data were unavailable.

Third, to insure national consistency, all grouping was reviewed by representatives of EPA's Headquarters staff and Regional Offices.

The EPA has completed the process of categorizing areas and the Group I and II areas are listed by State in the following section of this notice. Any area of a State not listed as Group I or II is considered to be in Group III.

The requirements and schedules for developing PM_{10} SIP's are different for Group I, II, and III areas. Immediate action to develop a full SIP that will bring about attainment and maintenance of the PM_{10} NAAQS is required for Group I areas because they have a strong likelihood of violating the NAAQS and requiring substantial revision of the existing SIP. Since the attainment status of Group II areas is uncertain, time is allowed for additional monitoring of ambient PM_{10} concentrations before revision of the existing control strategy is required. Group III areas have a strong likelihood of attaining the PM_{10} NAAQS. Therefore, for Group III areas, the State need only submit SIP revisions for the preconstruction review program and monitoring network (52 FR 24681) within 9 months. The requirements for SIP development for each group are discussed fully at 52 FR 24680–24682.

The Group I and II areas of concern are generally described below as a county, a township, or a planning area. These descriptions are only the initial definitions of the areas that must be investigated in the SIP development process. In the process of monitoring and modeling PM_{10} concentrations and determining the extent of sources of PM_{10} emissions that impact the areas, the States will better define the boundaries of the area that is or may be violating the standards.

In 1977, Congress added section 107(d)(1) to the Act which required EPA to designate areas as nonattainment, unclassifiable, or attainment for the NAAQS existing at that time. In 40 CFR Part 81, EPA made such designations for TSP. Since the PM_{10} NAAQS is being implemented under the provisions of section 110 of the Act, such designations are not necessary for PM_{10}. Thus, EPA will not make such designations for PM_{10} (see 52 FR 24682). However, EPA will retain the TSP designations to implement the requirements of Part C of the Act relating to PSD (see 52 FR 24685).

II. List of Areas

Separate lists of Group I and Group II areas follow. They are listed by county within each State. The area of concern or planning area within the county is specified where appropriate.

GROUP I AREAS

State and Counties	Area of Concern
Alaska:	
Anchorage	Anchorage.
Juneau	Juneau.
Arizona:	
Cochise	Paul Spur/Douglas area.
Pinal	Hayden/Miami area and Phoenix planning area.
Gila	Hayden/Miami area.
Maricopa	Phoenix planning area.
Yuma	Yuma planning area.
Pima	Rillito planning area.
California:	
Inyo	Owens Valley planning area and Searles Valley planning area.
Mono	Mammoth Lakes planning area.
Fresno	San Joaquin Valley.
Kern	San Joaquin Valley and Searles Valley planning area.
Kings	San Joaquin Valley.
Tulare	San Joaquin Valley.
Los Angeles	LA metropolitan area.
California:	
Orange	LA metropolitan area.
Riverside	South Coast Air Basin and Coachella Valley.
San Bernardino.	South Coast Air Basin and Searles Valley planning area.
Imperial	Imperial Valley planning area and Yuma planning area.
Colorado:	
Archuleta	Pagosa Springs.
Adams	Denver metropolitan area.
Denver	Denver metropolitan area.
Arapahoe	Denver metropolitan area.
Jefferson	Denver metropolitan area.
San Miguel	Telluride.
Prowers	Lamar.
Pitken	Aspen.

[1] Developing a sound attainment demonstration is generally resource intensive. It requires an in-depth study of the emission characteristics of specific sources in the demonstration area and a thorough evaluation of the anticipated effects of various emission levels from those sources. The EPA estimates it could require up to 4 work years and $250,000 to develop a SIP for each area found to be violating the NAAQS.

GROUP I AREAS—Continued

State and Counties	Area of Concern
Fremont	Canyon City.
Connecticut:	
New Haven	Interstate 95 corridor.
Fairfield	Interstate 95 corridor.
Idaho:	
Ada	Boise.
Shoshone	Pinehurst.
Bonner	Sandpoint.
Bannock	Pocatello.
Power	Pocatello.
Illinois:	
Madison	County.
Cook	County.
Indiana:	
Lake	County.
Porter	County.
Maine:	
Aroostook	Presque Isle.
Michigan:	
Wayne	County.
Minnesota:	
Ramsey	County.
Montana:	
Flathead	Kalispell.
Lincoln	Libby.
Lake	Ronan, Polson.
Missoula	Missoula.
Rosebud	Lame Deer.
Silver Bow	Butte.
Nevada:	
Washoe	Reno planning area.
Clark	Las Vegas planning area.
New Mexico:	
Dona Ana	County.
Ohio:	
Cuyahoga	County.
Jefferson	County.
Oregon:	
Jackson	Medford and White City.
Josephine	Grants Pass.
Lane	Eugene and Springfield.
Klamath	Klamath Falls.
Texas:	
El Paso	County.
Utah:	
Salt Lake	Salt Lake metropolitan area and Magna.
Utah	Provo.
West Virginia:	
Brooke	Follansbee area.
Washington:	
King	Seattle metropolitan area.
Pierce	Tacoma metropolitan area.
Spokane	Spokane.
Yakima	Yakima.
Thurston	Lacey.
Walla Walla	Wallula.
Wyoming:	
Sheridan	Sheridan.

GROUP II AREAS

State and counties	Area of concern
Alabama:	
Jefferson	North Birmingham and Leeds.
Alaska:	
Fairbanks	Fairbanks.
Arizona:	
Coconino	Flagstaff planning area.
Graham	Safford planning area.
Navajo	Show Low and Joseph City planning areas.
Apache	Show Low planning area.
Santa Cruz	Nogales planning area.
Pima	Ajo and Tucson planning areas.
Cochise	Tucson planning area.
Pinal	Casa Grande planning area.
California:	
Santa Clara	County.
San Joaquin	County.
Stanislaus	County.
Kern	Southeast Desert Air Basin.
Los Angeles	Southeast Desert Air Basin.
Colorado:	
Adams	Brighton.
Boulder	Longmont.
Delta	Delta.
Eagle	Vail.
El Paso	Colorado Springs.

GROUP II AREAS—Continued

State and counties	Area of concern
Garfield	Glenwood Springs, Rifle.
Gunnison	Crested Butte.
Routt	Steamboat Springs.
Mesa	Grand Junction, Fruita.
Weld	Greeley.
Guam: Piti	County.
Idaho: Caribou	Conda.
Illinois:	
LaSalle	Oglesby.
Randolph	Baldwin.
Macon	Decatur.
Rock Island	Rock Island, Moline.
Will	Joliet.
St. Clair	East St. Louis.
DuPage	Addison.
Indiana:	
Marion	Subpart of Indianapolis.
Vigo	Terre Haute.
Iowa:	
Cerro Gordo	Mason City.
Linn	Cedar Rapids.
Polk	Des Moines.
Kansas: Wyandotte	Kansas City.
Kentucky: Boyd	Cattletsburg and Ashland.
Maryland: Baltimore	Baltimore.
Michigan:	
Saginaw	Carrollton.
Monroe	Monroe.
Minnesota:	
Hennepin	Minneapolis.
St. Louis	Duluth and Iron Range.
Itasca	Iron Range.
Lake	Two Harbors twp.
Stearns	St. Cloud twp.
Montana:	
Blaine	Hays.
Flathead	Columbia Falls.
Deer Lodge	Anaconda.
Lewis & Clark	Helena.
Sanders	Thompson Falls.
Lincoln	Eureka.
Nebraska:	
Cass	Weeping Water.
Douglas	Omaha.
Nevada:	
Lander	Battle Mountain area.
Humbolt	Battle Mountain area.
Elko	Battle Mountain area.
Eureka	Battle Mountain area.
New Jersey:	
Hudson	Jersey City.
Camden	Camden.
New York: Onondaga	Solvay.
New Mexico:	
Bernalillo	County.
Grant	County.
Santa Fe	County.
Sandoval	County.
Taos	County.
Ohio:	
Wyandot	Carey.
Scioto	New Boston.
Trumbull	Warren, Howland twp.
Lorain	Sheffield twp.
Butler	Middletown.
Seneca	Thompson twp.
Sandusky	Jackson twp.
Belmont	Martins Ferry.
Columbianna	East Liverpool.
Franklin	Columbus.
Hamilton	Cincinnati.
Mahoning	Youngstown.
Montgomery	Dayton.
Richland	Mansfield.
Stark	Canton.
Summit	Akron.
Oklahoma: Comanche	County.
Oregon:	
Deschutes	Bend.
Multnomah	Portland.
Union	La Grande.
Lane	Oakridge.
Pennsylvania:	
Allegheny	County.

GROUP II AREAS—Continued

State and counties	Area of concern
Philadelphia	Bridesburg—Port Richmond.
Erie	County.
Lawrence	County.
Mercer	County.
Puerto Rico: San Juan	San Juan.
South Dakota: Pennington	Rapid City.
Texas:	
Dallas	County.
Harris	County.
Lubbock	County.
Nueces	County.
Virginia: Buchanan	County.
West Virginia:	
Hancock	County.
Brooke	Remainder of county not in Group I.
Washington:	
Benton	Kennewick.
King	Bellevue.
Wisconsin:	
Brown	DePere.
Milwaukee	Milwaukee.
Waukesha	Waukesha.
Douglas	Superior.
Dane	Madison.
Wyoming: Fremont	Lander.

Authority: Sections 110 and 301 of the Act give the Administrator authority to adopt policies necessary to implement NAAQS.

Date: August 3, 1987.

Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 87-17990 Filed 8-6-87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Parts 51 and 52

[AD-FRL-3244-3]

Regulations for Implementing Revised Particulate Matter Standards; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: The EPA is correcting errors in the regulations for implementing the revised particulate matter standards which appeared in the **Federal Register** on July 1, 1987 (52 FR 24672).

FOR FURTHER INFORMATION CONTACT: Mr. Daniel deRoeck at (919) 541-5593 (FTS 629-5593).

SUPPLEMENTARY INFORMATION: The EPA has promulgated revisions to its regulations for the review of new and modified sources and the prevention of significant deterioration of air quality. These revisions address the fact that EPA has revised its national ambient air quality standards for particulate matter. The revised regulations contained errors

which are described briefly below and are corrected by this notice.

Date: August 1, 1987.

J. Craig Potter,

Assistant Administrator, for Air and Radiation.

In rule document 87–13709 beginning on page 24672 in the issue of Wednesday, July 1, 1987, make the following corrections:

§ 51.165 [Corrected]

1. On page 24713 in the second column, the section heading "§ 51.151 Permit requirements" should read "§ 51.165 Permit requirements."

§ 51.166 [Corrected]

2. On page 24713 in the third column, § 51.166(i)(10), in the seventh line, "§ 52.21(i)(11)(i)(iii)" should read "§ 52.21(i)(11)."

Appendix S—[Corrected]

3. On page 24714 in the second column, in the instructions for amendment of Appendix S in the third line, "section 11.A.10(i) should read "section II.A.10(i)."

[FR Doc. 87–17985 Filed 8–6–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 85–388; RM–5167]

Rural Cellular Radio Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; Extension of time.

SUMMARY: This document extends the time for filing petitions for reconsideration of the *Rural Cellular Radio Service Order on Reconsideration*, 52 FR 22461 (June 12, 1987). The filing period is being extended as a result of corrections (published in the August 6, 1987 **Federal Register**) made to the order after the deadline for filing petitions for reconsideration had passed.

DATE: Petitions for Reconsideration must be filed by September 8, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Gerald Mark Goldstein, Mobile Services Division, Common Carrier Bureau; Tele: 202–632–6450.

Kevin J. Kelley,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 87–17894 Filed 8–6–87; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 52, No. 152
Friday, August 7, 1987

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

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 501, 543, 544, 545, 546, and 551

[No. 87-827]

Corporate Governance; Technical Amendment

Date: August 4, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule; technical correction.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending its proposed rule entitled Corporate Governance, Parts III and IV, to remove the reference to the conservators' and receivers' proposed regulation (portion of Corporate Governance IV) adopted by the Board on November 8, 1985 (50 FR 48970 (Nov. 27, 1985)) from the scope of the 60-day comment period established by the Board for Corporate Governance Parts III and IV (52 FR 25870 (July 9, 1987)).

EFFECTIVE DATE: August 7, 1987.

FOR FURTHER INFORMATION CONTACT: Kathryn R. Norcross, Attorney, (202) 377-6383, FSLIC Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW, Washington, DC 20552.

SUPPLEMENTARY INFORMATION: On June 22, 1987, the Board proposed further extensive revisions to its regulations regarding the corporate governance of Federal associations in order to update and clarify these regulations (52 FR 25870 (July 9, 1987)). Due to the magnitude of various proposed revisions regarding corporate governance, the Board had previously presented certain of the proposals in parts issued separately for public comment. Overall, the proposed regulations would reorganize portions of Subchapter C (the regulations for federally chartered associations) and amend and add sections to provide a more cohesive and complete body of rules for the corporate governance of Federal associations. Part I was proposed on September 13, 1985, 50 FR 38832 (Sept. 25, 1985). Part II was proposed on November 22, 1985, 50 FR 52482 (Dec. 24, 1985). Revisions of the Board's current regulations governing conservators' and receivers' were proposed on November 8, 1985, 50 FR 48970 (Nov. 27, 1985) as a portion of Corporate Governance Part IV. The comment periods on these previously issued proposals have expired. On June 22, 1987, the Board proposed for public comment Parts III and those portions of Part IV not proposed by the Board on November 8, 1985. In the summary to Parts III and IV, the Board invited comments on Parts I and II in conjunction with Parts III and IV.

By its action today, the Board wishes to clarify the portion of the summary printed in the **Federal Register** of Thursday, July 9, 1987 at page 25870, first and second columns, concerning the solicitation of comments. The Board intends to solicit comments on Parts I and II of Corporate Governance, previously proposed, and those aspects of Parts III and IV proposed on June 22, 1987, for a 60-day comment period to expire on September 8, 1987. The Board did not intend to solicit comments on the revisions to the Board's regulations governing conservators and receivers which were proposed on November 8, 1985 as part of Corporate Governance, Part IV. The comment period on that proposal expired on Janaury 28, 1986.

Pursuant to 12 CFR 508.11 and 508.14, the Board finds that, because of the minor, technical nature of this corrective amendment, notice and public comment are unnecessary, as is the 30-day delay of the effective date.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87-18017 Filed 8-6-87; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-72-AD]

Airworthiness Directives; Avions Marcel Dassault—Breguet Aviation Falcon 10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain Falcon 10 series airplanes, that would require periodic inspections of the electrical grounding connection for the air conditioning freon compressor motor, repair of the local structure if damage due to electrical arcing is present, and ultimate replacement of the grounding cable. This proposal is prompted by the discovery of four instances of structural damage due to electrical arcing across the grounding connection, which had been loosened by vibration of the compressor motor. This condition, if not corrected, could lead to further instances of structural damage.

DATES: Comments must be received no later than September 30, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-72-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the AMD-BA Representative, c/o Falcon Jet Corporation, Teterboro Airport, Teterboro, New Jersey 07608. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth W. Meyer, Systems and Equipment Branch, ANM-130S, Seattle Aircraft Certification Office; telephone (206) 431-1939. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All

communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-72-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The French Direction Générale de l'Aviation Civile (DGAC) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist in Falcon 10 airplanes. There have been reports of structural damage found in the fuselage frames and skin of four Falcon 10 airplanes. The damage was caused by electrical arcing across a loose electrical grounding connection for the air conditioning freon compressor motor. The grounding connection may become loose due to the vibration of the compressor itself.

Avions Marcel Dassault—Breguet Aviation (AMD-BA) issued Service Bulletin AMD-BA F10-262, dated December 22, 1986, which describes procedures for periodic inspections and testing of the electrical grounding connection. It also describes the process for replacing the grounding cable with an installation which is not susceptible to vibration. When the grounding cable has been replaced in accordance with the service bulletin, the periodic inspections and testing are no longer necessary. The DGAC has declared this Service Bulletin to be mandatory, and has issued Airworthiness Directive 86-188-21(B), dated December 23, 1986, which requires compliance with the service bulletin.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require periodic inspections and testing of the grounding connection for the air conditioning freon compressor motor until the modified grounding cable has been installed, in accordance with the service bulletin previously mentioned. Any structural damage found would be required to be repaired in a manner approved by the FAA.

It is estimated that 140 airplanes of U.S. registry would be affected by this AD, that it would require approximately 8 manhours per airplane to accomplish the required replacement of the ground cable, and that the average labor cost would be $40 per manhour. The cost of materials is estimated to be $20 per airplane. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $47,600.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($340). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations 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:

Avions Marcel Dassault—Breguet Aviation (AMD-BA): Applies to all Falcon 10 airplanes, certificated in any category, unless AMD-BA modification M736 has been accomplished. Compliance is required as specified, unless previously accomplished.

To prevent structural damage to aircraft frames and skin in the vicinity of the electrical grounding connection for the air conditioning freon compressor motor, accomplish the following:

A. Within 30 days after the effective date of this AD, and thereafter at intervals not to exceed 30 days, conduct a visual inspection and a resistance test of the electrical grounding connection, located on frame 35, for the air conditioning freon compressor motor. Perform the inspection and test in accordance with the AMD-BA Service Bulletin F10-262, dated December 22, 1986 (reference Maintenance Manual Chapter 20-40-40).

1. If the measured resistance value of the grounding connection bonding exceeds the limits referenced in paragraph B. of the Accomplishment Instructions of the service bulletin, prior to further flight repair the grounding connection in accordance with the service bulletin.

2. If the resistance value specified for the grounding connection bonding cannot be obtained, prior to further flight install a new grounding cable in accordance with paragraph C. of the Accomplishment Instructions of the service bulletin.

B. Within 4 months after the effective date of this AD, install a new electrical grounding cable for the air conditioning freon compressor motor, in accordance with the Accomplishment Instructions of AMD-BA Service Bulletin F10-262, dated December 22, 1986.

C. Installation of a new electrical grounding cable for the air conditioning freon compressor motor, in accordance with AMD-BA Service Bulletin F10-262, dated December 22, 1986, constitutes terminating action for the repetitive inspection and testing requirements of paragraph A., above.

D. Any structural damage due to the effects of existing electrical arcing across a loose grounding connection identified during the inspections required by paragraph A., above, must be repaired, prior to further flight, in a manner approved by the FAA.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the AMD-BA Representative, c/o Falcon Jet Corporation, Teterboro Airport, Teterboro, New Jersey 07608.

These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on July 30, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87-17922 Filed 8-6-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-97-AD]

Airworthiness Directives: Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which would require modification of the plastic inner window on the passenger door mid liner panel. This proposal is prompted by a report of a loose inner window (dust cover) which interfered with the movement of the upper liner and prevented the door from opening fully. This condition, if not corrected, could cause the door to jam during an emergency, thus delaying and possibly jeopardizing successful emergency evacuation of an airplane.

DATE: Comments must be received no later than September 30, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-97-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207. The information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Branch, ANM-120S; telephone (206) 431-1929. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-97-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

One operator reported that a passenger door on a Boeing Model 767 airplane could not be opened more than 2.5 feet in the manual mode. Investigation showed that the plastic inner window (dust cover) that is bonded to the door mid liner panel had come loose and interfered with the normal movement of the upper liner, preventing the door from being opened. A subsequent fleet inspection by the operator found a large percentage of loose inner windows.

The airplane manufacturer conducted a test with the mid liner window displaced slightly from its normal position and the door in the emergency mode. During this test, the door jammed when it was approximately 61 inches open, as compared to the normal opening size of 72 inches. The escape slide deployed and inflated normally. In another test with the window displaced further (maximum displacement) from its normal position, the window came loose when the door was opened in the emergency mode and the door opened fully.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767-25A0092, dated June 18, 1987, which describes a modification procedure to install aluminum retainers along the top and bottom of the window to mechanically secure the window to the door liner. This modification will assure that the inner window does not come loose.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require inspection and subsequent modification of the inner window on the door mid liner in accordance with the service bulletin previously mentioned.

It is estimated that 77 airplanes of U.S. registry would be affected by this AD, that it would take approximately 16 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The cost of materials is estimated at $200 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $64,680.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because few, if any, Model 767 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 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:

Boeing: Applies to Model 767 series airplanes listed in Boeing Alert Service Bulletin 767–25A0092, dated June 18, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure that the entry and service doors cannot become jammed due to a loose mid liner dust cover, accomplish the following:

A. Within the next 30 days after the effective date of this AD, and thereafter at intervals not to exceed 90 days, visually inspect the door mid liner for evidence of dust cover disbonding. Disbonding is identified by the dust cover moving away from edges of the reveal. If the dust cover shows evidence of disbonding, prior to further flight, modify the dust cover in accordance with Boeing Alert Service Bulletin 767–25A0092, dated June 18, 1987, or later FAA-approved revisions.

B. Modification of the dust cover in accordance with Boeing Service Bulletin 767–25A0092, dated June 18, 1987, or later FAA-approved revisions, constitutes terminating action for the repetitive inspection requirements of paragraph A., above.

C. Within the next 18 months after the effective date of this AD, modify all dust covers in accordance with Boeing Service Bulletin 767–25A0092, dated June 18, 1987, or later FAA-approved revisions.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by 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 Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124–2207. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on July 30, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–17924 Filed 8–6–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 87–NM–78–AD]

Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, and –83 Series Airplanes Equipped With Honeywell, Inc., P/N HG280D80 Digital Air Data Computers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–81, –82, and –83 series airplanes, which would require inspection and modification, if necessary, of certain Honeywell Digital Air Data Computers (DADC). This proposal is prompted by reports of erroneous information being transmitted to the Digital Flight Guidance Computer (DFGC) from the DADC. This condition, if not corrected, could lead to an aircraft stall close to the ground during an automatic pilot or flight director go-around maneuver.

DATES: Comments must be received no later than September 30, 1987.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–78–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from Honeywell, Incorporated, Commercial Aviation Division Technical Services, Mail Station MN23–6345, P.O. Box 889, Minneapolis, Minnesota 55440. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Saul, Aerospace Engineer, Systems and 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:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–78–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

Discussion

During an automatic go-around maneuver on a McDonnell Douglas Model DC–9–80 series airplane demonstration flight for the FAA, a simulated engine loss resulted in an electrical transient, which caused the Honeywell P/N HG280D80 Digital Air Data Computer (DADC) to send an erroneous low value of computed airspeed to the Digital Flight Guidance Computer (DFGC). The DFGC used this value as a go-around speed reference and generated a large pitch-up command when it compared the actual airspeed to the erroneous reference airspeed. The automatic go-around demonstration was terminated by the pilot when the stick shaker was activated by the stall warning system.

Investigation by Honeywell indicated that a complementary metal oxide semiconductor random access memory chip installed on Microcomputer Circuit Card Assembly (CCA) A1 could output erroneous computed airspeed, Mach, and total pressure data, without a failure warning, in the event of a power interrupt to the DADC. Modification 8 to the DADC, which consists of the addition of a transistor to the circuitry on CCA A1, prevents this from occurring. This transistor had been previously incorporated by Honeywell as a product improvement on DADC manufactured since May 1983, but no marking of any kind was put on the DADC to identify it as having incorporated the transistor. DADC manufactured after February 1987,

however, have the transistor incorporated and the modification is identified by a Modification 8 marking on the DADC.

The FAA has reviewed and approved McDonnell Douglas Corporation Service Bulletin 34–177, dated April 28, 1987, which describes inspection procedures to determine if Modification 8 is incorporated in the Honeywell P/N HG280D80 DADC installed on Model DC–9–80 series airplanes. Honeywell Service Bulletin HG280D80–34–09, dated March 15, 1987, referenced in the McDonnell Douglas service bulletin, provides instructions for inspection of all Honeywell P/N HG280D80 DADC and CCA A1 units, and modification instructions to bring any unit without the transistor to a Modification 8 level.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require inspection and modification, if necessary, of Honeywell P/N HG280D80 DADC within 12 months after the effective date of this (AD), in accordance with the service bulletin previously mentioned.

It is estimated that 366 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4.2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $61,488.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($168). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 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, as listed in McDonnell Douglas Service Bulletin 34–177, dated April 28, 1987, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent erroneous information from being transmitted to the Digital Flight Guidance Computer (DFGC) from the Digital Air Data Computer (DADC) in the event of an electrical transient, accomplish the following:

A. Within 12 months after the effective date of this airworthiness directive (AD), inspect Honeywell P/N HG280D80 DADC in affected airplanes to determine if Modification 8 has been installed, in accordance with Part 2 of the Accomplishment Instructions of McDonnell Douglas Service Bulletin 34–177, dated April 28, 1987, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

1. If Modification 8 has been installed and identified, no further action is necessary.

2. If Modification 8 has been installed but not identified, identify the DADC in accordance with the service bulletin.

3. If Modification 8 has not been installed, modify and identify the DADC in accordance with the service bulletin.

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 operate 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, C1–L00 (54–60) (for Service Bulletin 34–177); or Honeywell, Incorporated, Commercial Aviation Division Technical Services, Mail Station MN23–6345, P.O. Box 889, Minneapolis, Minnesota 55440 (for Service Bulletin HG280D80–34–09). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on July 30, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–17923 Filed 8–6–87; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR–37–87]

Capitalization and Inclusion in Inventory of Certain Costs; Practical Capacity

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations relating to accounting for production costs incurred in producing property and acquiring property for resale. Changes to the applicable tax law were made by the Tax Reform Act of 1986. The text of those temporary regulations also serves as the comment document for this proposed rulemaking.

DATE: Written comments and requests for a public hearing must be delivered by October 6, 1987. In general, the amendments are proposed to be effective for costs incurred after December 31, 1986, or, in the case of inventories, for taxable years beginning after December 31, 1986.

ADDRESS: Send comments and requests for public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–37–87) Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Paulette C. Galanko of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T), (202) 566–3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations (designated by a "T" following the section citation) in the Rules and Regulations portion of this issue of the **Federal Register** amend Part 1 of Title 26 of the Code of Federal Regulations. These amendments are proposed to

conform the regulations to the requirements of section 803 of the Tax Reform Act of 1986 (Pub. L. 99–514), 100 Stat. 2085. For the text of the temporary regulations, see FR Doc. 87–17954 (T.D. 8148) published in the Rules and Regulations portion of this issue of the **Federal Register**. The preamble to the temporary regulations provides a discussion of the rules. The final regulations, which this document proposes to base on those temporary regulations, would amend Part 1 of Title 26 of the Code of Federal Regulations.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comments, the Internal Revenue service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is Paulette C. Galanko of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation on matters of both substance and style.

List of Subjects in 26 CFR Part 1

Income taxes, Accounting, Deferred compensation plans.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87–17955 Filed 8–4–87; 3:29 pm]

BILLING CODE 4830–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 52

[AD–FRL–3244–4]

PM_{10} Fugitive Dust Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period for proposed policy statement.

SUMMARY: On July 1, 1987, at 52 FR 24716, EPA proposed three alternatives to its existing fugitive dust policy to address the new particulate matter standard known as PM_{10}. That notice requested that comments be filed on or before July 31, 1987. At the request of the American Mining Congress (AMC), EPA is extending the comment period until August 31, 1987.

DATE: All comments must be submitted on or before August 31, 1987.

ADDRESSES: Comments on the alternative fugitive dust policies should be submitted (in triplicate if possible) to the Central Docket Section (LE–132), U.S. Environmental Protection Agency, Attention: Docket Number A–87–01, 401 M Street, SW., Washington, DC 20460. The Docket is located in Room 4, South Conference Center, and is available for public inspection between 8:00 a.m. and 3:00 p.m. on weekdays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Kenneth Woodard, Standards Implementation Branch (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. Telephone: (919) 541–5351 (FTS 629–5351).

SUPPLEMENTARY INFORMATION: Since 1977, EPA has allowed States with rural fugitive dust areas (RFDA's) to discount fugitive dust in developing and enforcing a State implementation plan (SIP) for attainment and maintenance of the national ambient air quality standards (NAAQS) for particulate matter (PM).

On July 1, 1987, at 52 FR 24634, EPA announced its final decisions concerning the indicator and levels of the NAAQS for PM and the requirements for implementing those new standards. Also, on July 1, 1987, EPA solicited comments on alternative SIP requirements for RFDA's and on the adequacy of the definitions which are used in identifying RFDA's. The EPA requested that comments be submitted within 30 days or by July 31, 1987.

By a letter of July 15, 1987, Larry A. Boggs, representing the AMC, requested the comment period be extended by 30 days to allow them to develop meaningful comments. (A copy of that letter has been placed in Docket A–87–01.) The EPA believes that such a request is reasonable and is therefore extending the comment period on the proposal for the Fugitive Dust Policy until August 31, 1987.

Authority: Sections 110 and 301 of the Clean Air Act give the Administrator authority to adopt policies necessary to implement NAAQS.

Date: August 1, 1987.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 87–17989 Filed 8–6–87; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[A–6–FRL–3243–7]

Approval and Promulgation of Implementation Plan for the State of Louisiana; Good Engineering Practice-Stack Height Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: This **Federal Register** notice proposes approval of Louisiana Air Quality Regulations Sections 17.41.1–17.14.3 for Good Engineering Practice-Stack Height (GEP–SH) and Dispersion Techniques. This proposed GEP–SH SIP revision is intended to implement section 123 of the Clean Air Act, as amended, and Federal regulations at 40 CFR Part 51. If approved, it will enable the State to ensure that the degree of emission limitation required for the control of any air pollutant under its SIP is not affected by that portion of any stack height which exceeds GEP–SH or by any other dispersion technique.

Through today's notice, EPA solicits public comments on its proposed approval of the Louisiana State GEP–SH regulations. The rationale for the proposed approval is contained in this notice and further documented in a *Technical Support Document* which is available for public review.

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

ADDRESSES: Written comments should be submitted to the address below:

Mr. Thomas H. Diggs, Chief, SIP New Source Section (6T–AN), Air Programs Branch, Air, Pesticides and Toxics Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202

Copies of the State's submittal and EPA's *Technical Support Document* along with other information are available for inspection during normal business hours at the following locations. Interested persons wishing to examine these documents should make an appointment with the appropriate office at least twenty-four hours before the visiting day.

Environmental Protection Agency, Region 6, Air, Pesticides and Toxics Division, Air Programs Branch, SIP New Source Section, 1445 Ross Avenue, Dallas, Texas 75202

Louisiana Air Quality Division, Louisiana Department of Environmental Quality, 325 North Fourth Street, P. O. Box 44096, Baton Rouge, Louisiana 70804

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Diggs; Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone (214) 655–7214.

SUPPLEMENTARY INFORMATION: Section 123 of the Clean Air Act, amended August 1977, regulates the manner in which techniques for dispersion of pollutants from a source may be considered in setting emission limitations. Specifically, section 123 requires that the degree of emission limitation shall not be affected by the portion of a stack which exceeds GEP–SH or by "any other dispersion technique."

To fulfill this requirement of the Act, EPA initially promulgated GEP–SH regulations limiting stack height credits and other dispersion techniques at 47 FR 5864 (February 8, 1982). Portions of those regulations were successfully challenged in the U.S. Court of Appeals for the D.C. Circuit. See *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir. 1983), resulting in their revision at 50 FR 27892 (July 8, 1985). Since then, the regulations have been renumbered as part of a comprehensive restructuring and consolidation of EPA's SIP development regulations. See 51 FR 40656 (November 7, 1986). Today's **Federal Register** proposal uses the current numbers for citation.

Pursuant to section 406 (d)(2) of the Clean Air Act Amendments of 1977, EPA has required that all States (1) review and revise, as necessary, their SIPs to include provisions that limit stack height credits and dispersion techniques in accordance with the EPA's July 8, 1985, revised regulations and (2) review all existing emission limitations to determine whether any of these limitations have been affected by impermissible stack height credits above GEP or by any other dispersion techniques and, if so, to prepare revised limitations consistent with their revised SIPs. Today's proposal concerns only the first of these requirements. Although the State of Louisiana has reviewed and evaluated emission limitations of the existing sources by using the criteria provided in the **Federal Register** notice of July 8, 1985, EPA will publish the results of this review and revisions, if any, to emission limitations of the affected sources under a separate notice.

On July 18, 1986, the Governor of Louisiana submitted a copy of the Louisiana GEP–SH Air Quality Regulations, Sections 17.14.1–17.14.3, adopted by the Secretary of the Department of Environmental Quality (LDEQ) on May 20, 1986, as a proposed SIP revision together with supporting documents. With one exception, the LDEQ GEP–SH regulations are equivalent to the Federal regulations found at 40 CFR 51.100(z), 40 CFR 51.100(ff)–(kk), 40 CFR 51.118, 40 CFR 51.164, and, indeed, are largely identical thereto except for minor changes to accommodate the State's regulatory format. EPA's preliminary determination indicates that the State's regulations and procedures are adequate and effective for implementation of the Federal stack height and dispersion technique regulations and section 123 of the Clean Air Act.

The primary substantive requirements for implementation of section 123 through SIPs are found at 40 CFR 51.118 and 40 CFR 51.164. 40 CFR 51.118(a) requires that SIPs provide that "the degree of emission limitation required for any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique." Section 17.14.2 of the LDEQ regulations adopts this provision verbatim.

40 CFR 51.118(a) additionally requires that SIPs "provide that before a State submits to EPA a new or revised emission limitation that is based on a good engineering practice stack height that exceeds the height allowed by § 51.100(ii) (1) or (2), the State must notify the public of the availability of the demonstration study and must provide opportunity for public hearing on it." Because it provides that the State "administrative authority will notify the public of the availability of any stack height demonstration and will provide opportunity for public hearing on it," Section 17.14.2 of the LDEQ regulation complies with this requirement. Although the State regulation does not itself indicate that such emission limitations will be submitted to EPA for review as SIP amendments, the Secretary of the LDEQ committed the State to submit SIP revisions to EPA for all cases subject to this section of the regulations in a letter dated September 23, 1986. Like the Federal regulation, Section 17.14.2 also indicates that it "does not restrict, in any fashion, the actual stack height of any source," and includes the same "grandfather clause" as 40 CFR 51.118(b).

With one exception, Section 17.14.3 of the State regulations similarly replicates, and thus satisfies, 40 CFR 51.164. That federal regulation requires, however, that "before a State issues a permit to a new or modified source based on a good engineering practice stack height that exceeds the height allowed by § 51.100(ii) *(1) or (2)*, The State must notify the public of the availability of the demonstration study and must provide opportunity for public hearing." [Emphasis added.] There is an apparent clerical error in Section 17.14.3, insofar as it fails to include a reference to subsections (2) or (3) of Section 17.14.1(e), the equivalents of subsections (i) and (ii) or 40 CFR 51.100(ii).

As a result of this inadvertent error, the State regulation incorrectly suggests that there is an approvable method for determining GEP–SH other than those prescribed by 40 CFR 51.100(ii) and Section 17.14.1(e), and that new or modified source emission limitations developed pursuant to Section 17.14.1(e)(3) need not be subjected to public review. Prior to final approval of Louisiana's GEP–SH SIP revision, LDEQ must amend this area of the regulation to resolve EPA's concern.

In addition to the required implementing regulations, Louisiana has adopted definitions essential for their meaningful application. The State regulatory definitions for "emission limitation and emission standard" [Section 17.14.1(a)], "stack" [Section 17.14.1(b)], "a stack in existence" [Section 17.14.1(c), "dispersion technique" [Section 17.14.1(d)], "good engineering practice stack height" [Section 17.14.1(e)], "nearby" [Section 17.14.1(f), and "excessive concentration" [Section 17.14.1(g)], replicate the Federal regulatory definitions at 40 CFR 51.100(z), 40 CFR 51.100(ff), 40 CFR 51.100(gg), 40 CFR 51.100(hh), 40 CFR 51.100(ii), 40 CFR 51.100(jj), and 40 CFR 51.100(kk), respectively.

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

Pursuant to 5 U.S.C. 605, the Administrator of EPA has categorically certified that no proposed or final SIP

approval will have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This proposal need not, therefore, be accompanied by a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur Oxide, Nitrogen Dioxide, Lead, Particulate Matter, Carbon Monoxide, and Hydrocarbons.

Authority: 42 U.S.C. 7401–7642.

Date: March 25, 1987.

Frances E. Phillips,

Acting Regional Administrator.

[FR Doc. 87–17986 Filed 8–6–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–4–FRL–3243–6; NC–022]

Approval and Promulgation of Implementation Plans; North Carolina; Durham County, Carbon Monoxide (CO) Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today proposing to approve the North Carolina CO State Implementation Plan (SIP) revision for Durham County. The SIP revision was submitted to EPA by the North Carolina Division of Environmental Management (NCDEM) on December 5, 1986.

Through reductions in CO emissions achieved by the Federal Motor Vehicle Control Program (FMVCP) and transportation control measures (TCMs), North Carolina has demonstrated attainment of the National Ambient Air Quality Standards (NAAQS) for CO by December 31, 1987. These revisions meet the requirements of the Clean Air Act (CAA) and EPA policy.

The public is invited to submit written comments on this proposed action.

DATE: To be considered, comments must reach us on or before September 8, 1987.

ADDRESSES: Written comments should be addressed to Thomas Hansen of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365

Department of Natural Resources and Community Development, Division of Environmental Management, P.O. Box 27687, Raleigh, North Carolina 27611

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hansen, Air Programs Branch, EPA Region IV, at the above address and telephone number 404/347–4292 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: Durham County, North Carolina was officially designated attainment on March 3, 1978 for CO (43 FR 8962 at 9020), negating the need for a Part D SIP revision. On May 10, 1979 (44 FR 27558), EPA promulgated the Ambient Air Quality Surveillance regulations (40 CFR Part 58). Pursuant to these regulations, the monitoring network in Durham County was expanded. Analysis by EPA and the State of North Carolina of ambient CO measurements collected in the Durham area indicated that, on a number of occasions, recorded levels of CO had exceeded the eight-hour NAAQS.

For areas with a fully approved SIP, showing attainment, but which did not attain, EPA on February 3, 1983 (48 FR 4972), announced its intention to treat such areas as "substantially inadequate" to assure attainment under section 110(a)(2)(H) of the CAA. EPA policy stated that CO SIP calls should be made in all cases where the highest second high measured concentration is greater than or equal to 12.6 mg/m³ (11 ppm), using the two most current years of data available. A review of the latest available data for Durham County at that time (1982 and 1983) resulted in a design value of 16.7 mg/m³. On September 18, 1984, the Governor of the State of North Carolina requested EPA concurrence for the State to revise its SIP for CO, obviating the need for a section 110(a)(2)(H) call by EPA. On October 15, 1984, EPA approved the proposed action by the Governor on condition that the State of North Carolina commit to completing its SIP revision within one year. A proposed schedule was submitted within 60 days of EPA's concurrence, detailing how this would be accomplished.

Emission Inventory

There are two primary sources of carbon monoxide emissions in the Durham area, stationary sources and mobile sources. A 1983 stationary source inventory was compiled by the NCDEM using the national emissions data system for area sources and the permitting/reporting system used for major combustion sources. Eleven stationary CO source categories were analyzed and summed, resulting in stationary source emissions of 3,310 tons/year. County-wide emissions from mobile sources were also developed using vehicle miles of travel (VMT), by speed class, and MOBILE–3, EPA's mobile source emission model. Mobile source emissions for base year 1983 were calculated to be 43,280 tons/year, or 93% of the CO emissions which occurred in Durham County.

Level of Control Required

The National Ambient Air Quality Standards (NAAQS) for CO are 35 parts per million (ppm) or 40 milligrams per cubic meter (mg/m³) for one hour and 9 ppm or 10mg/m³ over eight hours, not to be exceeded more than once per year. There have been no monitored exceedances of the one-hour CO standard in Durham County. However, there have been numerous eight-hour exceedances resulting in a design value, i.e., highest second high CO concentration, of 16.7 mg/m³.

Detailed analysis of the monitored violations, including modelling and traffic data analysis, indicates an areawide problem in the central business district (CBD) of Durham. A "rollback technique" was therefore used to calculate the required CO reduction. This technique involves linearly rolling back the design value to the standard and reducing emissions by the percentage difference. Since 1984 design value for Durham County is 16.7 mg/m³, a 43% reduction in emissions is required by December 31, 1987, to attain the 10 mg/m³ eight-hour CO NAAQS.

Attainment Demonstration

The State and local Departments of Transportation developed detailed 1984 VMT data for the Durham CBD and projected this base data to 1987. Using approrpiate emission factors from MOBILE–3, as 1984 and 1987 emissions inventory was developed for the Durham CBD. A comparison of the 1984 to the 1987 mobile source emissions inventory for the Durham CBD shows a reduction in CO emissions of 56.4%, considerably more than the required 43%.

The primary reasons for these reductions are the Federal Motor Vehicle Control Program (FMVCP) and various transportation control measures that impact the CBD. The TCMs include the incorporation of a computerized traffic signal system and the completion of the Fayetteville-Elizabeth connector. The implementation of tese TCMs accounts for the increased travel speeds in the CBD. Furthermore, traffic in the downtown area has been declining during the past five years, resulting in decreased CBD VMT. This trend has now reversed, but only a modest one to

two percent growth rate is projected for the next three to four years.

Intersection Hot Spot Analysis

Ambient monitoring data for CO is currently available at one intersection in Durham County. The Roxboro Road monitoring site was established in Durham on Duke Street near the intersection of Roxboro Road as a middle scale site. The site was operational in October, 1982, but was shut down in April, 1984, due to consistently low values. Therefore, evaluation of both current and projected air quality was made using approrpiate modeling techniques. A general screening process was used to rank the most congested intersections in the County. The Durham Traffic Engineering Division formulated a list of fifteen intersections in and around Durham. This list included the most likely candidates for high CO concentrations, based on the volume of traffic and the amount of associated congestion. TEXIN, a model developed by the Chemical Engineering Department and the Texas Transportation Institute at Texas A&M University, was then used to rank all fifteen intersections. The five intersections expected to have the worst air quality impacts at the end of 1987 were subjected to more detailed analysis.

A CO dispersion model refered to as CAL3Q was used. This model takes into account the emissions from queued vehicles that take place at signalized intersections. It is a modfication of the CALINE-3 model developed by the State of California. EPA's Office of Air Quality Planning and Standards recommended the use of this model. The only emission controls accounted for were those associated with the FMVCP. The worst of these intersections is projected to have a maximum eight-hour concentration of 8.1 ppm, well below the 9 ppm, eight hour standard.

Because of EPA's close involvement in the detailed analysis work and throughout this process, the technical appendices prepared by the NCDEM will serve as the technical support document for this approval action.

Proposed Action:

Based on the above discussion, EPA is proposing the approval of the post-1982 North Carolina CO SIP revision for Durham County. The plan revision satisfactorily meets all Part D requirements of the Clean Air Act.

Since the State of North Carolina is not required to revise their CO control strategy or change their rules or regulations to assure attainment of the CO NAAQS in Durham County, there is no material to be incorporated by reference.

The Agency views this proposal as a noncontroversial amendment and anticipates no adverse comments.

The public is invited to participate in this rulemaking by submitting written comments on the proposed action.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Carbon monoxide.

Authority: 42 U.S.C. 7401–7642.

Dated: March 25, 1987.

Lee A. DeHihns, III,

Acting Regional Administrator.

[FR Doc. 87–17988 Filed 8–6–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Parts 795, 796 and 799

[OPTS–42088B; FRL–3244–5]

Solid Waste Chemicals; Proposed Test Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed test rule on 73 Office of Solid Waste (OSW) chemicals for 30 days until August 27, 1987 as a result of a request for extension by the Chemical Manufacturers Association (CMA). This extension of the comment period will allow industry additional time to examine the OSW docket relevant to this rulemaking. Due to confusion regarding the location of the supporting information in the OSW docket, EPA is extending the comment period to provide interested parties full opportunity to review the supporting documents in the OSW rulemaking record.

DATES: Written comments on the proposed rule should be submitted on or before August 27, 1987. Requests to make oral comments at a public meeting were submitted to the Agency on July 14, 1987, and a public meeting will be held August 11, 1987.

ADDRESSES: Address written comments in triplicate identified by the document control number OPTS–42088A to: TSCA Public Information Office (TS–793), Office of Pesticide and Toxic Substances, Environmental Protection Agency, Room NE–G004, 401 M St., SW., Washington, DC 20460.

The public record supporting this action is available for inspection in Room NE–G004 at the above address from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

SUPPLEMENTARY INFORMATION: Proposed rulemaking for 73 Office of Solid Waste chemicals (40 CFR 799.5055 *Hazardous waste constituents subject to testing*) was published in the **Federal Register** of May 29, 1987 (52 FR 20336). EPA made a finding of "may present an unreasonable risk of injury to human health" for the 73 chemicals under section 4(a)(1)(A) of Toxic Substances Control Act (TSCA). On July 24, 1987, CMA requested an extension of the comment period for 60 days (Ref. 1) based on the assumption that EPA had added materials to the rulemaking record. EPA notes that all of the information supporting this proposed rule has been available in either the TSCA or OSW docket throughout the comment period. However, due to confusion regarding the location of the supporting information in the OSW docket, EPA is extending the public comment period for 30 days to provide interested parties full opportunity to review the supporting documents in the OSW rulemaking record. The OSW docket relevant to this rulemaking (Docket No. 3001) is located in Room LG–100 (sub-basement), U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC.

Reference

(1) CMA. Letter, request for extension of comment period, from David F. Zoll, Chemical Manufacturers Association, Washington, DC, to John A. Moore, Assistant Administrator, Office of Pesticides and Toxic Substances, U.S. Environmental Protection Agency, Washington, DC (July 24, 1987).

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

Dated: July 31, 1987

Susan F. Vogt,

Acting Director, Office of Toxic Substances.

[FR Doc. 87–17991 Filed 8–6–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

46 CFR Part 586

[Docket No. 87-6]

Actions to Adjust or Meet Conditions Unfavorable to Shipping in the United States/Peru Trade

AGENCY: Federal Maritime Commission.

ACTION: Notice of Availability of Peruvian Ministerial Resolution No. 027-87-TC/AC.

SUMMARY: This gives notice of the availability at the Federal Maritime Commission of an English translation of Peruvian Ministerial Resolution No. 027-87-TC/AC which was promulgated to implement a Memorandum of Understanding reached on May 1, 1987, between the Governments of the United States and Peru.

ADDRESS: Copies may be obtained from: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5740.

SUPPLEMENTARY INFORMATION: The Commission instituted this proceeding by Notice of Proposed Rulemaking ("Proposed Rule") published in the **Federal Register** on April 13, 1987 (52 FR 11832), to address apparent conditions unfavorable to shipping in the United States/Peru trade ("the Trade") pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b). Comments on the Proposed Rule were originally due on May 13, 1987. However, by Notice of May 11, 1987 ("May Notice") (52 FR 18408), this period was extended until July 3, 1987.

In its May Notice, the Commission noted that a Memorandum of Understanding ("MOU"), signed on May 1, 1987 between the Governments of Peru and the United States, appeared to be a significant development which may be expected to affect access of non-Peruvian-flag carriers to the Trade. Accordingly, the Commission extended the comment period in order to obtain the views of interested persons on this development.

The Commission has granted two further extensions of time for commenting on the Proposed Rule due to the delay in the promulgation of the Peruvian regulations to implement the MOU. Comments are presently due on August 10, 1987.

The Government of Peru has now issued its regulations implementing the MOU. These regulations, Peruvian Ministerial Resolution No. 027-87-TC/AC ("Resolution"), were signed on July 27, 1987. Commision staff has translated the regulations from Spanish into English. This informal translation is available to interested persons in the Commission's Office of the Secretary. Interested parties are invited to comment on this Resolution in connection with any comments submitted on the Proposed Rule by August 10, 1987.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87-17973 Filed 8-6-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

[PR Docket No. 87-265; FCC 87-241]

General Mobile Radio Service (GMRS)

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: The FCC has proposed to modify the rules in the General Mobile Radio Service (GMRS) to better accommodate recent developments in personal use and changes in technology. Systems licensed to non-individuals before the release date of this proposal would be grandfathered. These rules are being proposed in order to promote personal use of the GMRS.

DATES: Comments are due on or before November 30, 1987. Reply comments are due on or before December 31, 1987.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Special Services Division, Private Radio Bureau, (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making*, PR Docket No. 87-265, adopted July 16, 1987, and released July 31, 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 contractor, International Transcription Service, (202) 857-3800, 21 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rule Making

The FCC has proposed to modify the rules in the General Mobile Radio Service (GMRS) to better accommodate recent developments in personal use and changes in technology. To this end, the FCC has proposed to limit eligibility for GMRS system licensing only to individuals. Systems licensed to non-individuals before the release date of this proposal would be grandfathered. To facilitate transient use of repeaters, the FCC proposed to permit use of a GMRS system's repeater by any other GMRS licensees or family members the licensee permits. The FCC also proposed to allow a GMRS station operator to be any other GMRS licensee or family member for whom the licensee is willing to take responsibility.

To permit more efficient and effective use of the GMRS spectrum, rules were proposed to permit each GMRS licensee to select the channel or channel pair for the stations in a GMRS system as needed (with some limitations near the Canadian border). Only one channel or channel pair could be used at a given time by any station.

To accommodate personal GMRS users with mobile equipment who have only occasional need for base station communications, the FCC proposed to create a small base station using the same regulatory approach as the GMRS small control station. A small base station would employ no more than five watts effective radiated power and would employ an antenna no more than twenty feet above the ground or above the building or tree on which it is mounted. Small base stations would be allowed the same frequency tolerance as mobile stations.

Seven interstitial frequencies would be added as channels in the GMRS. The three 462 MHz interstitial channels would be solely for mobile station and small base station use. The four 467 MHz interstitial channels would be restricted to non-voice communications solely for the purpose of repeater control, and limited to five watts maximum effective radiated power.

As part of its continuing regulatory review the FCC also proposed: (1) To make certain changes to the GMRS rules to conform to new Field Operations Bureau classification of certain field offices; (2) to remove advisory rules recommending that GMRS radios be repaired only by technicians approved by some organization with the

consensus of GMRS users, because there is no such organization in this service; and (3) to update the FCC addresses for filing GMRS applications.

This is a non-restricted notice and comment rule making proceeding. *See* § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, it is certified that the proposed rule will not, if promulgated, have a significant economic impact on a substantial member of small entities. Although these proposed changes allow the personal radio community greater flexibility and convenience, they will not cause a significant economic impact on small entities.

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to decrease the information collection burden which the Commission imposes on the public. This proposed reduction in information collection burden is subject to approval by the Office of Management and Budget as prescribed by the Act.

Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before December 31, 1987. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

The proposed amendments to the Commission's rules are issued under the authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

Ordering Clause

It is ordered, That a copy of this Notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 95

General mobile radio.

William J. Tricarico,

Secretary.

Subparts A and E of Part 95 of Chapter I of Title 47 of the Code of Federal Regulations would be amended as follows:

PART 95—PERSONAL RADIO SERVICES

Subpart A—General Mobile Radio Service (GMRS)

1. The authority citation for Part 95 would continue to read:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 95.1 would be revised to read:

§ 95.1 The General Mobile Radio Service (GMRS).

(a) The *GMRS* is a mobile radio service abailable to individuals for brief two-way messages to facilitate the activities of licensees and their immediate family members. Each licensee manages a system consisting of one or more stations.

(b) An individual eligible for licensing under this subpart is eligible to obtain an authorization in the 31.0 to 31.3 GHz band for personal communications, provided that the technical standards in Part 94 applicable to the band are observed. Individuals applying for stations in the 31.0 to 31.3 GHz band for personal communications must use FCC Form 402.

(c) Entities other than individuals eligible for licensing in the GMRS under prior rules which were granted authorizations prior to [the release date of the *Notice*] may continue to operate in accordance with such authorizations and may renew them (see § 95.5(b)), but only to facilitate the business of the licensee.

3. Paragraphs (a) and (b) of § 95.3 would be revised to read:

§ 95.3 License required.

(a) An individual must obtain a license (a written authorization from the FCC for a GMRS system or for a station in a GMRS system) before transmitting on any stations in the GMRS at any point (a geographical location) within or over the territorial limits of any area where radio services are regulated by the FCC.

(b) An individual may obtain a license for a station in the GMRS only if the station is part of that individual's GMRS system.

* * * * *

4. Section 95.5 would be revised to read:

§ 95.5 License eligibility.

(a) An individual is eligible to obtain a new license if that individual is eighteen years of age or older and is not a representative of a foreign government.

(b) Entities other than individuals not eligible to obtain a new license under paragraph (a) of this section but which were authorized in the GMRS under prior rules before [the release of this *Notice*] may renew their existing authorizations (see § 95.89), but may not modify any such existing authorizations to:

(1) Increase the power of any transmitter;

(2) Increase the number of mobile units;

(3) Add any stations:

(4) Increase any antenna heights;

(5) Change any land station locations; or

(6) Change area of operation.

5. Paragraph (a) of § 95.7 would be revised to read:

§ 95.7 Channel sharing.

(a) Channels or channel pairs used by GMRS systems are available only on a shared basis and will not be assigned for the exclusive use of any licensee. All operators and licensees must cooperate in the selection and use of channels to reduce interference and to make the most effective use of the facilities.

* * * * *

6. Paragraph (e) of § 95.25 would be redesignated as paragraph (f). A new paragraph (e) would be added to § 97.25 to read:

§ 95.25 Land station description.

* * * * *

(e) A small base station is any base station that:

(1) Has an antenna no more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted (see § 95.51); and

(2) Transmits with no more than 45 watts effective radiated power.

* * * * *

7. Section 95.29 would be revised to read:

§ 95.29 Channels available.

(a) The licensee of the GMRS system must select the channel or channel pair for the stations in the GMRS system (see § 95.75(c)) from the following lists:

(1) For a base station, mobile relay station, fixed station, or mobile station, the following 462 MHz (megahertz) channels:

462.550	462.625	462.700
462.575	462.650	462.725
462.600	462.675	

(2) For a mobile station, control station, or fixed station in a duplex system, the following 467 MHz channels:

467.550	467.625	467.700
467.575	467.650	467.725
467.600	467.675	

(b) Only one channel or one channel pair (one 462 MHz channel and its counterpart 5 MHz spaced 467 MHz channel) may be used by a station in a GMRS system in the simplex mode.

(c) Only one channel pair may be used by a station in a GMRS system in the duplex mode. (An example of a channel pair is channel 462.600 MHz and channel 467.600 MHz.)

(d) Mobile units and small base stations may also use the following 462 MHz channels:

462.5625 462.6125 462.6375

(1) These channels may only be used for voice communication.

(2) These channels may be used only when the following conditions are met:

(i) All stations operating on these channels must transmit with no more than 5 watts effective radiated power;

(ii) These channels may be used only for simplex two-way voice communications to other stations authorized to operate on them; and

(iii) Paging is not permitted on these frequencies.

(e) Mobile units and small control stations may also use the following 467 MHz channels:

467.5625 467.6375
467.6125 467.7125

(1) These channels may only be used as non-voice control channels.

(2) These channels may be used only when the following conditions are met:

(i) All stations operating on these channels must transmit with no more than 5 watts effective radiated power;

(ii) These channels may be used only for one-way non-voice control link transmissions to mobile relay stations;

(iii) Paging is not permitted on these control channels; and

(iv) Transmissions on these control frequencies may not exceed five seconds in duration in any sixty-second period.

(f) Fixed stations authorized before March 18, 1968, located 100 or more miles from the geographic center of urbanized areas of 200,000 or more population as defined in the U.S. Census of Population, 1960, Vol. 1, Table 23, page 50 which were authorized to operate on frequencies other than those listed in this section may continue to operate on their originally assigned frequencies provided that they cause no interference to the operation of stations in any of the Part 90 private land mobile radio services.

8. Section 95.37 would be revised to read:

§ 95.37 Considerations near the Canadian border.

A GMRS station may not transmit on the following frequencies within the specified distances from these points in Canada, unless previously authorized to do so by the FCC:

(a) 462.550 MHz within 75 miles of Montreal, Quebec.

(b) 462.5625 MHz within 50 miles of Malton and Sarnia, Ontario.

(c) 462.575 MHz within 75 miles of Mirabel, Ontario and Pointe aux Trembles and Verdun, Quebec.

(d) 462.6125 MHz within 50 miles of Don Mills and Sarnia, Ontario.

(e) 462.625 MHz within 75 miles of Malton, Ontario and Montreal and Varennes, Quebec.

(f) 462.650 MHz within 75 miles of Hamilton and Scarborough, Ontario and Montreal, Quebec.

(g) 462.675 MHz within 75 miles of Kingston, London, Manheim, Ottawa and Toronto, Ontario, and Montreal and Quebec, Quebec.

(h) 462.700 MHz within 75 miles of the U.S.-Canadian border.

(i) 462.725 MHz within 75 miles of Burlington, Ontario.

(j) 467.5625 MHz within 50 miles of Malton, Sarnia and Toronto, Ontario, and Montreal, Quebec.

(k) 467.6125 MHz within 50 miles of Sarnia and Downsmills, Ontario and the Province of Quebec.

(l) 467.6375 MHz within 50 miles of Malton, Ontario, and Montreal and Varennes, Quebec.

(m) 467.650 MHz within 75 miles of the U.S.-Canadian border.

(n) 467.7125 MHz within 50 miles of Ingersoll, Niagara Falls, Fonthill and Welland, Ontario.

9. Section 95.39 would be revised to read:

§ 95.39 Considerations near certain FCC field offices.

The FCC may impose additional restrictions on a land station in a GMRS system if it is at a point within 4.8 kilometers (3 miles) of a field office equipped with long-range direction-finding equipment (formerly called a monitoring station) and the station's transmission degrade, obstruct, or repeatedly interrupt the operation of the equipment at the FCC field office. Before applying for a license to put a land station at such a point, or before applying to change anything in a station already licensed for such a point, you should consult the FCC by writing to the Chief, Field Operations Bureau, Federal Communications Commission, Washington, DC 20554.

10. Paragraph (f) of § 95.51 would be revised to read:

§ 95.51 Antenna height.

* * * * *

(f) The antenna for a small base station or for a small control station must not be more than 6.1 meters (20 feet) above the ground or above the building or tree on which it is mounted.

11. Paragraphs (c) and (f) introductory text of § 95.53 would be revised to read:

§ 95.53 Mobile station communication points.

* * * * *

(c) A mobile station unit may transmit communications through a mobile relay station in another GMRS system, with the permission of that system's licensee, to:

(1) Control stations in the other GMRS system; and

(2) Mobile station units of any GMRS system.

* * * * *

(f) A mobile station unit must not transmit communications, without the GMRS system licensee's permission, through a mobile relay station in another GMRS system, for retransmission to:

* * * * *

12. Paragraph (b) introductory text § 95.57 would be revised to read:

§ 95.57 Mobile relay station communication points.

* * * * *

(b) A mobile relay station in a GMRS system must not automatically retransmit, without the GMRS system licensee's permission, communications between:

* * * * *

13. Paragraph (a) of § 95.71 would be revised to read:

§ 95.71 Applying for a new or modified license.

(a) An individual applies for a license for a new GMRS system by filling out an application form, attaching all additional information required, and sending it to the FCC. A licensee applies to modify a license for an existing GMRS system using the same forms and in the same manner as applying for a new GMRS system. A non-individual licensee whose station was licensed prior to [the release date of this *Notice*] may not make a major modification in the system (see § 95.5(b)).

(1) All applicants except governmental entities should submit their applications, together with the filing fee, to the Federal Communications Commission, General Mobile Service, P.O. Box 360373M, Pittsburgh, PA 15251–6373.

(2) Governmental entities should submit their applications to the Federal Communications Commission, Attention: GMRS, Gettysburg, PA 17326.

* * * * *

14. Paragraph (c) of § 95.73 would be revised to read:

§ 95.73 System licensing.

* * * * *

(c) One form must be used to apply for the following stations in GMRS system:

(1) The mobile stations;

(2) All small base stations (see § 95.25(e));

(3) All small control stations (see §95.25(d)); and

(4) No more than six land stations which have antennas more than 6.1 meters (20 feet) high (see § 95.51).

* * * * *

15. Paragraphs (c), (g) introductory text, (g)(3), (h) introductory text, (i) introductory text, (j) and (n) would be revised and paragraph (g)(4) would be added to §95.75 to read:

§ 95.75 Basic information.

* * * * *

(c) For fixed stations authorized before March 18, 1968, pursuant to § 95.29(f), or if the applicant so chooses pursuant to § 95.85(f), transmitting channel or channel pair;

* * * * *

(g) Transmitter power as follows:

* * * * *

(3) For a small base station, no more than five watts effective radiated power.

(4) For all other stations, output power in watts.

(h) Each land station point (except small base stations and small control stations);

* * * * *

(i) Each control point for each remotely controlled land station (see § 95.127), including small base stations and small control station;

* * * * *

(j) Antenna height (see § 95.51) and antenna ground elevation for each land station, except for small base stations and small control stations;

* * * * *

(n) *Emission designator.* In the GMRS, F3E will be considered to include use of a selective calling tone or tone or digitally operated squelch (a message to call a particular station) in conjunction with voice communications;

* * * * *

16. Paragraph (b) of § 95.83 would be revised to read:

§ 95.83 Additional information for stations with antennas higher than normally allowed.

* * * * *

(b) Base stations control stations with antenna heights greater than 20 feet must be spearately identified on Form 574 (see § 95.25 (d) and (e) and § 95.51(f)).

17. In § 95.85, paragraphs (d) and (e) would be revised, and a new paragraph (f) would be added to read:

§ 95.85 Additional information for stations near United States borders.

* * * * *

(d) Has an associated control station with other than 20 degrees beamwidth;

(e) Is part of a GMRS system that includes stations or units intended for communication with stations or units in other GMRS systems or in other radio services; or

(f) Is going to transmit on a specified channel or channel pair.

* * * * *

18. A new paragraph (c) would be added to §95.89 to read:

§ 95.89 Renewing a license.

* * * * *

(c) An entity other than an individual authorized before [the date of release of this *Notice*] is eligible to renew its license(s) if:

(1) The entity is:

(i) A partnership, and each partner is eighteen years of age or older;

(ii) A corporation;

(iii) An association;

(iv) A state, territorial or local government unit; or

(v) Other legal entity; and

(2) The entity is not;

(i) A foreign government;

(ii) A representative of a foreign government; or

(iii) A federal government agency.

19. Paragraph (c)(2) of § 95.103 would be revised to read:

§ 95.103 Licensee duties.

* * * * *

(c) * * *

(2) If the status of a licensed entity other than an individual changes (for example, when a corporation is dissolved and a new corporation stands in its place, or a partnership becomes a corporation), the licensee must send the license to the FCC for cancellation (see §95.117(b)).

20. Paragraph (b) of § 95.109 would be revised to read:

§ 95.109 License not transferable.

* * * * *

(b) If the licensee sells or gives away any GMRS system equipment, the new owner may not operate that equipment unless he/she is authorized to do so;

(1) By a license granted under Part 95;

(2) By FCC Form 574–T (see 95.71(b)); or

(3) Under another existing authorization (see § 95.33 or 95.179).

21. Paragraph (b)(2) of § 95.113 would be removed and reserved.

22. Paragraphs (b) introductory text, (b)(2) and (c) of § 95.117 would be revised to read:

§ 95.117 Where to contact the FCC.

* * * * *

(b) Write to the Federal Communications Commission, Attention: GMRS, Gettysburg, PA 17326:

* * * * *

(2) To file an application for a governmental entity (see § 95.71);

* * * * *

(c) Write to the Federal Communications Commission, General Mobile Service, P.O. Box 360373M, Pittsburgh, PA 15251–6373, to file an application for a new GMRS system or to modify or renew the license for an existing GMRS system, unless the application is for a governmental entity (see §§ 95.71 and 95.89).

23. Section 95.121 would be removed and reserved.

24. Paragraph (b)(3) of § 97.129 would be removed and reserved. Also, paragraph (d) of § 95.129 would be revised to read:

§ 95.129 Station equipment.

* * * * *

(d) Every small base station and every small control station must use an antenna no more than 6.1 meters (20 feet) high (§ 95.25 (d) and (e)).

25. Paragraph (a) and the heading of § 95.131 would be revised to read:

§ 95.131 Servicing station transmitters.

(a) The station licensee shall be responsible for the proper operation of the station at all times and is expected to provide for observations, servicing and maintenance as often as may be necessary to ensure proper operation.

* * * * *

26. Paragraph (b)(2) of § 95.133 would be revised to read:

§ 95.133 Modification to station transmitters.

* * * * *

(b) * * *

(2) In accordance with the original manufacturer's instructions.

27. A new paragraph (e) would be added to § 95.135 to read:

§ 95.135 Transmitter power limits.

* * * * *

(e) A small base station must employ no more than five watts effective radiated power.

28. Section 95.137 would be revised to read:

§ 95.137 Moving a small base station or a small control station.

(a) A small base station (see § 95.25(e)) or a small control station (see § 95.25(d)) in a GMRS system may be moved from the point specified on the license to any other point where radio services are regulated by the FCC.

(b) The licensee must file an application to modify the GMRS system (see § 95.71) to show the new point within 30 days after the small base station or the small control station is moved.

29. Section 95.139 would be revised to read:

§ 95.139 Adding a small base station or a small control station.

(a) If a GMRS system is licensed under the system licensing procedure (see § 95.73), one or more small base stations or small control stations may be added to the GMRS system at any point where radio services are regulated by the FCC.

(b) The licensee must file an application to modify the GMRS system (see § 95.71) within 30 days after each small base station or small control station is added.

(c) If a GMRS system is not licensed under the system licensing procedure, the licensee must obtain a license for the modified GMRS system before adding a small base station or a small control station.

(d) Entities grandfathered in the GMRS under § 95.5(b) may not add any small base stations or small control stations pursuant to this section.

30. Section 95.175 would be amended by revising the introductory text for the section to read:

§ 95.175 Cooperation in sharing channels.

The station operator must cooperate in *sharing* each channel with station operators of other stations by:

* * * * *

31. The first two sentences of paragraph (b), the introductory text of paragraph (c), and paragraphs (d), (e) and (f) of § 95.179 would be revised to read:

§ 95.179 Individuals who may be station operators.

* * * * *

(b) The licensee of any GMRS system authorized before [the release date of this *Notice*] may permit certain other individuals to be station operators. These individuals may only communicate messages to facilitate the licensee's business activities. * * *

(c) The licensee of any GMRS system authorized before [the release date of this *Notice*] may permit a telephone answering service employee to be a station operator if:

* * * * *

(d) A GMRS system licensee may also permit other GMRS licensees for whom the licensee is willing to accept responsibility to be station operators in that licensee's GMRS system.

(e) The provisions of § 95.33 regarding cooperative use do not apply to or govern the authority of a GMRS licensee to designate station operators in accordance with the provisions of this section.

(f) Except for emergency communications (see § 95.143), only persons specified in paragraphs (a) through (c) may be GMRS station operators.

Subpart E—Technical Regulations

32. Paragraphs (a) and (c) of § 95.621 would be revised to read:

§ 95.621 GMRS transmitter frequencies.

(a) The GMRS transmitter frequencies are the following channels:

462 MHz Channels	*467 MHz Channels*
462.5500	467.5500
462.5625	467.5625
462.5750	467.5750
462.6000	467.6000
462.6125	467.6125
462.6250	467.6250
462.6375	467.6375
462.6500	467.6500
462.6750	467.6750
462.7000	467.7000
462.7250	467.7125
	467.7250

* * * * *

(c) The GMRS transmitter channel frequency tolerance must be maintained within the following percentages:

Station class	Tolerance (percent)
Mobile, small base, control (including small control)	0.0005
Base (except small base), mobile relay, fixed	0.00025

[FR Doc. 87-17895 Filed 8-6-87; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 70750-7150]

Pacific Coast Groundfish Fishery

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this rule to propose modifications to the regulations implementing the Pacific Coast Groundfish Fishery Management Plan which governs domestic and foreign fishing for groundfish in the exclusive economic zone off the coasts of Washington, Oregon, and California. Comments are invited. This action is necessary for enforcement purposes and to reconcile certain inconsistencies between Federal and State groundfish regulations. It is intended to improve coordination between Federal and State management jurisdictions and to strengthen enforcement of domestic groundfish regulations.

DATE: Comments on this proposed rule are invited until September 8, 1987.

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

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

SUPPLEMENTARY INFORMATION:

Background

Under the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Pacific Coast Groundfish Fishery Management Plan (FMP) was prepared by the Pacific Fishery Management Council (Council) and approved by the Secretary of Commerce (Secretary) on January 4, 1982. The FMP has been amended two times, and the implementing regulations governing domestic fishing are codified at 50 CFR Part 663.

This action would change the Federal groundfish regulations to facilitate enforcement and resolve inconsistencies between Federal and State regulations. The proposed regulatory changes were discussed and recommended to the Secretary by the Council at its September 1986 meeting. The proposed changes are described below. Similar changes have been proposed for the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (52 FR 19774; May 27, 1987).

Issue 1—Processing inspection. Under 16 U.S.C. 1861(b), authorized officers are empowered to conduct inspection of a fishing vessel in connection with enforcement of the Magnuson Act with or without a warrant, and to exercise any other lawful authority. The Federal groundfish regulations make it unlawful to refuse to permit an authorized officer to board a fishing vessel subject to a person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act or its implementing regulations. The proposed rule would broaden this prohibition to clarify the

authority of authorized officers to enter buildings, vehicles, piers, or dock facilities where groundfish may be found by making it unlawful for a person in control to refuse such entry.

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

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

Issue 3—Gear inspection. The cutting or freeing of gear by fishermen while fishing to prevent inspection by authorized officers is not specifically prohibited by the Federal groundfish regulations. The proposed rule would make it unlawful to refuse to submit fishing gear under a person's control to inspection by an authorized officer or to interfere with or prevent, by any means, such an inspection. The rule is necessary to ensure that authorized officers have the ability to enforce gear restrictions. Similar provisions appear in other regional fisheries regulations promulgated under the Magnuson Act, and in State fisheries regulations.

Classification

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

This action is not expected to alter the nature or intensity of environmental impacts which were addressed in the supplemental environmental impact statement (SEIS) prepared by the Council for the FMP or in the environmental assessments for the two amendments to the FMP. Notices of availability of the SEIS and environmental assessments were published on February 12, 1982, 47 FR 6483; March 20, 1984, 49 FR 10318; and October 31, 1986, 51 FR 39766; respectively.

The Administrator of NOAA has determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The proposed changes to the regulatory text will not impose any direct costs on industry and will not affect competition, employment, investment, productivity or innovation. While no costs are expected from the action, benefits will occur from more effective regulations through enhanced enforcement and a reduction in administrative costs.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. This is because the measures to be implemented are technical in nature and serve to clarify the intent and scope of existing legal authorities. As a result, these measures are not expected to alter fishing practices or impose costs on the industry.

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

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

List of Subjects in 50 CFR Part 663

Fisheries, Fishing.

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

Dated: August 3, 1987.

William E. Evans,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

PART 663—[AMENDED]

For the reasons set forth in the preamble, 50 CFR Part 663 is proposed to be amended as follows:

1. The authority citation for 50 CFR Part 663 continues to read as follows:

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

2. In § 663.2, the definition of "areas of custody" is added in alphabetical order to read as follows:

§ 663.2 Definitions.

* * * * *

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

* * * * *

3. In § 663.7, paragraph (b) is revised, the period following paragraph (o) is changed to a semicolon, and paragraphs (p) and (q) are added to read as follows:

§ 663.7 General prohibitions.

* * * * *

(b) To refuse to allow an authorized officer to board a fishing vessel or to enter areas of custody subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of the Magnuson Act, this part, or any other regulation promulgated under the Magnuson Act;

* * * * *

(p) To make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, possession, landing, purchase, sale, or transfer of any fish; or

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

[FR Doc. 87-17936 Filed 8-6-87; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 52, No. 152
Friday, August 7, 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

Animal and Plant Health Inspection Service

[Docket No. 87-074]

Genetically Engineered Tobacco Plant; Determination of Plant Pest Risk Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has reviewed a protocol submitted by the E. I. DuPont de Nemours and Company, Inc., Wilmington, Delaware, for the field testing of genetically engineered herbicide resistant tobacco plants. Based upon the data submitted in the protocol, APHIS has made a determination of the plant pest risk of the genetically engineered tobacco plants. APHIS has concluded that the proposed field testing of the genetically engineered tobacco plants does not present a risk of plant pest introduction or dissemination.

ADDRESS: Copies of the APHIS opinion letter may be obtained by contacting Margaret Huggins, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

FOR FURTHER INFORMATION CONTACT: Mr. Terry L. Medley, Director, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

SUPPLEMENTARY INFORMATION:

On March 10, 1987, the E. I. DuPont de Nemours & Co., Inc., of Wilmington, Delaware, submitted to the Animal and Plant Health Inspection Service (APHIS) a protocol for the field testing of genetically engineered herbicide resistant tobacco plants in Newcastle County, Delaware. The genetically engineered tobacco plants were altered by the addition of a single gene from a noncommercial variety of tobacco, for the purpose of making the plants resistant to a sulfonylurea herbicide. The field testing is designed to evaluate the performance of the tobacco plants against the herbicide.

The Federal Plant Pest Act, as amended (7 U.S.C. 150aa through 150jj), and regulations issued thereunder, requires APHIS to prevent the introduction and dissemination of plant pests in the United States. Pursuant to the request of E. I. DuPont de Nemours & Co., Inc., APHIS has reviewed the DuPont protocol to determine the plant pest risk of the genetically altered tobacco plants. APHIS has determined that the proposed field trial of the genetically engineered tobacco plants does not present a risk of plant pest introduction or dissemination. The APHIS determination is not in the form of a "permit," but rather is an opinion letter which concludes that the genetically altered tobacco plants do not present a risk of plant pest introduction or dissemination.

The basis for this determination was as follows:

1. The plasmid of *Agrobacterium tumefaciens* used to infect and transform the subject tobacco plants was biologically "disarmed" and that transformed tobacco cells were treated with an antibiotic to rid them of *A. tumefaciens*. Therefore, it is extremely unlikely that the plasmid used to transfer to the tobacco plants the acetolactate synthase (ALS) gene and the antibiotic marker would be able to incite disease in the recipient plant or to escape and infect other plants in the environment.

2. Both the Kanamycin (antibiotic marker) and sulfonylurea (herbicide) resistance genes have been stably incorporated into the genome of the recipient tobacco plants. The risk of horizontal movement of these genetic traits from the experimental tobacco plants into the genetic environment is negligible because of their stable incorporation and the complete lack of a suitable mechanism to vector the genetic material.

3. The donor organism used to supply the herbicide resistant ALS gene was another noncommercial variety of tobacco. During the approximately 300 year history of the cultivation of tobacco, it has never exhibited any plant pest characteristics such as weediness. The other gene, Kanamycin resistance, which is also involved in the transformation of the tobacco, has no inherent plant pest characteristics, and functions only as a genetic marker in the initial cell selection process following transformation. Therefore, it poses no plant pest risk.

4. It appears that the subject plants will grow in such a way that there will be no significant risk of plant material from the field testing surviving in the environment beyond the termination of the experiment, or becoming mixed with the genetic material of other tobacco populations outside of the test site at the Newcastle County, Delaware, facility. It appears that the combination of the physical environment and management practices outlined in the protocol, create a nonpropogative environment.

Done in Washington, DC, this 3rd day of August 1987.

William F. Helms,

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

[FR Doc. 87–17949 Filed 8–6–87; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 87-078]

Genetically Engineered Tobacco Plant; Determination of Plant Pest Risk Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has reviewed a protocol submitted by the Northrup King Company, Stanton, Minnesota, for the field testing of genetically engineered herbicide resistant tobacco plants. Based upon the data submitted in the protocol, APHIS has made a determination of the plant pest risk of the genetically engineered tobacco plants. APHIS has concluded that the field testing of the genetically engineered tobacco plants does not

present a risk of plant pest introduction or dissemination.

ADDRESS: Copies of the APHIS opinion letter may be obtained by contacting Margaret Huggins, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

FOR FURTHER INFORMATION CONTACT: Mr. Terry L. Medley, Director, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

SUPPLEMENTARY INFORMATION:

On March 20, 1987, the Northrup King Company, Stanton, Minnesota, submitted to the Animal and Plant Health Inspection Service (APHIS) a protocol for the field testing of genetically engineered herbicide resistant tobacco plants in Scotland County, North Carolina. The genetically engineered tobacco plants were altered by the addition of a single gene from a noncommercial variety of tobacco, for the purpose of making the plants resistant to a sulfonylurea herbicide. The field testing is designed to evaluate the performance of the tobacco plants against the herbicide.

The Federal Plant Pest Act, as amended (7 U.S.C. 150aa through 150jj), and regulations issued thereunder, requires APHIS to prevent the introduction and dissemination of plant pests in the United States. Pursuant to the Northrup King Company request, APHIS has reviewed the Northrup King protocol to determine the plant pest risk of the proposed field trial of genetically engineered tobacco plants. APHIS has determined that the proposed field trial of the genetically engineered tobacco plants does not present a risk of plant pest introduction or dissemination. The APHIS determination is not in the form of a "permit," but rather is an opinion letter which concludes that the genetically engineered tobacco plants do not present a risk of plant pest introduction or dissemination.

The basis for this determination was as follows:

1. The plasmid of *Agrobacterium tumefaciens* used to infect and transform the subject tobacco plants was biologically "disarmed" and that the transformed tobacco cells were treated with an antibiotic to rid them of *A. tumefaciens*. Therefore, it is extremely unlikely that the plasmid used to transfer to the tobacco plants the acetolactate synthase (ALS) gene and the antibiotic marker would be able to incite disease in the recipient plant or to escape and infect other plants in the environment.

2. Both the Kanamycin (antibiotic marker) and sulfonylurea (herbicide) resistance genes have been stably incorporated into the genome of the recipient tobacco plants. The risk of horizontal movement of these genetic traits from the experimental tobacco plants into the genetic environment is negligible because of their stable incorporation and the complete lack of a suitable mechanism to vector the genetic material.

3. The donor organism used to supply the herbicide resistant ALS gene was another noncommerical variety of tobacco. During the approximately 300 year history of the cultivation of tobacco, it has never exhibited any plant pest characteristics such as weediness. The other gene, Kanamycin resistance, which is also involved in the transformation of the tobacco, has no inherent plant pest characteristics, and functions only as a genetic marker in the initial cell selection process following transformation. Therefore, it poses no plant pest risk.

4. It appears that the subject plants will grow in such a way that there will be no significant risk of plant material from field testing surviving in the environment beyond the termination of the experiment, or becoming mixed with the genetic material of other tobacco populations outside of the test site at the Scotland County, North Carolina, facility. It appears that the combination of the physical environment and management practices outlined in the protocol, create a nonpropogative environment.

Done in Washington, DC, this 3rd day of August 1987

William F. Helms,

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

[FR Doc. 87–17950 Filed 8–6–87; 8:45 am]

BILLING CODE 3410–34–M

[Docket No. 87–082]

Genetically Engineered Tomato Plant; Determination of Plant Pest Risk Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has reviewed a protocol submitted by the Monsanto Company, St. Louis, Missouri, for the field testing of genetically engineered disease resistant tomato plants. Based upon the data submitted in the protocol, APHIS has made a determination of the plant pest risk of the genetically engineered tomato plants. APHIS has concluded that the field testing of the genetically engineered tomato plants does not present a risk of plant pest introduction or dissemination.

ADDRESS: Copies of the APHIS opinion letter may be obtained by contacting Margaret Huggins, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

FOR FURTHER INFORMATION CONTACT: Mr. Terry L. Medley, Director, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

SUPPLEMENTARY INFORMATION:

On March 24, 1987, the Monsanto Company of St. Louis, Missouri, submitted to the Animal and Plant Health Inspection Service (APHIS) a protocol for the field testing of genetically engineered disease resistant tomato plants in Jersey County, Illinois. The genetically engineered tomato plants were altered by the addition of a single gene, coat protein (CP), from the tobacco mosaic virus (TMV) for the purpose of making the plants resistant to TMV. The field testing is designed to evaluate the performance of the tomato plants against TMV under field conditions.

The Federal Plant Pest Act, as amended (7 U.S.C. 150aa through 150jj), and regulations issued thereunder, requires APHIS to prevent the introduction and dissemination of plant pests in the United States. Pursuant to the Monsanto Company request, APHIS has reviewed the Monsanto protocol to determine the plant pest risk of the proposed field trial of genetically engineered tomato plants. APHIS has determined that the proposed field trial of the genetically engineered tomato plants does not present a risk of plant pest introduction or dissemination. The APHIS determination is not in the form of a "permit," but rather is an opinion letter which concludes that the genetically engineered tomato plants do

not present a risk of plant pest introduction or dissemination.

The basis for this determination was as follows:

1. The plasmid of *Agrobacterium tumefaciens* used to infect and transform the subject tomato plants was biologically "disarmed" and that the transformed tomato cells were treated with an antibiotic to rid them of *A. tumefaciens*. Therefore, it is extremely unlikely that the plasmid used to transfer to the tomato plants the TMV–CP gene and the antibiotic marker would be able to incite disease in the recipient plant or to escape and infect other plants in the environment.

2. Both the Kanamycin (antibiotic marker) and the TMV resistance genes have been stably incorporated into the genome of the recipient tomato plants. The risk of horizontal movement of these genetic traits from the experimental tomato plants into the genetic environment is negligible because of their stable incorporation and the complete lack of a suitable mechanism to vector the genetic material.

3. The donor organism was TMV and the specific gene utilized was that for only the TMV–CP. There is no evidence in the published literature that the TMV–CP gene is responsible for any disease symptoms, infectivity, or damage associated with the TMV, and the construct of the chimeric TMV–CP gene has been published in a reviewed scientific journal. Only 0.1% of the total cellular protein of the transformed tomato plants will be TMV–CP, therefore, the stable incorporation of the TMV–CP gene does not pose a risk of plant pest introduction or dissemination. The other gene, Kanamycin resistance, which is also involved in the transformation of the tomato, has no inherent plant pest characteristics, and functions only as a genetic marker in the initial cell selection process following transformation. Therefore, it poses no plant pest risk.

4. It appears that the subject plants will grow in such a way that there will be no significant risk of plant material from field testing surviving in the environment beyond the termination of the experiment, or becoming mixed with the genetic material of other tomato populations outside of the test site of the Jersey County, Illinois, facility. It appears that the combination of the physical environment and management practices outlined in the protocol, create a nonpropogative environment.

Done in Washington, DC, this 3rd day of August 1987.

William F. Helms,

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

[FR Doc. 87–17948 Filed 8–6–87; 8:45 am]

BILLING CODE 3410–34–M

[Docket No. 87–083]

Genetically Engineered Tomato Plant; Determination of Plant Pest Risk Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has reviewed a protocol submitted by the Monsanto Company, St. Louis Missouri, for the field testing of genetically engineered herbicide resistant tomato plants. Based upon the data submitted in the protocol, APHIS has made a determination of the plant pest risk of the genetically engineered tomato plants. APHIS has concluded that the field testing of the genetically engineered tomato plants does not present a risk of plant pest introduction or dissemination.

ADDRESS: Copies of the APHIS opinion letter may be obtained by contacting Margaret Huggins, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

FOR FURTHER INFORMATION CONTACT: Mr. Terry L. Medley, Director, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7602.

SUPPLEMENTARY INFORMATION:

On March 12, 1987, the Monsanto Company of St. Louis, Missouri, submitted to the Animal and Plant Health Inspection Service (APHIS) a protocol for the field testing of genetically engineered herbicide resistant tomato plants in Jersey County, Illinois. The genetically engineered tomato plants were altered by the addition of a single gene, from a *Petunia hybridia* cell line for the purpose of making the plants resistant to glyphosate herbicide. The field testing is designed to evalaute the performance of the tomato plants against the herbicide under field conditions.

The Federal Plant Pest Act, as amended (7 U.S.C. 150aa through 150jj), and regulations issued thereunder, requires APHIS to prevent the introduction and dissemination of plant pests in the United States. Pursuant to the Monsanto Company request, APHIS has reviewed the Monsanto protocol to detemine the plant pest risk of the proposed field trial of genetically engineered tomato plants. APHIS has determined that the proposed field trial of the genetically engineered tomato plants does not present a risk of plant pest introduction or dissemination. The APHIS determination is not in the form of a "permit," but rather is an opinion letter which concludes that the genetically engineered tomato plants do not present a risk of plant pest introduction or dissemination.

The basis for this determination was as follows:

1. The plasmid of *Agrobacterium tumefaciens* used to infect and transform the subject tomato plants was biologically "disarmed" and that the transformed tomato cells were treated with an antibiotic to rid them of *A. tumefaciens*. Therefore, it is extremely unlikely that the plasmid used to transfer to the tomato plants, the 5-enolpyruvylshikimate-3-phosophate synthase (EPSP synthase) gene and the antibiotic marker would be able to incite disease in the recipient plant or to escape and infect other plants in the environment.

2. Both the Kanamycin (antibiotic marker) and the herbicide resistance genes have been stably incorporated into the genome of the recipient tomato plants. The risk of horizontal movement of these genetic traits from the experimental tomato plants into the genetic environment is negligible because of their stable incorporation and the complete lack of a suitable mechanism to vector the genetic material.

3. The donor organism used to supply the herbicide resistance EPSP synthase gene was from a *Petunia hybridia* cell line and the specific gene isolated was that for only a glyphosate resistant EPSP synthase. There is no evidence in the published literature that the EPSP synthase gene or the donor plant are responsible for any plant disease, plant pest characteristics or damage. The production of EPSP synthase, which catalyzes a step in the shikimate pathway is a normal constituent of plants, and EPSP synthase would be found in a nontransformed tomato plant. The level of EPSP synthase in a plant or the specific form of the enzyme (isozyme) have never been implicated in

or contributing to the risk of plant pest introduction or dissemination. The other gene, Kanamycin resistance, which is also involved in the transformation of the tomato, has no inherent plant pest characteristics, and functions only as a genetic marker in the initial cell selection process following transformation. Therefore, it poses no plant pest risk.

4. It appears that the subject plants will grow in such a way that there will be no significant risk of plant material from the field testing surviving in the environment beyond the termination of the experiment, or becoming mixed with the genetic material of other tomato populations outside of the test site at the Jersey County, Illinois, facility. It appears that the combination of the physicial environment and management practices outlined in the protocol, create a nonpropogative environment.

Done in Washington, DC, this 3rd day of August 1987.

William F. Helms,

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

[FR Doc. 87-17951 Filed 8-6-87; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 87-084]

Genetically Engineered Tomato Plant; Determination of Plant Pest Risk Status

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) has reviewed a protocol submitted by the Monsanto Company, St. Louis, Missouri, for the field testing of genetically engineered insect resistant tomato plants. Based upon the data submtted in the protocol, APHIS has made a determination of the plant pest risk of the genetically engineered tomato plants. APHIS has concluded that the field testing of genetically engineered tomato plants does not present a risk of plant pest introduction or dissemination.

ADDRESS: Copies of the APHIS opinion letter may be obtained by contacting Margaret Huggins, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7602.

FOR FURTHER INFORMATION CONTACT: Mr. Terry L. Medley, Director, Biotechnology and Environmental Coordination Staff, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 406, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-7602.

SUPPLEMENTARY INFORMATION: On March 24, 1987, the Monsanto Company of St. Louis, Missouri, submitted to the Animal and Plant Health Inspection Service (APHIS) a protocol for the field testing of genetically engineered insect resistant tomato plants in Jersey County, Illinois. The genetically engineered tomato plants were altered by the addition of a single gene, delta-endotoxin from *Bacillus thuringiensis* (B.t.), for the purpose of making the plants resistant to insects. The field testing is designed to evaluate the performance of the tomato plants against insects under field conditions.

The Federal Plant Pest Act, as amended (7 U.S.C. 150aa through 150jj), and regulations issued thereunder, requires APHIS to prevent the introduction and dissemination of plant pests in the United States. Pursuant to the Monsanto Company request, APHIS has reviewed the Monsanto protocol to determine the plant pest risk of the proposed field trial of genetically engineered tomato plants. APHIS has determined that the proposed field trial of the genetically engineered tomato plants does not present a risk of plant pest introduction or dissemination. The APHIS determination is not in the form of a "permit," but rather is an opinion letter which concludes that the genetically engineered tomato plants do not present a risk of plant pest introduction or dissemination.

The basis for this determination was as follows: 1. The plasmid of *Agrobacterium tumefaciens* used to infect and transform the subject tomato plants was biologically "disarmed" and that the transformed tomato cells were treated with an antibiotic to rid them of *A. tumefaciens*. Therefore, it is extremely unlikely that the plasmid used to transfer to the tomato plants the B.t. delta-endotoxin gene and the antibiotic marker would be able to incite disease in the recipient plant or to escape and infect other plants in the environment.

2. Both the Kanamycin (antibiotic marker) and the B.t. delta-endotoxin genes have been stably incorporated into the genome of the recipient tomato plants. The risk of horizontal movement of these genetic traits from the experimental tomato plants into the genetic environment is negligible because of their stable incorporation and the complete lack of a suitable mechanism to vector the genetic material.

3. The donor organism used to supply the insect resistance gene was B.t. There is no evidence in the published literature that the B.t. delta-endotoxin gene or the donor microbe are responsible for any plant disease, plant pest characteristics, or damage. The use of B.t. as an insecticide, has an EPA approved label, as well as a longstanding record of safety. The amount of B.t. delta-endotoxin present in the tomato plants will be one-sixth the amount normally applied in a single application of the commercially available biological insecticide. The other gene, Kanamycin resistance, which is also involved in the transformation of the tomato, has no inherent plant pest characteristics, and functions only as a genetic marker in the initial cell selection process following transformation. Therefore, it poses no plant pest risk.

4. It appears that the subject plants will grow in such a way that there will be no significant risk of plant material from the field testing surviving in the environment beyond the termination of the experiment, or becoming mixed with the genetic material of other tomato populations outside of the test site at the Jersey County, Illinois, facility. It appears that the combination of the physical environment and management practices outlined in the protocol, create a nonpropagative environment.

Done in Washington, DC, this 3rd day of August 1987.

William F. Helms,

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

[FR Doc. 87-17952 Filed 8-6-87; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

International Trade Administration

Performance Review Board Membership

This notice announces the appointment by the Department of Commerce Under Secretary for International Trade, S. Bruce Smart, of the Performance Review Board for ITA. This is a revised list of membership which includes previous members as listed in the April 29, 1987, **Federal Register** Announcement (52 FR 15526) with additional members added to serve out the remainder of the one year term. The purpose of the International Trade Administration PRB is to review performance actions for recommendations to the appointing authority as well as other related

matters. The names of the PRB members are:

International Trade Administration

Franklin Vargo, Chairman, Deputy Assistant Secretary for Europe
Joseph Spetrini, Deputy to the Deputy for Import Administration
T. Fleetwood Mefford, Deputy Assistant Secretary for Domestic Operations
Michael Coursey, Director, Office of Investigations
John Evans, Deputy to the Deputy Assistant Secretary for Trade Adjustment Assistance
Maureen Smith, Director, Office of Japan
Rolf D. Luft, Deputy Assistant Secretary for Services
J. Hayden Boyd, Director, Office of Consumer Goods
Marilyn Wagner, Assistant General Counsel for Administration

Dated: July 22, 1987.

James T. King, Jr.

Personnel Officer, ITA.

[FR Doc. 87-17966- Filed 8-6-87; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Senior Executive Service; Membership of General Performance Review Board

The purpose of the General Performance Review Board (GPRB) is to review performance agreements, appraisals, ratings, and recommended actions pertaining to employees in the Senior Executive Service and to make appropriate recommendations to the Director of NBS concerning such matters in such a manner as will assure the fair and equitable treatment of senior executives. The GPRB performs its review functions for all NBS senior executives except those who are members of the NBS Executive Board and those who are members of the GPRB.

The following individual has been newly appointed by the Director of NBS to membership on the GPRB:

Dr. William Tolles, Superintendent Chemistry Division, Code 6100, Naval Research Laboratory, Washington, DC 20375-5000, Expiration of term: December 31, 1988.

FOR FURTHER INFORMATION CONTACT:

Mrs. Elizabeth W. Stroud, Chief, Personnel Division, National Bureau of Standards, Gaithersburg, MD 20899, telephone 301-975-3003

Date: July 29, 1987.

Ernest Ambler,

Director.

[FR Doc. 87-17968 Filed 8-6-87; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals; Issuance of Permit; Glacier Bay National Park and Preserve (P394)

On May 5, 1987, notice was published in the **Federal Register** (52 FR 16428) that an application had been filed by the Glacier Bay National Park and Preserve, Bartlett Cove, Gustavus, Alaska 99826, to take humpback whales (*Megaptera novaeangliae*)by harassment.

Notice is hereby given that on July 31, 1987 as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such Permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this Permit; (3) and will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This Permit was also issued in accordance with and is subject to parts 220-222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits.

The Permit is available for review by interested persons in the following offices:

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

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

Dated: July 3, 1987.

Dr. Nancy Foster,

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

[FR Doc. 87-18025 Filed 8-6-87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permit Modification; Loro Parque (P365), Modification No. 1 to Permit No. 558

Notice is hereby given that pursuant to the provisions of § 216.22 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), and Section C.4 of Public Display Permit No. 558 issued to Loro Parque, S.A. Puerto de la Cruz, Tenerife, Spain, on July 9, 1986 (51 FR 26176), said Permit is modified as follows:

Section A is modified by adding:

2. The Permit Holder is authorized to take a ninth Atlantic bottlenose dolphin (*Tursiops truncatus*) by the means described in the application.

This modification became effective on July 31, 1987.

The permit, as modified, and documentation pertaining to the modification are available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue NW., Rm 805, Washington, DC.

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

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

Date: July 3, 1987.

Dr. Nancy Foster,

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

[FR Doc. 87-18026 Filed 8-6-87; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 3 to Permit No. 493]

Marine Mammals; Permit Modification; West Coast Whale Research Foundation

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and § 220.24 of the regulations on endangered species (50 CFR Parts 217-227), Scientific Research Permit No. 493 issued to the West Coast Whale Research Foundation, c/o Elizabeth A. Mathews, Applied Sciences 273, Center Marine Studies, University of California at Santa Cruz, California 95064, on February 28, 1985 (50 FR 9481), as modified on October 4, 1985 (50 FR 41550), and March 6, 1987 (52 FR 7007) is further modified as follows:

Section A.2 is added:

2. An unspecified number of all cetacean species may be inadvertently harassed during the course of observational and photographic activities.

Section B.1 is deleted and replaced by:

1. The research shall be conducted by the means, in the areas and for the purposes set forth in the application and the modification requests.

This Modification is effective on July 31, 1987.

As required by the Endangered Species Act of 1973 issuance of this modification is based on a finding that such modification (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of the modification, and (3) will be consistent with the purposes and policies set forth in section 2 of the Endangered Species Act of 1973. This modification was issued in accordance with, and is subject to Parts 220–222 of Title 50 CFR of the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367), November 27, 1974.

The Permit, as modified, is available for review in the following offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Avenue, NW. Rm. 805, Washington, DC

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

and

Director, Alaska Region, National Marine Fisheries Service, 709 9th Street, Juneau, Alaska 99802.

Dated: July 31, 1987.

Nancy Foster,

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

[FR Doc. 87–17938 Filed 8–6–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application; Correction

On Friday, July 17, 1987, notice was published in the **Federal Register**, Volume 52, Number 137, page 27067, that an application had been filed by the All-Union Research Institute of Marine Fisheries and Oceanography, USSR Ministry of Fisheries, 17 V. Krasnoselskaya, Moscow, for a permit to take 200 Pacific walrus (*Odobenus rosmarus)* and 300 bearded seals *(Erignathus barbatus)* for scientific research.

It should read:

3. Name and Number of Marine Mammals:

Bearded seals *(Erignathus barbatus)*.....200

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs.

July 31, 1987.

[FR Doc. 87–17937 Filed 8–6–87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

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

August 4, 1987.

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

The Government of Turkey has notified the United States Government under the terms of the Bilateral Cotton and Man-Made Fiber Textile Agreements of October 18, 1985, as amended and extended, and July 30 and August 1, 1986 that Onder Yavuz, Secretary General of the Uludag Exporters' Union, has replaced Attila Kucukkayalar as an official authorized to issue export visas for cotton and man-made fiber textile products from Turkey. The following is a complete list of officials of the Government of Turkey who are currently authorized to issue export visas:

Tuncer Ogun
Sahap Ozdemir
Muzaffer Colpan
Mustafa Hasim Boyacioglu
Menmet Sevim
Mumin Tasyurek
Guner Alptekin
Zubeyde Oguzcan
Erhan Ozkebapci
Onder Yavuz

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

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–17982 Filed 8–6–87; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Office of the Secretary of Defense Performance Review Board

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Office of the Secretary of Defense, DoD Field Activities, the Organization of the Joint Chiefs of Staff, the U.S. Court of Military Appeals, the Strategic Defense Initiative Organization, and the U.S. Mission to NATO. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Secretary of Defense.

EFFECTIVE DATE: August 1, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Sharon Bobb, Chief, Senior Executive Service and Classification Division, Directorate for Personnel and Security, WHS, Office of the Secretary of Defense, Department of Defense, the Pentagon, (202) 697–8304.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4). The following is a standing register of executives appointed to the OSD PRB; specific PRB panels will be constituted from this standing register. Executives listed will serve a one-year renewable term, effective August 1, 1987.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

August 2, 1987.

OSD Performance Review Board Membership

Adams, Benson D.
Alderman, Craig, Jr.
Alderman, Karen A.
Alewine, Ralph W., III
Alluisi, Earl A.
Amlin, Gary W.
Anderson, David L.
Anderson, Maynard C.
Andreoni, Alan J.
Armor, David J.
Austin, Charles L.
Bader, George W.
Bahnsen, Peter F.
Bain, James D.
Bangert, William A.
Barber, John P.
Barker, Robert B.
Barringer, Philip E.
Batjer, Marybel
Bechtold, Richard C.
Bergmann, Walter B., III
Berlincourt, Ted G.
Bernard, Charles W.
Bertapelle, Arthur H.
Berteau, David J.
Bialick, Irving
Blackstead, Joseph H.
Bleach, Richard D.
Bloom, Jerald E.
Bolino, John V.
Boone, William S.
Brand, Rupert
Brandenstein, Albert E.
Briskin, Manuel
Brooks, James W., Jr.
Bryan, Pete A.
Bryen, Stephen D.
Buckley, Sheila R.
Buzalski, Ernest A.

Campbell, Leonard G.
Campbell, Thomas P.
Carabello, John M.
Carnahan, James W.
Carroll, William H.
Casciotti, John A.
Cavallini, Nathaniel M.
Cavaney, William T.
Cevasco, Francis M., Jr.
Chaker, Lucien
Charles, Sandra L.
Christie, Deborah P.
Christie, Thomas P.
Christle, Gaylord E.
Chu, David S.C.
Cipolla, Frank P.
Clark, Ronald H.
Coakley, William F.
Colocotronis, Gregory L.
Compton, James M.
Conroy, Matthew J.
Conte, Albert V.
Cooke, David O.
Coonce, William C.
Cratch, Geoffrey A.
Crossman, George R.
Croteau, Robert J.
Crouch, Horace J.
Dashiell, Thomas R.
Davidson, Ronald A.
Dexter, John E.
Dix, Donald M.
Dixon, Dennie W.
Dominguez, Raymond
Donnelly, John F.
Donnelly, Richard E.
Dube, Lawrence P.
Dyer, James L.
Earich, Douglas R.
Early, William N.
Eaton, Nelson W.
Ehlers, Arthur H., Jr.
Ellison, Bobby
Ello, John V.
Ely, Gerald L
Entzminger, John N., Jr.
Epstein, David F.
Ewing, Blair G.
Fair, Harry D., Jr.
Farbrother, Douglas O.
Fields, Craig I.
Finsterle, James C.
Fisher, Herbert L.
Fites, Jeanne B.
Flinn, John A.
Foley, Donald H.
Fountaine, D. Diane
Frederick, William G.D.
Fredericksen, Donald N.
Freeman, Claire E.
Freeman, L. Walter, Jr.
Funk, Kennerly W.
Gaffney, Frank J., Jr.
Gaffney, Henry H., Jr.
Garnett, Thomas F., Jr.
Genalis, Paris
Gentzel, Charles R.
Gilliat, Robert L.
Gissendanner, Dean A.
Glaister, Clyde O.
Goldberg, Alfred
Gontarek, Stanley J.
Goodwyn, James C.
Graham, Douglas R.
Graham, Robert W.
Granahan, Thomas F.
Granato, Dennis J.
Gray, Anthony W., Jr.
Greenlee, Donald R.
Greinke, Everett D.
Grieco, Anthony R.
Griffin, Kirk A.
Hammond, John H.
Hanmer, Stephen R., Jr.
Harrison, Michael E.
Hart, William E.
Haughton, Claiborne D., Jr.
Hawkins, Charles A., Jr.
Heaston, Robert J.
Hinds, Jim E.
Hinman, Kenneth R.
Hoffman, Fred S.
Hoffman, George J.
Holaday, Duncan A.
Horn, James G.
Horn, Sally K.
Horton, Cyril F.
Howe, Richard G.
Huffington, Michael
Hulcher, Gregory D.
Infosino, Charles J.
Ioffredo, Michael L.
Ionson, James A.
Jackson, Karl D.
Jajko, Walter
Jefferson, Ralph H.
Johnson, Darel S.
Jones, Jeffrey A.
Joseph, Robert G.
Karabatsos, Elizabeth B.
Kauvar, Gerald B.
Kelly, Clinton W., III
Kelly, James A.
Kendall, Cynthia
Kendall, Frank, III
Kerber, Ronald L.
Kern, Vincent D., II
Kimmel, H. Steven
Kloske, Dennis E.
Kniaz, Leon
Kopcsak, George C.
Kraft, Herbert H., Jr.
Kunsberg, Philip H.
Kupelian, Vahey S.
Lanoue, Robert J.
Larson, Loren R.
Laughlin, John L.,
Lay, Christopher D.
Leary, William H., III
Lebo, Jerry A.
Ledesma, Richard R.
Lee, David A.
Leftwich, Norma B.
Legere, Laurence J.
Leonard, Michael
Leyden, Donovan K.
Lindstrom, Talbot S.
Lomacky, Oles
Lose, Graydon I.
Loveland, Trafton J.
Lubarsky, Albert
Luquire, Joseph W.
Lynch, John E.
MacCallum, John M., Jr.
Mansfield, John E.
Margolis, Milton A.
Marquet, Louis C.
Marquitz, William T.
Marshall, Andrew W.
Martin, C. Joseph
Martin, John David
Maynard, Egbert D., Jr.
Mazzuchi, John E.
McAleer, John P. III
McCarty, Thomas F.
McDonald, William M.
McGrath, Michael F.
McKalip, Homer D.
McMormack, Robert C.
McNeill, John H.
McNicol, David L.
McQuality, James A.
Meehan, Patrick J., Jr.
Melburn, Michael J.
Mestrovich, Michael J.
Meth, Martin A.
Michael, Louis G.
Michel, Werner E.
Millburn, George P.
Miller, Franklin C.
Miller, James H.
Minichiello, Lee P.
Minneman, Milton J.
Mintz, Jeanne S.
Mittino, John A.
Moody, Kevin C.
Moore, Robert A.
Moore, Robert H.
Morgan, John D.
Morris, Herbert K.
Morrison, James W.
Muckerman, Joseph E., II
Mullen, Robert L.
Murrell, Billy C.
Nelson, Ronald R.
Newhall, David III
Niederlehner, Leonard
O'Bryon, James F.
Oakley, Bobby B.
Oplinger, Gerald G.
Osterholz, John L.
Pallas, Spiros G.
Pantuso, Francis P.
Pennington, Arthur W.
Persh, Jerome
Pflock, Karl T.
Phillips, Gary R.
Pope, Barbara S.
Quetsch, John R.
Quin, Thomas P.
Rauner, Robert M.
Reay, James H.
Reinhard, Manfred J.
Reynolds, Richard A.
Rizer, Jordan E.
Roll, Charles R., Jr.

Rona, Thomas P.
Roosild, Sven A.
Ropka, Lawrence
Rosamond, John B.
Roske, Vincent P. Jr.
Rudd, Glenn A.
Ruffine, Richard S.
Russ, John M.
Schafer, Carl J., Jr.
Schmidt, Raymond E.
Schneider, Mark B.
Schneider, Robert L.
Schneiter, George R.
Sellman, Wayne S.
Sevin, Eugene
Shapiro, Edward J.
Shapiro, Howard H.
Sharkey, William J., Jr.
Shaw, Dennis R.
Sheils, Marylou
Shilling, David M.
Shorey, Russell R.
Shuck, Joanne D.
Siebert, George W.
Siewert, Raymond F., Jr.
Smith, Frederick, C.
Smith, Gordon A.
Smith, John E.
Sommer, Peter R.
Soule, Robert R.
Spector, Eleanor R.
Springett, John P.
St. John, Adrian II
Stansberry, Kent G.
Stone, Robert A.
Sullivan, Gerald D.
Sullivan, Peter M.
Sungenis, Joseph R.
Tapparo, Frank A.
Tillson, John C.F.
Trosch, Dennis H.
Tyler, John T., Jr.
VanWagenen, James S.
Verkoski, John E.
Viilu, Andrus
Welch, Thomas J.
Wigg, David G.
Wilcox, Benjamin A.
Williams, Robert M.
Wolthuis, Robert K.
Woodruff, Lawrence W.
Woods, James L.
Woodworth, John A.
Young, Leo
Yurcisin, Peter
Zdankiewicz, Edward

OSD Performance Review Board Membership

deGraffenreid, Kenneth E.
Whealen, John T.
MacPherson, J. Randolph
Reed, William H.
Newton, Fred J.
Quill, John J.
O'Brien, Thomas J.
Schwalls, Robert G.
Ewald, Thomas E.
Maclin, James F., Jr.
Sicilia, Thomas G.
Hustead, Toni S.
Kabeiseman, Karl W.
Obloy, Edward J.
Vander Schaaf, Derek J.

[FR Doc. 87-17969 Filed 8-6-87; 8:45 am]
BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Open Meeting

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

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

Date of Meeting 21 August 1987.

Time of Meeting: 0800-1600 hours.

Place: Science Applications International Corporation McLean, Virginia.

Agenda: The ASB Ad Hoc Subgroup on U.S. Army CECOM RD&E Center Effectiveness Review will meet to review draft report material. This meeting will be open to the public. Any person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the Committee. The Army Science Board Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87-18032 Filed 8-6-87; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate

Restriction of Eligibility for Grant Award

AGENCY: Procurement and Assistance Management Directorate, Department of Energy (DOE).

ACTION: Notice.

SUMMARY: DOE announces that, pursuant to 10 CFR 600.7(b), it intends to renew, on a restricted eligibility basis, a grant to the Coalition of Northeastern Governors (CONEG) to organize and carry out a Regional Biomass Program in the Northeast Area of the Northern Tier States.

The grant is being renewed for a 1-year period beginning August 9, 1987. The estimated amount is $650,000.

Procurement Request No.: 05-870R21389.001.

Project Scope: This grant renewal is to continue a Regional Biomass Program in the Northeast Area of the Northern Tier States. The primary purpose is to implement biomass research and development, technology utilization, and technology transfer on a regional basis in a manner which will maximize the participation of the public and private sectors of each State. CONEG has the unique capability to equally represent all of the States in the Northeast subregion and involve the appropriate private and public interest groups in the States. CONEG is an existing, regionally organized consortium with background experience in management of similar activities. Eligibility for this study is, therefore, restricted to CONEG.

FOR FURTHER INFORMATION CONTACT: Bryan D. Walker, (ER-122), Research Management Branch, Research and Waste Management Division, U.S. Department of Energy, Oak Ridge, Tennessee 37831, (615-576-0716).

Issued in Oak Ridge, Tennessee, on July 21, 1987.

Peter D. Dayton,

Procurement and Contracts Division, Oak Ridge Operations.

[FR Doc. 87-18031 Filed 8-6-87; 8:45 am]
BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. PP-85]

Application by Westmin Resources Limited for a Presidential Permit

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of application by Westmin Resources Limited for a permit to construct, connect, operate and maintain electric transmission facilities at the international border between the United States and Canada.

SUMMARY: Westmin Resources Limited (Westmin) has applied to the Economic Regulatory Administration (ERA) for a Presidential permit to construct, connect, operate and maintain electric transmission facilities at the international border between the U.S. and Canada. The proposed transmission facilities will connect two locations in British Columbia and only pass through Alaska. These facilities will not interconnect with any existing U.S. transmission facilities.

FOR FURTHER INFORMATION CONTACT:

Anthony J. Como, Department of Energy, Economic Regulatory Administration (RG-22), 1000 Independence Avenue,

SW., Washington, DC 20585, (202) 586–5935

Lise Courtney M. Howe, Department of Energy, Office of General Counsel (GC–41), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2900

SUPPLEMENTARY INFORMATION: On July 17, 1987, Westmin applied to the ERA, pursuant to Executive Order 10485, as amended, for a Presidential permit to construct a 35 kilovolt transmission line which would cross the U.S. international border from British Columbia, Canada, pass through the State of Alaska, and re-enter British Columbia at a second point on the U.S. international border. This application is contained in Docket No. PP–85. The proposed facilities would be used to transmit electric energy from an existing powerplant located in Stewart, British Columbia, to a new mine to be developed by Westmin in British Columbia, about 10 miles north of Hyder, Alaska. These transmission facilities will not connect with any existing U.S. transmission lines and no electric energy will flow to or from any U.S. electric utility as a result of this project.

The proposed line would extend about 11.2 miles through Alaska, with about 2.5 miles constructed underground and about 8.7 miles constructed above ground on wooden poles. All construction in Alaska would be within the right-of-way of the existing Granduc Road. The applicant has indicated that routing of the line through Alaska is required because of inaccessible terrain on the British Columbia side of the border.

Any person desiring to be heard or to protest this application for a Presidential permit should file a petition to intervene or protest with the Economic Regulatory Administration, Room GA–093, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214).

Any such petitions and protests should be filed on or before September 8, 1987. Protests will be considered by ERA in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application will be made available, upon request for public inspection and copying, at the Department of Energy's Freedom of Information Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Issued in Washington, DC, on August 3, 1987.

Robert L. Davies,

Director Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–18028 Filed 8–6–87; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 87–17–NG]

Order Granting Blanket Authorization to Import Natural Gas From Canada; PeopleService, Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting PeopleService, Inc. (PSI), blanket authorization to import natural gas from Canada. The order issued in ERA Docket No. 87–17–NG authorizes PSI to import up to 200 Bcf over a two-year period for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586–9478. The docket is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holiday.

Issued in Washington, DC, July 31, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR. Doc. 87–17978 Filed 8–6–87; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 87–13–NG]

Order Granting Blanket Authorization To Import Natural Gas; Suncor Inc.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of order granting blanket authorization to import natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Suncor Inc. (Suncor) blanket authorization to import natural gas. The order issued in ERA Docket No. 87–13–NG authorizes Suncor to import up to 36.5 Bcf of natural gas over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586–9478. The docket is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holiday.

Issued in Washington, DC, July 28, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR. Doc. 87–17979 Filed 8–6–87; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA C&E–87–51; OFP Case No. 65047–9368–20, 21, 22–24]

Order Granting an Exemption Pursuant to the Powerplant and Industrial Fuel Use Act of 1978 to Midway-Sunset Cogeneration Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order granting exemption.

SUMMARY: On April 13, 1987, Midway-Sunset Cogeneration Company (MSCC or petitioner) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent exemption from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*) for its proposed cogeneration facility to be located in Kern County, California.

Title II of the Act prohibits the construction or operation of a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source. The exemption petition was based on cogeneration. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA are found in 10 CFR Parts 500, 501, and 503. Final rules setting forth criteria and procedures for petitioning for this type exemption are found at 10 CFR 503.37.

Pursuant to section 212(c) of the Act and 10 CFR 503.37, ERA hereby issues this order granting a permanent exemption from the prohibitions of FUA for the proposed powerplant at the aforementioned installation.

The basis for ERA's order is provided in the **"SUPPLEMENTARY INFORMATION"** section below.

DATES: In accordance with section 702(a) of FUA, this order and its provisions shall take effect on October 6, 1987.

FOR FURTHER INFORMATION CONTACT:

Xavier Puslowski, Coal and Electricity Division, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue, SW., Room GA-093, Washington, DC 20585, Telephone (202) 586-4708

or

Steven E. Ferguson, Esq., Office of General Counsel, Department of Energy, Room 6A-113, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone (202) 586-6947

The public file containing a copy of this order and other documents and supporting materials on this proceeding is available on request from DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, DC 20585, Monday through Friday, 9:00 a.m. to 4:00 p.m., except Federal holidays.

SUPPLEMENTARY INFORMATION: FUA prohibits the construction and operation in certain new baseload powerplants with the capability to use coal or alternate fuel unless an exemption has been granted ERA. The petitioner has filed a petition for a permament exemption to use natural gas or oil as a primary energy source in its facility located in Kern County, California.

Procedural Requirements

In accordance with the procedural requirements of FUA and 10 CFR 501.3(d), ERA published its Notice of Acceptance of Petition for Exemption and Availability of Certification relating to this petition in the **Federal Register** on May 14, 1987 (52 FR 18267), commencing a 45-day public comment period pursuant to section 701(c) of FUA. Copies of the petition were provided to the Environmental Protection Agency as required by section 701(f). During the comment period, interested persons were afforded an opportunity to request a public hearing. The comment period closed on June 29, 1987; no comments were received and no hearing was requested.

Order Granting Permanent Exemption

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR 503.37, and pursuant to section 212(c) of FUA, ERA hereby grants the petitioner's permanent exemption for the powerplant to be installed at its facility in Kern County, California permitting the use of natural gas or oil as a primary energy source in the units.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this order may petitition for judicial review at any time before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, DC, on August 3, 1987.

Robert L. Davies,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87-18029 Filed 8-6-87; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Magnetic Fusion Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Magnetic Fusion Advisory Committee.

Date and Time:

Tuesday, September 1, 1987, 8:30 a.m.-4:30 p.m.

Wednesday, September 2, 1987, 8:30 a.m.-12:30 p.m.

Location: Hanford Engineering Development Laboratory (HEDL), Tri-Cities University Center Auditorium, 100 Sprout Road, Richland, Washington 99352.

Contact: Thomas G. Finn, Office of Fusion Energy, Office of Energy Research ER-50.2, U.S. Department of Energy, Mail Stop J-204, Washington, DC 20545, Phone: (301) 353-4941.

Purpose of the Committee

To provide advice to the Secretary of Energy on the Department's Magnetic Fusion Energy Program, including periodic reviews of elements of the program and recommendations of changes based on scientific and technological advances or other factors; advice on long-range plans, priorities, and strategies to demonstrate the scientific and engineering feasibility of fusion; advice on recommended appropriate levels of funding to develop those strategies and to help maintain appropriate balance between competing elements of the program.

MFAC—Agenda Outline

September 1, 1987

1. 8:30 a.m. Welcome
2. Status of Program—J. Clarke
3. MFAC Panel 17 Report—D. Baldwin et. al.
4. MFAC Discussion
   Lunch
5. MFAC Discussion
6. Public Comments
7. Status of Compact Ignition Tokamak (CIT)—Bruce Montgomery
8. Discussion of New Charges—F. Ribe
9. HEDL Presentation
10. Public Comments
    4:45 Tour of Fast Flux Test Facility (FFTF)

MFAC—Agenda 2nd Day

September 2, 1987

1. 8:30 a.m. MFAC/Panel 17 Interactions
2. Status of ITER—K. Fowler
3. Discussion of New Charges
4. Public Comments
   (Adjourn 12:30 p.m.)

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Thomas G. Finn at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes

Available for public review and copying approximately 30 days following the meeting at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on August 4, 1987.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 87-18030 Filed 8-6-87; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER87-93-000 et al.]

Electric Rate and Corporate Regulation Filings; Central Power and Light Co. et al.

Take notice that the following filings have been made with the Commission:

1. Central Power and Light Co.

July 31, 1987.

[Docket No. ER87-93-000]

Take notice that on July 7, 1987, Central Power and Light Company and West Texas Utilities Company tendered for filing pursuant to a letter from Mr. Jerry R. Milbourn dated January 9, 1987, a revision to Interchange Sales Tariffs that will serve to complete the filing of this docket on November 10, 1986.

Central Power and Light Company requests an effective date of October 15, 1986 as originally requested and therefore requests a waiver of the Commission's notice requirements.

Copies of the filing have been served upon the Public Utilities Board of the City of Brownsville, Texas and to the Public Utilities Commission of Texas.

Comment date: August 14, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Detroit Edison Co.

August 3, 1987.

[Docket No. ER87-550-000]

Take notice that on July 28, 1987, Detroit Edison Company tendered for filing a letter agreement dated January 2, 1987, between Detroit Edison and General Public Utilities which constitutes a redetermination of the fixed charge rate applicable to transactions under Amendment No. 6 among Consumers Power Company, Detroit Edison Company, and Toledo Edison Company, dated June 1, 1982, for the sale of Specific Capacity Power to General Public Utilities. This Amendment has been denoted as the Detroit Edison Company Rate Schedule FERC No. 11. Detroit Edison states that the redetermination of the fixed charge rate was made pursuant to the terms of Amendment No. 6.

Detroit Edison states that the letter agreement establishes the fixed charge rate at 15.75% for service rendered on and after January 1, 1987, and is subject to redetermination during the term of Amendment No. 6 in accordance with section 7.12. Detroit Edison stated the redetermination reflects both the currently authorized return on equity contained in the Michigan Public Service Commission Order No. U-7660 and the reduction of the effective corporate income tax rate from 46% to 40% for 1987; the effect of both of these items being a reduction of 0.695% in the fixed charge rate from that used in the initial agreement. This determination will decrease the monthly demand charge to $461,803 in accordance with sections 7.11 and 7.12 of Service Schedule G.

Detroit Edison states that copies of the filing were served upon Consumers Power Company, Cleveland Electric Illuminating Company, General Public Utilities Corporation, Toledo Edison Company, and Michigan Public Service Commission.

Detroit Edison requests waiver of the notice requirements to permit a retroactive effective date of January 1, 1987 for the 15.175% fixed charge rate.

Comment date: August 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Florida Power & Light Co.

August 3, 1987.

[Docket No. ER87-549-000]

Take notice that on July 27, 1987, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Five to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and City of Tallahassee and a document entitled Schedule TX Operating Agreement Between Florida Power & Light Company and City of Tallahassee, which document supplements Amendment Number Five.

FPL states that under Amendment Number Five, FPL will transmit power and energy for City of Tallahassee as is required in the implementation of its interchange agreement with the Jacksonville Electric Authority.

FPL further states that the Schedule TX Operating Agreement defines the methodology used to determine the additional incremental cost under section I.4 of Amendment Number Five.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendment and the proposed Operating Agreement be made effective immediately. FPL states that copies of the filing were served on City of Tallahassee.

Comment date: August 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Houston Lighting & Power Co.

August 3, 1987.

[Docket No. ER83-657-001]

Take notice that on July 22, 1987, Houston Lighting & Power Company (HL&P) tendered for filing pursuant to Letter Order dated January 26, 1987, a compliance filing of Transmission Service Agreements (TSA) for the service under HL&P's Tariff that is now being taken by each of the four operating companies of the Central and South West System: Public Service Company of Oklahoma, Southwestern Electric Power Company, Central Power & Light Company and West Texas Utilities Company (the Companies).

HL&P states that these four Companies have made no formal request for service as required by HL&P's Tariff. HL&P nevertheless tendered TSA's to these Companies. HL&P also states that these Companies have failed to executed TSA's for any service under the Tariff. Consequently, each Companies' utilization of the HL&P system is unauthorized within the meaning of section 2.6 of HL&P's Tariff.

Copies of this filing have been served upon Public Service Company of Oklahoma, Southwestern Electric Power Company, Central Power & Light Company and West Texas Utilities Company.

Comment date: August 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Idaho Power Co.

July 31, 1987.

[Docket No. ER87-347-000]

Take notice that on July 22, 1987, Idaho Power Company tendered for filing as a supplement to its earlier filed Interconnection Agreement, a Certificate of Concurrence by Sierra Pacific Power Company.

Comment date: August 14, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Montana Power Co.

July 31, 1987.

[Docket No. ER87-547-000]

Take notice that on July 27, 1987, Montana Power Company (MPC) tendered for filing pursuant to section 205 of the Federal Power Act its application to join the Western Systems Power Pool.

MPC has requested waiver of the notice provisions of section 35.3 of the Commission's Regulations in order to permit its membership in the Western Systems Power Pool to be effective on June 2, 1987.

Comment date: August 14, 1987, in accordance with Standard Paragraph E at the end of this document.

7. New England Hydro Transmission Corp. et al.

August 3, 1987.

[Docket No. ER87-386-001]

Take notice that on July 27, 1987, New England Hydro Transmission Corp., et al. tendered for filing pursuant to the Commission's Order, amendments to the following rate schedules:

New England Hydro-Transmission Corp.

Rate Schedule FERC No. 1

New England Hydro-Transmission Electric Co., Inc.

Rate Schedule FERC No. 1
New England Power Co.
Rate Schedule FERC No. 329
Boston Edison Co.
Rate Schedule FERC No. 152

New England Hydro Transmission Corp. states that these amendments remove from the contracts certain provisions which would prohibit intervention in certain future rate of return filings.

Copies of this filing have been served upon those on the service limit.

Comment date: August 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Portland General Electric

July 31, 1987.

[Docket No. ER87-548-000]

Take notice that on July 27, 1987, Portland General Electric Company (Portland) tendered for filing (i) an Amendment No. 1 to the PGE Rate Schedule FERC No. 22, the agreement entitled Pacific-Portland Sales and Exchange Agreement dated August 25, 1972, and the Assignment Agreement among Portland, Pacific Gas and Electric Company, and Southern California Edison Company (Edison) dated February 9, 1973, (ii) and the Certificate of Concurrence for Southern California Edison Company. This Amendment No. 1 modifies Edison's obligations to Portland under the Assignment Agreement in partial consideration for Edison's performance of its obligations under the Long-Term Power Sale and Exchange Agreement between Portland and Edison dated July 31, 1986.

Amendment No. 1 has no effect on the rights and obligations of Pacific Gas and Electric Company.

PGE requests an effective date of January 1, 1986 and therefore requests a waiver of the Commission's notice requirements.

Copies of the filing have been served upon Southern California Edison, Pacific Gas and Electric Company, and the Oregon Public Utility Commission.

Comment date: August 14, 1987, in accordance with Standard Paragraph E at the end of this notice.

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. 87-17995 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI64-546-001 et al.]

Natural Gas Company; Applications for Certificates, Abandonments of Service and Petitions To Amend Certificates [1]; ARCO Oil and Gas Co., Division of Atlantic Richfield Co. et al.

August 3, 1987.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 17, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI64-546-001, D, Jul. 6, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Northern Natural Gas Company, Division of Enron Corp., Kiowa Creek (Douglas) Field, Beaver, Lipscomb, Ellis Counties, Oklahoma.	(1)	
CI64-947-000, D, Jul. 13, 1987.	....do....	Ivanhoe Field, Beaver County, Oklahoma.	(1)	
CI65-453-002, D, Jul. 24, 1987.	....do....	Ozona Field, Crockett County, Texas	(1)	
CI87-763-000 (CI67-173), B, Jul. 13, 1987.	....do....	....do....	(1)	
CI67-182-001, D, Jul. 17, 1987.	....do....	Catesgy—Gage—Midler *et al.*, Ellis County, Oklahoma.	(2)	
CI67-182-002, D, Jul. 17, 1987.	....do....	....do....	(3)	
CI64-1511-000, D, Jul. 17, 1987.	....do....	Montana Dakota Utilities Co., Pavillion Field, Freemont County, Wyoming.	(1)	
CI64-1511-001, D, Jul. 17, 1987.	....do....	....do....	(4)	

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI82-220-001, D, Jul. 6, 1987.	.....do.....	Cimarron Transmission Company, Southeast Marietta Field, Love County, Oklahoma.	(1).....	
CI87-755-000 (CI66-572), B, Jul. 6, 1987.	.....do.....	KN Energy, Inc., Beauchamp Field, Stanton County, Kansas.	(1).....	
CI61-498-000, D, Jul. 13, 1987.	.....do.....	Transwestern Pipeline Company, Kermit and S. Kermit Fields, Winkler County, Texas.	(1).....	
CI62-1287-000, D, Jul. 13, 1987.	.....do.....	West Texas Gathering Company, Kermit and S. Kermit Fields, Winkler County, Texas.	(1).....	
CI87-745-000 (G-8493), B, Jul. 6, 1987.	.....do.....	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Cecil Noble Field, Colorado County, Texas.	(5).....	
CI87-744-000 (CI60-426), B, Jul. 6, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., New Refugio Field, Refugio County, Texas.	(6).....	
CI87-756-000 (G-8493), B, Jul. 9, 1987.	.....do.....	Schiller Gas Unit; Cecil Noble Field, Colorado County, Texas.	(7).....	
G-10739-002, D, Jul. 6, 1987.	.....do.....	Texas Eastern Transmission Corporation, Chicolete Creek *et al.* Fields, Live Oak County, Texas.	(8).....	
CI87-782-000 (G-4545), B, Jul. 20, 1987.	.....do.....	Transcontinental Gas Pipe Line Corp., Mineral Field, Bee County, Texas.	(9).....	
G-4544-003, D, Jul. 20, 1987.	.....do.....	Blocks 75 and 76, Clayton Field, Live Oak County, Texas.	(10).....	
CI87-766-000 (G-4535), B, Jul. 13, 1987.	.....do.....	Ray-Wilcox Field, Bee County, Texas.....	(10).....	
G-19222-000, D, Jul. 17, 1987.	.....do.....	Panhandle Eastern Pipe Line Company, Camrick Gas Area, Texas County, Oklahoma.	(11).....	
CI61-1766-000, D, Jul. 17, 1987.	.....do.....	.....do.....	(11).....	
G-3894-028, D, Jul. 20, 1987.	.....do.....	United Gas Pipe Line Company, Redfish Bay—Mustang Island, Nueces County, Texas.	(12).....	
CI73-856-001, D, Jul. 20, 1987.	.....do.....	State Tract 395, S.W. Redfish Bay Field, Nueces County, Texas.	(12).....	
G-18748-004, D, Jul. 17, 1987.	.....do.....	El Paso Natural Gas Company, Clear Lake Field, Beaver County, Oklahoma.	(13).....	
G-3894-029, D, Jul. 20, 1987.	.....do.....	Natural Gas Pipeline Company of America, Block 85, Clayton Field, Live Oak County, Texas.	(14).....	
G-9980-002, D, Jul. 13, 1987.	.....do.....	Carmick Gas Area, Texas County, Oklahoma.	(15).....	
CI63-538-005, D, Jul. 13, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company.	Northwest Central Pipeline Corporation, Northwest Lovedale Field, Harper County, Oklahoma.	(16).....	
CI87-762-000 (CI75-144), B, Jul. 13, 1987.	.....do.....	Trunkline Gas Company, South Marsh Island Block 261 Area, Offshore Louisiana.	(17).....	
CI70-1067-003, D, Jul. 27, 1987.	.....do.....	ANR Pipeline Company, Eugene Island Area, Offshore Louisiana.	(18).....	
CI87-740-000 (CI78-409), B, Jul. 6, 1987.	Cities Service Oil and Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Sec. 22-23N-16W, Major County, Oklahoma.	(19).....	
CI87-739-000 (CI66-1250), B, Jul. 6, 1987.	.....do.....	Consolidated Gas Transmission Corp., Young and Perry Townships, Jefferson County, Pennsylvania.	(20).....	
CI87-778-000 (CI70-961), B, Jul. 20, 1987.	.....do.....	ANR Pipeline Company, SW/4 NW/4, N/2 NW/4, SE/4 NW/4, SW/4, Sec. 23-23N-16W, and W/2 NW/4, NW/4 SW/4, Sec. 26-23N-16W, Major County, Oklahoma.	(21).....	
CI87-775-000, F, Jul. 20, 1987.	.....do.....	Texas Eastern Transmission Corporation, May Field, Kleberg County, Texas.	(22).....	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI87-757-000 (CI67-522), B, Jul. 9, 1987.	.....do.....	United Gas Pipe Line Company, Sections 15, 17, 20, 21, and 22-17N-1W, Jackson Parish, Louisiana.	(23).....	
CI87-722-000 (CI73-328), B, June 25, 1987.	.....do.....	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Ship Shoal Block 94 OCS-G-1983, Offshore Louisiana.	(24).....	
CI64-1387-001, D, Jul. 13, 1987.	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	El Paso Natural Gas Company, Coyanosa Field, Pecos County, Texas.	(25).....	
CI87-779-000 (CI62-438), B, Jul. 20, 1987.	.....do.....	Halley Field, Winkler County, Texas.....	(26).....	
CI62-1237-000, D, Jul. 23, 1987.	.....do.....	Jalmat Field, Lea County, New Mexico..	(27).....	
CI87-743-000 (CI66-908), B, Jul. 6, 1987.	.....do.....	Panhandle Eastern Pipeline Company, Oshel Field, Woods County, Oklahoma.	(28).....	
CI68-33-001, D, June 26, 1987.	Sun Exploration & Production Co.....	Lone Star Gas Company, a Division of ENSERCH Corporation, Big Mineral Creek Field, Grayson County, Texas.	(29).....	
CI87-742-000 (G-14943), B, Jul. 6, 1987.	.....do.....	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., North Sun (K-1 Sand) Field, Starr County, Texas.	(30).....	
CI87-795-000 (G-5135), B, Jul. 28, 1987.	.....do.....	Transcontinental Gas Pipe Line Corp., La Gloria Field, Jim Wells County, Texas.	(31).....	
G-14753-000, D, Jul. 27, 1987.	.....do.....	Pointe Au Fer Field, Terrebonne Parish, Louisiana.	(32).....	
CI87-794-000 (G-16846), B, Jul. 28, 1987.	.....do.....	Natural Gas Pipeline Company of America, La Gloria Field, Jim Wells County, Texas.	(31).....	
G-11661-000, D, Jul. 24, 1987.	.....do.....	Texas Eastern Transmission Company, Bethany Field, DeSoto Parish, Louisiana.	(33).....	
G-12012-001, D, Jul. 10, 1987.	Union Oil Company of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Northern Natural Gas Company, Division of Enron Corp., Harper Ranch Field, Clark County, Kansas.	(34).....	
CI64-1494-000, D, June 29, 1987.	.....do.....	Arkla Energy Resources, a division of Arkla, Inc., Southwest Lacy Field, Kingfisher County, Oklahoma.	(35).....	
CI64-1444-000, D, Jul. 24, 1987.	.....do.....	Colorado Interstate Gas Company, Patrick Draw Field, Sweetwater County, Wyoming.	(36).....	
CI87-768-000, A, Jul. 15, 1987.	Amoco Production Company, P.O. Box 50879, New Orleans, La. 70150.	Transcontinental Gas Pipe Line Corp., High Island Area, Blocks A-382, A-571, A-572, A-573, A-595 and A-596, Offshore Texas.	(37).....	
CI87-765-000 (G-5663), B, Jul. 13, 1987.	.....do.....	Natural Gas Pipeline Company of America, East Bay City Field, Matagorda County, Texas.	(38).....	
G-6378-001, D, Jul. 27, 1987.	Kerr-McGee Corporation, P.O. Box 25861, Oklahoma City, Okla. 73125.	Colorado Interstate Gas Company, Baughman A-1 Well, Sec. 16-T5N-R9E, Keyes, Field, Cimarron County, Oklahoma.	(39).....	
CI68-873-000, D, Jul. 27, 1987.	.....do.....	Federal 1-35 Well, Sec. 35-T31S-R45W, Vilas Field, Baca County, Colorado.	(40).....	
CI87-725-000 (CI72-487), B, June 26, 1987.	Champlin Petroleum Company, 1400 Smith Street, Suite 1500, Houston, Texas 77002.	Panhandle Eastern Pipe Line Company, Greenwood Field, Morton County, Kansas.	(41).....	
CI87-741-000 (G-2999), B, Jul. 6, 1987.	.....do.....	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., El Ebanito Field, Starr County, Texas.	(42).....	
CI62-0944-001, D, Jul. 27, 1987.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	El Paso Natural Gas Company, Arrowhead E-M-E Field, Lea County, New Mexico.	(44).....	
G-6355-000, D, Jul. 23, 1987.	.....do.....	Arrowhead Field, Lea County, New Mexico.	(45).....	
CI87-791-000, B, Jul. 27, 1987.	Sierra Exploration Company, 405 N. St. Marys, Suite 1010, San Antonio, Texas 78205.	El Paso Natural Gas Corporation, East Chapa Field, Live Oak County, Texas.	(46).....	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI87-753-000, B, Jul. 21, 1987.	Wayne Moore, 403 N. Marienfeld, Midland, Texas 79701.	San Juan Basin Area, New Mexico	(47)	
CI87-792-000, B, Jul. 27, 1987.	Bounty Production Company, P.O. Box 1478, Houston, Texas 77251-1478.	United Gas Pipe Line Company, S. Cabeza Creek Field, Goliad County, Texas.	(48)	
CI87-769-000, B, Jul. 14, 1987.	W.W. Rucks, III and Rucks & Sirera, 110 Oil Center Drive, Lafayette, La. 70505.	Hollywood and Houma Fields, Terrebonne Parish, Louisiana.	(49)	
CI87-771-000 (CI60-580-000), B, Jul. 17, 1987.	The George R. Brown Partnership, 4700 First City Tower Building, 1001 Fannin Street, Houston, Texas 77002-6708.	Abbeville Field, Vermilion Parish, Louisiana.	(50)	
CI87-723-000 (CI80-74), B, June 24, 1987.	ENSTAR Corporation, P.O. Box 2120, Houston, Texas 77252-2120.	Columbia Gas Transmission Corporation, Florence Field, Vermilion Parish, Louisiana.	(51)	
CI87-781-000, E, Jul. 21, 1987.	Diamond Shamrock Offshore Partners, Limited Partnership, LTV Center, Suite 1400, 2001 Ross Avenue, Dallas, Texas 75201-2916.	Block A-471, High Island Area, South Addition, Offshore Texas.	(52)	
CI87-780-000, B, Jul. 20, 1987.	Grey Eagle Const. Co., C.F. Shewey, P.O. Box 108, Kermit, W. Va. 25674.	Stafford District, Mingo County, West Virginia.	(53)	
CI87-774-000, F, Jul. 20, 1987.	Mobil Oil Exploration & Producing Southeast Inc. (Partial Succ. in Interest to Orlando-SOI Partnership), Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Transcontinental Gas Pipe Line Corp., Eugene Island Block 116, Offshore Louisiana.	(54)	
CI87-752-000, B, Jul. 7, 1987.	Bogert Oil Company, 2601 N.W. Expressway, Suite 1000W, Oklahoma City, Okla. 73112-7183.	ANR Pipeline Company, Sec. 9-T17N-R17W, Putnam Field, Dewey County, Oklahoma.	(55)	
CI87-773-000, E, Jul. 20, 1987.	Chevron U.S.A. Inc. (Succ. in Interest to Texaco U.S.A.), P.O. Box 7309, San Francisco, Calif. 94120-7309.	West Cameron Block 17, Offshore Louisiana.	(57)	
CI87-732-000, June. 29, 1987.	The Louisiana Land and Exploration Co., P.O. Box 60350, New Orleans, La. 70160.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Caillou Island Field, Terrebonne Parish, Louisiana.	(58)	
CI87-789-000 (CI80-26), B, Jul. 27, 1987.	Mobil Oil Corporation, Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Panhandle Eastern Pipe Line Company, Teapot Reservoir in the SE/4 of Section 2 and the W/2 NE/4 and SE/4 NE/4 of Sec. 11-T33N-R68W, Converse County, Wyoming.	(59)	
CI87-770-000, B, Jul. 14, 1987.	Williford Energy Company, 8023 E 63rd Pl, Box 35507, Tulsa, Okla. 74153.	Panhandle Eastern Pipe Line Company, Selman #1-6 Sec. 6-26N-18W, Edith South Field, Woodward County, Oklahoma.	(60)	
CI87-777-000 (CI63-1567), B, Jul. 20, 1987.	Sohio Petroleum Company, P.O. Box 4587, Houston, Texas 77210.	N.W. Midwell Field, Cimarron County, Oklahoma.	(61)	
CI87-726-000, B, June 26, 1987.	Geo R. Shaw, *et al*	Lerado Field, Reno County, Kansas	(62)	
CI87-748-000 (CI70-780), B, Jul. 7, 1987.	Phillips Petroleum Company, 990-G Plaza Office Bldg., Bartlesville, Okla. 74004.	West Gruver Field, Hansford County, Texas.	(63)	
CI87-733-000 (CI83-249), B, June 29, 1987.	Tenneco Oil Company, P.O. Box 2511, Houston, Texas 77001.	THC Pipeline Company, Various Fields, Offshore Texas and Louisiana.	(65)	
CI87-465-000, F, May 1, 1987.	Sonat Exploration Company (Succ. in Interest to Petro-Lewis Funds, Inc.), P.O. Box 1513, Houston, Texas 77251-1513.	Florida Gas Transmission Company, Mississippi Canyon Blocks 151, 194 and 195, Offshore Louisiana.	(66)	
CI63-1045-000, F, June 29, 1987.	Samson Resources Company (Succ. in Interest to Hunt Oil Company), Samson Plaza, Two West Second Street, Tulsa, Okla. 74103.	Arkla Energy Resources, a division of Arkla, Inc., Anthon Area, Custer County, Oklahoma.	(67)	
CI77-735-004, D, June 8, 1987.	Odeco Oil & Gas Company, P.O. Box 61780, New Orleans, La. 70161.	Trunkline Gas Company, South Timbalier 86 Field, Offshore Louisiana.	(69)	
CI87-787-000, F, Jul. 27, 1987.	Kerr-McGee Corporation (Succ. in Interest to Deltaus Corporation), P.O. Box 25861, Oklahoma City, Okla. 73125.	Texas Gas Transmission Corporation and Northern Natural Gas Company, Division of Enron Corp., Carthage Field, Panola County, Texas and Ozona Field, Crockett County, Texas.	(70)	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI87-793-000, B, Jul. 24, 1987. CI87-790-000 (G-11255), B, Jul. 27, 1987.	Texaco Producing Inc., P.O. Box 52332, Houston, Texas 77052. Highland Resources, Inc., 4700 First City Tower Building, 1001 Fannin Street, Houston, Texas 77002-6708.	Phillips Petroleum Company, Eunice Plant, Lea County, New Mexico. Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Hahl-Webb Gas Unit, Government Wells Field, Duval County, Texas.	([71]) ([72])	

[1] Effective 1-1-87, ARCO assigned its interest in certain acreage to Hondo Oil and Gas Company.
[2] Effective 1-1-87, ARCO assigned its interest to Ladd Petroleum Corporation.
[3] Effective 1-1-87, ARCO assigned its interest to Sohio Petroleum Company.
[4] Effective 1-1-87, ARCO assigned its interest to Wind River-Pavillion Ltd.
[5] ARCO no longer holds an interest in the acreage covered by the contract. Two Leases were assigned to Howard Wagner in 1972; all other leases were surrendered prior to 1975, and Contract was cancelled effective 10-1-85.
[6] By Assignment effective 2-1-87, ARCO assigned its interest in certain acreage to Kamlok, Inc.
[7] The Unit was plugged in 1969 and leases surrendered prior to 1974. Contract was cancelled 10-1-85.
[8] ARCO assigned its interest in certain acreage to Patton Oil Corporation by Partial Assignment executed 3-6-86.
[9] Effective 5-1-86, ARCO assigned its interest to Enron Oil and Gas Company and Petrus Oil Company.
[10] Effective 5-1-86, ARCO assigned its interest to Petrus Oil Company and Mobil Producing Texas and New Mexico, Inc.
[11] Effective 1-1-87, ARCO assigned its interest to Exxon Company, USA, Subsidiary of Exxon Corporation.
[12] Effective 4-1-87, ARCO assigned its interest to Pi Energy.
[13] Effective 1-1-87, ARCO assigned its interest to Maynard Oil Company.
[14] Effective 5-1-86, ARCO assigned its interest to Mobil Producing Texas and New Mexico, Inc. and Murphy Oil USA, Inc.
[15] Effective 1-1-87, ARCO assigned its interest to Exxon Corporation.
[16] Effective 1-1-87, ARCO assigned its interest to Ward Petroleum Corporation.
[17] Contract with Trunkline Gas Company reached the end of its own terms 1-1-85. There is no production and no plans for future development.
[18] By Farmout Agreement and Partial Assignment effective 2-15-83, ARCO assigned its interest in certain acreage to Samedan Oil Corporation.
[19] Cities Service assigned its interest in the Harmon #1 Well and lease in NW/4, SW/4 NE/4 and W/2 SE/4, Sec. 22-23N-16W, Major County, Oklahoma, by Term Mineral Conveyance and Bill of Sale to Unit Corporation, executed 4-22-87, effective 4-1-87.
[20] By Assignment of Oil and Gas Leases and Bill of Sale executed 5-4-87, effective 1-1-87, Cities sold all of its wells and assigned its interest in the oil and gas leases ⅓ to J & J Enterprises, Inc. and ⅔ to Consolidated Gas Transmission Corporation.
[21] Cities Service assigned its interest in gas produced from the Federal #1 and Harmon wells and leases in SW/4 NW/4, N/2 NW/4, SE/4 NW/4, operating rights from surface to 8,485 feet in SW/4 Sec. 23-23N-16W and W/2 NW/4, NW/4 SW/4 Sec. 26-23N-16W, Major County, Oklahoma, to Unit Corporation executed 4-22-87, effective 4-1-87.
[22] Effective 7-1-85, Cities Service Oil and Gas Corporation acquired 5.292% interest in the May Field Unit, Kleberg County, Texas from Egret Energy Corporation.
[23] There is currently no production attributable to Cities' interest from the remaining leases under the contract. The leases are only in effect as a result of production from zones in which Cities has no interest, and Cities anticipates no future drilling activities.
[24] Production from Ship Shoal Block 94 OCS-G-1983 ceases in 1981. All wells were plugged and abandoned and lease expired 7-7-86.
[25] Sun assigned its interest in Property No. 637210, James Neal to Bentley & Laing.
[26] Property sold to Sage Energy Co. on 7-1-87.
[27] Property assigned 1-2-86, by Conveyance and Agreement to Doyle Hartman, James A. Davidson, Michael L. Klein, and John H. Hendrix Corporation.
[28] By Assignment and Bill of Sale 12-1-86, property was sold to Bill Bowers.
[29] Sun assigned its interest in Property No. 546360, Beulah Hazlip, to E.A. Karper, E.A. Karper, Jr. and John P. Karper.
[30] Lease expired 4-14-87.
[31] Last lease expired.
[32] Sun assigned interest in Property No. 765384, T-2050' RA SUA (#16); and No. 864907, Mary S. Nelson (#14) to Mobil Oil Exploration & Producing Southeast, Inc.
[33] Sun assigned its gas rights only in the Pettit & Hosston formations to Eli Rebich.
[34] Union Oil Company of California assigned a certain lease under Docket No. G-12012 to Trepco Production Company.
[35] Union Oil Company of California assigned certain leases to GAW Oil Company.
[36] Union Oil Company of California assigned certain leases under Docket No. CI64-1444 to Euroamerican Energy Group, Inc.
[37] Applicant is filing under Gas Purchase Contract, dated 6-25-87, as amended by blanket contract amendment dated 11-12-86.
[38] By assignment effective 10-1-85, Amoco sold its interest in various properties from the surface down to and including the subsurface vertical depth of 12,685 feet. There are no further development plans for the lower zones and no known recoverable reserves.
[39] Well was plugged and abandoned.
[40] This well never produced, was shut-in upon completion and the Bureau of Land Management terminated the lease due to cessation of production.
[41] Champlin Petroleum Company has assigned all rights, title and interest in the dedicated acreage to MM Resources, Inc.
[42] Champlin Petroleum Company has assigned all rights, title and interest in the dedicated acreage to Tenneco Oil Company.
[43] Not used.
[44] Operating rights in depths from the surface of the earth to the base of the Grayburg Formation underlying Lot 3 and the NE/4 SW/4 Sec. 7-T19S-R37E, Lea County, New Mexico have been conveyed to Lewis B. Burleson. Corrects filing received 7-23-87 (CI62-944-000).
[45] Effective 12-1-86, Conoco Inc. conveyed unto Lewis B. Burleson, its operating rights from the surface to the base of the Grayburg Formation underlying the NE/4 SE/4 and NW/4 SE/4 Sec. 7-T19S-R37E, Lea County, New Mexico.
[46] Continued impairment of El Paso Natural Gas Company's ability to purchase gas from these leases in quantities sufficient to maintain them in full force and effect.
[47] Applicant requests three-year limited abandonment. Applicant desires to make all its owned and shared gas reserves available to the spot market. The current deliverability is approxiimately 70 Mcf/month. The gas is NGPA section 104 (replacement contract or recompletion gas). Applicant request a pregranted abandonment for a period of three years.
[48] Continued impairment of United Gas Pipe Line Company's ability to purchase gas from these leases in quantities sufficient to maintain them in full force and effect.
[49] United Gas Pipe Line Company nominated zero gas from field in April 1986. United requested and received a limited-term blanket abandonment certificate from FERC. Release Agreement from United dated 7-9-87.
[50] The George R. Brown Partnership has no interest in any of the leases dedicated under the Gas Purchase Contract having assigned its remaining interest in the leases by Assignment effective 6-5-86, to Great Southern Oil & Gas Co., a small producer; and has made no gas sales from the dedicated acreage attributable to its interest since October, 1985.

[51] The producing acreage was conveyed to Byars Oil and Gas, Inc. effective 6-1-87. ENSTAR Corporation no longer has an interest in said acreage.

[52] By Assignment of Undivided Interest in Oil and Gas Lease made effective 4-1-87, FMP Operating Company, a Limited Partnership assigned its 15% right, title and interest in and to Federal Oil and Gas Lease OCS-2690 to applicant.

[53] This well had a delivery line approximately 6,000 feet in length and needs to be replaced. With anticipated decrease in gas prices plus the small amount of deliverability from this well, it would not be profitable to relay the line. Applicant can lay approximately 800 feet to the Consolidated Gas Company line and deliver gas from this well.

[54] MOEPSI acquired certain interests in Eugene Island Block 116, from OSP by assignment dated 2-4-87, to be effective 12-3-86.

[55] Applicant requests a permanent abandonment of a sale to ANR Pipeline Company. The gas purchase contract has expired. The well is currently shut-in and not producing. Applicant requests a pregranted abandonment for a period of three years. Applicant proposes to sell the gas in the spot market.

[56] Not used.

[57] Texaco assigned all of its interest in the West Cameron Block 17 Field to Chevron effective 1-1-87.

[58] Union's Gas Purchase Agreement with Tennessee dated 3-3-80, as ratified by LL&E on 3-3-80, and subsequently amended by Master Agreement dated 3-30-87 between LL&E and Tennessee.

[59] By Assignment dated 10-8-86, effective 10-1-86, MOC Assignor, assigned to Flag-Redfern Oil Company, Assignee, all of its right, title and interest in and to that certain producing acreage in the SE/4 of Section 2 and the NE/4 of Sec. 11-T33N-R68W, Converse County, Wyoming.

[60] Recompletion unsuccessful. Well dry.

[61] Sohio's non-producing lease No. 343-6068, SE/4 Sec. 27-T3N-R9ECM (160 net acres), was released in September, 1965.

[62] Reserves depleted.

[63] On 9-15-81, the Anderson F #1U (Upper Morrow Zone) and the Anderson F #1L (Lower Morrow Zone) was plugged. Gas production had ceased and additional rework was uneconomical.

[64] Not used.

[65] Cancellation of Gas Purchase and Sales Agreement with THC Pipeline Company.

[66] By assignment dated 9-26-96, effective 9-1-86, Petro-Lewis Funds, Inc. assigned certain acreage to Sonat Exploration Company.

[67] By Assignment dated 4-12-85, effective 3-1-95, Hunt Oil Company assigned certain acreage to Samson Resources Company.

[68] Not used.

[69] By assignments (two) effective 12-4-85, Odeco assigned a 15% interest in the OCS-G-1555 and OCS-G-0605 leases to Minatome Corporation.

[70] Kerr-McGee acquired its interest from Delta US effective 7-1-85.

[71] Applicant's contract with Phillips terminates effective 8-5-87.

[72] The unit well for the 160 acre gas unit, the Hahl-Webb Unit #1, the sole producing well on the dedicated acreage, ceased to produce in August, 1981; Highland's lease reverted to the mineral owners for lack of production and the Gas Purchase Contract expired at the end of its five year term, 1-1-82.

[73] Not used.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 87-17996 Filed 8-6-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CS73-80, et al.]

Natural Gas Company; Applications for Small Producer Certificates [1]; John Snyder, Robert D. Snyder, Overseas Management, Inc. and Snyder Oil Co. (John Snyder, Robert D. Snyder and Overseas Management, Inc.), et al.

August 3, 1987.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's Regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make a protest with reference to said applications should on or before August 17, 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 to a proceeding or to participate as a party in any hearing therein 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No.	Date filed	Applicant
CS73-80	[1] 7-15-87	John Snyder, Robert D. Snyder, Overseas Management, Inc. and Snyder Oil Company (John Snyder, Robert D. Snyder and Overseas Management, Inc.), c/o John, Hengerer & Esposito, 1120 19th Street, NW., Suite 400, Washington, DC 20036.
CS73-285	[2] 7-14-87	R.N. Hillin, dba Hillin Production Company (Robert Neil Hillin), P.O. Box 152, Odessa, Texas 79760.
CS75-154	[3] 6-9-87	Curtis J. Little Oil & Gas, Curtis J. Little Estate, Curtis Little Trust, Sylvia F. Little, Susan L. Little, Robert O. Little, Susan L. Little Trust and Robert O. Little Trust (Curtis J. Little), P.O. Box 1258, Farmington, NM 87499.
CS86-47-000	[4] 7-22-87	Zilkha Energy Co. (SKZ Inc.) Suite 3200, 1201 Louisiana Street, Houston, TX 77002-5223.
CS87-81-000	7-2-87	BK Petroleum, Inc., P.O. Box 826, Farmington, NM 87499.
CS87-82-000	7-13-87	Questa Energy Corp., P.O. Box 19297, Amarillo, TX 79114.
CS87-83-000	7-13-87	Trepco Production CO., Inc., 6600 S. Council Road., Oklahoma City, OK., 73169.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CS87-84-000	7-16-87	Pro-Gas, Inc., P.O. Box 6243, Midland, TX 79711.
CS87-85-000	7-17-87	Bell & Kinley Co., 5560 A NW 72nd Street, Oklahoma City, OK. 73132.
CS87-86-000	7-20-87	W.C. Martin, Inc., 3220 North Freeway, Suite 120, Fort Worth, TX 76111.
CS87-87-000	7-20-87	Petro-Ventures, Inc., Suite 545 Triad Center, 501 NW Expressway, Oklahoma City, OK 73118.

[1] Letter dated and received July 15, 1987, requesting that sales by Snyder Oil Company be covered under the small producer certificate issued to John Snyder, Robert D. Snyder and Overseas Management, Inc.

[2] Letter dated July 9, 1987, received July 14, 1987, advising that Robert Neil Hillin is the owner of Hillin Production Company, and as the sole proprietor operates as R.N. Hillin, dba Hillin Production Company.

[3] Letter dated June 3, 1987, received June 8, 1987, as supplemented by letter dated June 26, 1987, received July 8, 1987, advising that Curtis J. Little is deceased and requesting that the small producer certificate issued to Curtis J. Little in Docket No. CS75-154 be redesignated under the names of his heirs and successors whose names are Curtis J. Little Oil & Gas, Curtis J. Little Estate, Curtis Little Trust, Sylvia F. Little, Susan L. Little, Robert O. Little, Susan L. Little Trust and Robert O. Little Trust.

[4] Letter dated and received July 22, 1987, requesting redesignation of small producer certificate.

[FR Doc. 87-17997 Filed 8-6-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA87-2-63-000]

Proposed Changes in FERC Gas Tariff; Carnegie Natural Gas Co.

August 4, 1987.

Take notice that Carnegie Natural Gas Company ("Carnegie") on July 31, 1987, tendered for filing as a part of its FERC Gas Tariff, First Revised Volume No. 1, six copies each of the following revised tariff sheets:

Third Revised Sheet No. 47
Third Revised Sheet No. 48

The above revised tariff sheets are being issued to reflect purchased gas cost Carnegie has experienced from its pipeline supplier, Texas Eastern Transmission Corporation ("TETCO"), and from a modification of purchase pattern in its producer purchases. The effect of such cost increases is to change its demand component from $10.0944/Dth to $10.0064/Dth and its commodity component from $2.6444 to $2.7245, the combined effect of which results in an overall increase of its combined effect of which results in an overall increase of its LVWS Rate. Carnegie's current interruptible rate of $2.9763/Dth is likewise increased to $3.0534 for its LVIS Rate.

The proposed effective date of the above tariff sheets is September 1, 1987.

Carnegie respectfully requests waiver of any provisions of its tariff, and any Regulations that the Commission may deem necessary to accept the above tariff sheets to be effective September 1, 1987, so as to have said rate change commence on the first day of a billing period.

Copies of the filing were served on Carnegie's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 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 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Carnegie's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17998 Filed 8-6-87; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA87-5-21-000 and TA82-1-21-001 et al.]

Proposed Changes in FERC Gas Tariff; Columbia Gas Transmission Corp.

August 4, 1987.

Take notice that Columbia Gas Transmission Corporation (Columbia) on July 31, 1987, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective September 1, 1987:

One hundred and nineteenth Revised Sheet No. 16
Tenth Revised Sheet No. 16A2
Forty-ninth Revised Sheet No. 64

Columbia states that the sales rates set forth on One hundred and nineteenth Revised Sheet No. 16 reflect an overall decrease of 64.94¢ per Dth in the Commodity rate and overall increase of $.937 per Dth in the Demand-1 rate and 5.00¢ per Dth in the Demand-2 rate. These rates are comprised of the following:

(1) A Current Purchased Gas Cost Adjustment Applicable to Sales Rate Schedules;

(2) Unrecovered Purchased Gas Cost Surcharges;

(3) A negative surcharge adjustment (Benchmark Surcharge) to provide for the flow-through over the twelve-month period ending August 31, 1988, of 50% of the Decrease in Gas Costs for the twelve months ending March 31, 1987, pursuant to Article II of the April 4, 1985 Stipulation and Agreement in Docket No. TA82-1-21-001, *et al.*; and

(4) A surcharge adjustment to provide for the recovery of carrying charges related to take-or-pay reimbursements billed by Panhandle Eastern Pipe Line Company and Tennessee Gas Pipeline Company pursuant to Commission approved settlements in Docket Nos. RP83-5-000 and RP83-8-000, respectively.

In addition, the transportation rates set forth on Tenth Revised Sheet No. 16A2 reflect a decrease in the Fuel Charge component of 1.04¢ per Dth.

Copies of the filing were served upon the Company'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, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, 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 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to

intervene. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-17999 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-168-012]

Proposed Changes in FERC Gas Tariff; Columbia Gas Transmission Corp.

August 3, 1987.

Take notice that Columbia Gas Transmission Corporation (Columbia) on July 31, 1987 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1:

To Be Effective April 1, 1987

Third Substitute One hundred and fifteenth Revised Sheet No. 16
Second Substitute Eighth Revised Sheet No. 16A2
Seventh Revised Sheet No. 17
Fifth Revised Sheet No. 26
Substitute First Revised Sheet Nos. 89-89F

To Be Effective May 11, 1987

Second Substitute One hundred and seventeenth Revised sheet No. 16

To Be Effective July 1, 1987

One hundred and eighteenth Revised Sheet No. 16
Ninth Revised Sheet No. 16A2

Columbia also tendered for filing Tenth Revised Sheet No. 693 to Original Volume No. 2 of its FERC Gas Tariff, to be effective July 1, 1987.

Columbia states that such changes are necessary to comply with ordering paragraphs (C) and (D) of the Commission's March 31, 1987 Order Granting Rehearing in Part and Rejecting Rehearing as Moot, 38 FERC ¶ 61,342 and with ordering paragraphs (A) and (B) of the Commission's July 16, 1987 Order Granting Rehearing in Part and Denying Clarification, 40 FERC ¶ 61,030 in this proceeding.

The filing also includes (1) a reconciliation of book and tax depreciable net plant as of June 30, 1987; (2) a comparison of the per book accumulated deferred income taxes and the associated reserve recomputed using the reduced federal income tax rate as ordered at 34 percent; and (3) a plan for refunding the excess tax reserve reflected in this recomputation and to account for the tax-on-tax effects of the foregoing calculations.

Columbia states that if the issue of the appropriate accumulated depreciation reserve level at April 1, 1987 pending before Presiding Administrative Law Judge Charles E. Bullock is ultimately decided adversely to Columbia, the refund level in the plan would have to be reduced. Columbia also states that while the filing provides for a refund of excess federal taxes, a deficiency in state deferred taxes still exists and that an addback has been reflected in the state tax calculation in order to properly fund this deficiency over the remaining twenty-three month period of the eleven-year period set forth in Article VI of the Stipulation and Agreement in Docket No. RP80-146.

A copy of the filing has been served upon each of Columbia's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 11, 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. 87-18000 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-167-010]

Proposed Changes in FERC Gas Tariff; Columbia Gulf Transmission Co.

August 4, 1987.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on July 31, 1987 tendered for filing revised changes in its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 2 to become effective July 1, 1987.

Columbia Gulf states that such tariff sheets are necessary to place its rates into effect in accordance with the Federal Energy Regulatory Commission Order issued March 31, 1987 and July 16, 1987 at Docket Nos. RP86-167 and RP86-168.

The tariff sheets encompass Columbia Gulf's rate filing herein of February 27, 1987, with adjustments to its Revised Cost of Service to reflect the reduction in the Federal corporate income tax rate from 46% to 34% effective July 1, 1987; the "Reverse South Georgia" method of refunding the "excess" deferred tax reserve in FERC Account No. 282; and addback of deficiency in state deferred tax reserve.

Copies of this filing were served upon all of Columbia Gulf's jurisdictional customers.

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 §§ 385.211 and 385.214 of the Commission's rules of practice and procedure. All such motions or protests should be filed on or before August 11, 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 Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-18001 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-3-22-000 (PGA87-2) (IPR87-2) and (RD&D87-3)]

Proposed Changes in FERC Gas Tariff; Consolidated Gas Transmission Corp.

August 4, 1987.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on July 31, 1987, filed the following revised tariff sheets:

Fourteenth Revised Sheet No. 31
First Revised Sheet Nos. 121 through 127 and 130 through 135
Second Revised Sheet Nos. 128, 129 and 136
Alternate Fourteenth Revised Sheet No. 31

Consolidated has included in its filing:

(a) A change in the current cost of gas of 26.23 cents per dekatherm commodity and (23) cents per dekatherm demand;

(b) A surcharge of 16.35 cents per dekatherm to recoup amounts accumulated in Account 191, Unrecovered Purchased Gas costs;

(c) A refund credit of 8.16 cents per dekatherm to flow through supplier refunds.

As part of its filing, Consolidated has revised section 12 of its tariff (PGA clause) in order to reduce the seasonal rate variations that have been the subject of recent customer and state commission concern.

Copies of the filing were served upon Consolidated's sales customers as well as interested state commissions.

Concurrently with these PGA changes, Consolidated also includes a separately stated rate surcharge to recover its funding of take-or-pay payments made by Tennessee Gas Pipeline Company under the procedures approved in the Commission's order issued on April 16, 1985, in *Columbia Gas Transmission Corporation v. Tennessee Gas Pipeline Company, et al.*, in Docket Nos. RP83–8, *et. al.* The take-or-pay surcharge is 0.03 cents per dekatherm.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All motions or protests should be filed on or before August 11, 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. 87–18002 Filed 8–6–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID–2306–000]

Notice of Filing; H. L. Culbreath

August 3, 1987.

Take notice that on July 29, 1987, H. L. Culbreath filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board, President and Director—Tampa Electric Co.

Director, NCNB Corp.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before August 17, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–18003 Filed 8–6–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87–54–000]

Petition for Adjustment; Forman Exploration Co.

Issued August 3, 1987.

On July 1, 1987, Forman Exploration Company (Forman) filed with the Federal Energy Regulatory Commission a petition for adjustment pursuant to Commission Order No. 399–A,[1] section 502(c) of the Natural Gas Policy Act of 1978–A,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Forman seeks waiver of its obligations attributable to royalty payments to the State of Louisiana. Under Commission Order Nos. 399, 399–A, and 399–B, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Forman states that the Louisiana Department of Natural Resources, Office of Mineral Resources, State Mineral Board, adopted a resolution October 9, 1985, refusing to refund overpaid royalties under Commission Order Nos. 399, 399–A, and 399–B. Forman states that it considers the refund obligations uncollectible as a result. Forman requests release subject to any change in the State Mineral Board's position. Should the State of Louisiana change its position and refund overpaid royalties, Forman states that it will promptly remit these refund obligations.

The procedures applicable to the conduct of this waiver proceeding are found in Subpart K of the Commission's rules of practice and procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Rules 214 and 1106 of the Commission's rules of practice and procedure. All motions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–18004 Filed 8–6–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87–772–000]

Application; Matagorda Island Exploration Corp.

August 3, 1987.

Take notice that on July 17, 1987, Matagorda Island Exploration Corporation (Applicant), of P.O. Box 1330, Houston, Texas 77251–1330, filed an application pursuant to 18 CFR 154.92(d) and 154.94, and 157.23 *et seq.*, for a Certificate of Public Convenience and Necessity to continue the sales of natural gas previously authorized to be sold by various Parties (the Parties) named therein under the contracts listed on Attachment I hereto. The sales of gas by the Parties have been previously been covered under Small Producer Certificates of Public Convenience and Necessity issued to Stevens County Oil and Gas Company in Docket No. CS72–178 or Union National Bank of Wichita, as Executor of the Estate of Walter F. Kuhn, deceased in Docket No. CS 71–158. The rights and interest of the Parties in various counties in Kansas were assigned to Applicant effective December 1, 1986.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 14, 1987, filed 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

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[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,812.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 395.1101 through 395.1117 (1986).

[4] 49 FR 37735 at 37740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,597 at 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), cert. denied, 465 U.S. 1108 (1984).

[5] In Order No. 399–C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

ATTACHMENT I TO APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY OF MATAGORDA ISLAND EXPLORATION CORPORATION

Contract No.	Rate schedule No.	Contract date	Field	Purchaser	Applicable rate	Effective date of rate establishment
1		11-18-55	Hugoton	Greeley Gas Co	$.75	12-01-86
					$.327	12-01-86
2		11-18-55	Hugoton	Greeley Gas Co	$.327	12-01-86
					$.35	12-01-86
3		01-04-56	Hugoton	KN Energy, Inc	$.327	12-01-86
4		10-17-44	Hugoton	Northern Natural Gas Co	$.327	12-01-86
					$.627	12-01-86
					$3.151	12-01-86
					$1.237	12-01-86
5		08-07-75	Hugoton	Northern Natural Gas Co	$.627	12-01-86
6		08-23-48	Hugoton	Northern Natural Gas Co	$.327	12-01-86
7		09-09-49	Hugoton	Northern Natural Gas Co	.627	12-01-86
8		09-01-59	Hugoton & Panoma Council Grove.	Panhandle Eastern Pipe Line Co	$.627	12-01-86
					$2.206	12-01-86
					$2.609	12-01-86
					$3.151	12-01-86
					$4.746	12-01-86
9		03-11-60	Hugoton	Panhandle Eastern Pipe Line Co	$.627	12-01-86
10		12-06-60	Hugoton, Gentzler & Panoma Council Grove.	Panhandle Eastern Pipe Line Co	$.627	12-01-86
					$2.206	12-01-86
					$3.151	12-01-86
					$4.746	12-01-86
11		11-01-57	Hugoton Wilburton N Greenwood.	Panhandle Eastern Pipe Line Co	$.627	12-01-86
					$4.746	12-01-86
12		09-01-59	Hugoton	Panhandle Eastern Pipe Line Co	$.627	12-01-86
13		05-10-61	Hugoton & Panoma Council Grove.	Panhandle Eastern Pipe Line Co	$.327	12-01-86
					$.627	12-01-86
					$3.151	12-01-86

[FR Doc. 87-18005 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-3-26-001]

Proposed Changes in Rates; Natural Gas Pipeline Co. of America

August 4, 1987.

Take notice that on July 27, 1987, Natural Gas Pipeline Company of America (Natural) tendered for filing the following tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective September 1, 1987:

Substitute Sixty-sixth Revised Sheet No. 5

Substitute Thirty-third Revised Sheet No. 5A

Natural states that the purpose of the instant filing is to amend Natural's semi-annual PGA unit rate adjustment (including revised surcharge) filed on July 23, 1987 to partially comply with the Commission's Opinion Nos. 256 and 256-A. The partial compliance relates to Natural's Canadian purchases from ProGas Ltd. Natural states that it has deferred making a compliance filing respecting Great Lakes' charges until the Commission acts on relevant Great Lakes proceedings.

Natural states that the overall effect of the amendment reduces Natural's DMQ-1 demand and entitlement rates by $.07 and .36¢, respectively, while increasing Natural's DMQ-1 commodity rate by 3.26¢. Corresponding adjustments were made to Natural's other rates and charges to maintain the same rate design relationship. Natural requests that the amendment become effective September 1, 1987, the same date on which Natural's regular PGA will become effective.

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 a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make portestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-18006 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-776-000]

Application; Odeco Oil & Gas Co.

August 3, 1987.

Take notice that on July 20, 1987, Odeco Oil & Gas Company (Applicant), of P.O. Box 61780, New Orleans, Louisiana 70161, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA), 15 U.S.C. 717 (c) and (f), and the provisions of 18 CFR Part 157, of the Commission's Regulations, for a blanket certificate of public convenience and necessity to authorize a sale of natural gas for resale in interstate commerce and confer pregranted abandonment for sales of gas actually sold under the certificate. Applicant proposes to sell natural gas produced by Applicant and Applicant's working interest owners from reservoirs located in the Outer Continental Shelf which have not been previously committed.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-18007 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-253-025 et al.]

Proposed Changes in FERC Gas Tariff; Panhandle Eastern Pipe Line Co.

August 4, 1987.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on July 28, 1987 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Rate Schedule TS-2

Seventh Revised Sheet No. 986
Ninth Revised Sheet No. 987
Third Revised Sheet No. 1008
Third Revised Sheet No. 1021
Third Revised Sheet No. 1034
Third Revised Sheet No. 1047

Rate Schedule TS-3

Third Revised Sheet No. 1089
Sixth Revised Sheet No. 1091
Third Revised Sheet No. 1113
Third Revised Sheet No. 1126

Rate Schedule TS-4

Sixth Revised Sheet No. 1712
Fourteenth Revised Sheet No. 1733
Fourteenth Revised Sheet No. 1741
Fourteenth Revised Sheet No. 1749
Fourteenth Revised Sheet No. 1759
Eleventh Revised Sheet No. 1760.5

Rate Schedule TS-5

Fifth Revised Sheet No. 1812
Fifth Revised Sheet No. 1813
Fourteenth Revised Sheet No. 1834
Fourteenth Revised Sheet No. 1842

Rate Schedule TS-6

Second Revised Sheet No. 3019
Second Revised Sheet No. 3020
Second Revised Sheet No. 3043
Second Revised Sheet No. 3057
Second Revised Sheet No. 3071
Second Revised Sheet No. 3084

Panhandle proposes that these tariff sheets become effective July 1, 1987.

Panhandle states that such changes are made to amend Rate Schedules TS-2, TS-3, TS-4, TS-5 and TS-6 for the transportation and storage of natural gas on behalf of various Panhandle customers, with Michigan Consolidated Gas Company, Interstate Storage Division (ISD). Specifically, such changes are made to incorporate ISD's current storage and transportation charges in Docket No. RP84-13-004 pursuant to the Commission Order issued May 12, 1987.

A copy of this filing has been served on the various Panhandle storage customers.

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 petitions or motions should be filed on or before August 11, 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. 87-18008 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-785-000]

Application; Phillips 66 Natural Gas Co.

August 3, 1987.

Take notice that on July 22, 1987, Phillips 66 Natural Gas Company (Phillips 66 NGC), of 990-G Plaza Office Building, Bartlesville, Oklahoma 74004, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) and Parts 154 and 157 of the Commission's Regulations for (1) blanket sales certificates of public convenience and necessity authorizing sales into interstate commerce of any gas subject to Natural Gas Act jurisdiction; (2) pregranted abandonment of any such sale; and (3) waiver of requirements for filing and maintaining rate schedules.

The gas that Phillips 66 NGC would be purchasing and reselling under the blanket certificate would be gas released under other LTA authorizations, gas released pursuant to the Order No. 451 series, or any other natural gas subject to the Commission's Natural Gas Act jurisdiction which has been freed from requirements for continued deliveries to the previously certificated producer.

Phillips 66 NGC requests that the Commission waive Part 154 of its regulation as to the establishment and maintenance of rate schedules. Phillips 66 NGC requests permission to automatically collect the appropriate monthly adjustment under the Commission's wellhead ceiling price regulations without the filing of blanket affidavits pursuant to §154.94(h). In addition, Phillips 66 NGC requests that, to the extent it qualifies for collection for any applicable allowances under Section 110 of the Natural Gas Policy Act of 1978 and Subpart K, Part 271 of the Commission's regulations, it be permitted to collect such allowance without filing of affidavits pursuant to §154.94(k) of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-18009 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI87-724-000]

Application for Permanent Abandonment; Pogo Producing Co.

August 3, 1987.

Take notice that on June 26, 1987, as supplemented on July 20, 1987, Pogo Producing Company ("Pogo") filed an

application pursuant to section 7(b) of the Natural Gas Act and §§ 2.77 and 157.30 of the Commission's Regulations requesting authority to permanently abandon sales of natural gas from Eugene Island Blocks 295 and 330 and East Cameron 295, Offshore Louisiana, certificated by the Commission in Docket Nos. CI73–477 and CI73–546 and covered under Pogo's FERC Gas Rate Schedule Nos. 1, 2 and 3.

Pogo states that the pipeline purchaser of the gas from these producing properties, Sea Robin Pipeline Company (Sea Robin), has terminated its purchases of the Pogo production certificated in Docket Nos. CI73–477 and CI73–546. Pogo states that in October 1986 Sea Robin notified Pogo that it was electing to act under the economic provisions of the parties' gas purchase contracts and Pogo exercised its right to terminate the contracts rather than accept the provisions offered by Sea Robin. Shortly after the date of contract termination, February 22, 1987, Sea Robin totally ceased its purchases of Pogo production from the subject properties.

Because Sea Robin's purchases of Pogo production certificated in the above-referenced dockets totally ceased shortly after cancellation of the underlying gas purchase contracts between Pogo and Sea Robin, Pogo requests that the instant application be considered under the Commission's procedure for expedited abandonment prescribed in § 2.77 of the Commission's Regulations.[1]

Pogo states that while the sales covered herein are eligible for release under Sea Robin's limited-term abandonment program authorized by the Commission's June 17, 1987, order in Docket No. CI87–595–000 and CI87–597–000, 39 FERC ¶ 61,311 (1987), Pogo would prefer the greater flexibility and certainty afforded by permanent abandonment authority. With permanent abandonment authority, Pogo states it will be able to market is production for the short term under the authority of independent marketer LTA programs, *e.g.; Entrade Corp., et al.*, 38 FERC ¶ 61,344 (1987), and, at such time as Pogo may enter a long-term arrangement for the sale of its production, it may apply to the Commission for its own authority to make sales for resale in interstate commerce.

Pogo states that the deliverability is approximately 75.652 MMcf/d. The gas is NGPA section 104 flowing (26%), 1973–1974 biennium (1%), post 1974 (6%), 102(d) (20%) and optional certificate procedure Order No. 455 gas (47%).

Since applicant alleges that it is subject to substantially reduced takes without payment and has requested that its application be considered on an expedited basis, all as more fully described in the attached tabulation and in the applications which are on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–18010 Filed 8–6–87; 8:45 am]

BILLING CODE 6717–01–M

[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment.

[Docket No. CI87–735–000]

Application for Limited-Term Abandonment With Pregranted Abandonment for Sales Under Small Producer Certificate

August 3, 1987.

Take notice that on June 30, 1987, as supplemented by letter dated July 20, 1987, Total Minatome Corporation (Total), filed an application pursuant to section 7(b) of the Natural Gas Act and § 2.77 of the Commission's rules. Total requests three-year limited-term abandonment of the excess natural gas sold to Northern Natural Gas Company, Division of Enron Corp., from the Gomez Field, Pecos County, Texas. Total requests three-year pregranted abandonment for any sales for resale in interstate commerce of the released gas. A small producer certificate was issued to Minatome Corporation in Docket No. CS86–30–000. Minatome Corporation states that it changed its name to Total Minatome Corporation, effective May 1, 1987.

In support of its application Total states it is subject to substantially reduced takes without payment.[1] The deliverability is 16 MMcf/d. The gas is NGPA section 104 Certain Permian Basin Area. Northern is currently taking approximately 10% of the deliverability from the subject wells.

Since Total alleges that it is subject to substantially reduced takes without payment and has requested that its application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in 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 Total to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–18011 Filed 8–6–87; 8:45 am]

BILLING CODE 6717–01–M

[1] The United States Court of Apeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987, in vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment.

[Docket No. RP87-81-000]

Petition For Declaratory Order; Transcontinental Gas Pipe Line Corp. and Texas Eastern Transmission Corp.

August 4, 1987.

Take notice that on July 27, 1987, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, and Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521 Houston, Texas 77252, filed in Docket No. RP87-81-000 a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR § 385.207) for a declaratory order declaring that a proposed exchange of gas between Transco and TETCO may be done pursuant to rate schedules on file with the Commission without subjecting either Transco ot TETCO to the open-access provisions of Order No. 436.

The petition states that there currently exists an agreement between TETCOP and Transco which provides for the exchange of natural gas by mutual dispatching agreement. Service under the agreement has been certificated under the Natural Gas Act and the agreement is on file as TETCO's Rate Schedule X-14 and Transco's Rate Schedule X-4.

TETCO currently renders service to Consolidated Edison Company of New York, Inc., The Brooklyn Union Gas Company and Long Island Lighting Company (New York LDC's), making deliveries of gas to the New York LDC's at TETCO's measuring and regulating station No. 858 into a pipeline jointly owned by the New York LDC's. On May 11, 1987, the pipeline was taken out of service for upgrading and will remain out of service until mid-September 1987. TETCO likewise has facilities out-of-service. Pending the return to service of the facilities, TETCO proposes to make deliveries of gas to the New York LDC's through an exchange of gas with Transco at existing interconnections between their systems, with delivery of the gas by Transco to the New York LDC's through existing delivery points, all pursuant to the previously certificated exchange agreement.

In the past, it is stated, Transco had been assisting TETCO in making deliveries to the New York LDC's by accepting deliveries of gas at existing interconnections and transporting the gas pursuant to the open-access provisions of Order No. 436. However, Transco has recently chosen to terminate open-access transportation. The petition states that TETCO believes that Transco can perform the exchange service pursuant to Rate Schedules X-4 and X-14 for the benefit of the new York LDC's. However, it is stated, Transco has replied that it believes the rate schedules do not apply to service for the benefits of the New York LDC's and that undertaking transportation pursuant to these rate schedules would subject Transco to the open-access provisions of Order No. 436. Therefore, TETCO has requested that the Commission issue an order declaring that Rate Schedules X-4 and X-14 are operable in the circumstances described above and that operation of the above described certificated exchange agreement between TETCO and Transco will not subject them to the open-access provisions of Order No. 436.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 19, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-18012 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-2-30-000]

Change in Tariff; Trunkline Gas Co.

August 4, 1987.

Take notice that on July 31, 1987, Trunkline Gas Company (Trunkline) tendered for filing Fifty-Sixth Revised Sheet No. 3-A and Fourteenth Revised Sheet No. 3-B to its FERC Gas Tariff, Original volume No. 1.

The proposed effective date of these revised tariff sheets is September 1, 1987.

Trunkline states that these revised tariff sheets reflect a commodity rate decrease of (3.42¢) per Dt. to implement Trunkline's annual PGA unit rate adjustsment pursuant to section 18 of the General Terms and Conditions of Trunkline's Tariff. Trunklines further states that the revised tariff sheets filed herewith reflect Projected Incremental Pricing Surcharges in accordance with section 21 of the General Terms and Conditions of Trunkline's Tariff.

To the extent required, if any Trunkline requests that the Commission grant such waivers as may be necessary for acceptance of the tariff sheets submitted herewith, to become effective September 1, 1987, as previously described. This filing is subject to Trunkline's rights respecting unresolved prior PGA and rate filings.

Copies of this letter and enclosures are being served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition 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 petitions or protests should be filed on or before August 11, 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-18013 Filed 8-6-87; 8:45 am]

BILLING CODE 6717-01-M

[Dockets Nos. CI87-665-000 and CI87-668-000]

Application for Permanent Abandonment and Blanket Certificate With Pregranted Abandonment; Union Oil Co. of California

August 3, 1987.

Take notice that on June 2 and June 22, 1987, as supplemented July 24, 1987, Union Oil Company of California (Union) filed applications pursuant to section 7 of the Natural Gas Act and § 2.77 of the Commission's rules. Union requests authorization for a permanent abandonment of its sale of gas in Docket No. CI87-665-000 to El Paso Natural Gas Company (El Paso) from the PBM Unit #1, Gomez Field, Pecos County, Texas, and for a three year blanket limited-term certificate with pregranted abandonment in Docket No. CI87-668-000 to sell such natural gas in interstate commerce.

In support of its applications Union states that the contract dated March 13,

1967, expired May 10, 1987, and El Paso has not offered a new contract. The sale was made under a certificate issued in Docket No. CI67–1366 and covered under Union's FERC Gas Rate Schedule No. 177. For sometime El Paso has taken substantially less gas without payment from the property.[1] Now that the contract has expired Union states that El Paso will not take any gas volumes from the PBM Unit #1. Union's interest consists of approximately 600 Mcf/day of section 104 flowing gas. Union desires to seek a new buyer, or buyers.

Since Union indicates its well is experiencing substantially reduced takes without payment and has requested that its application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in 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 Union to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–18014 Filed 8–6–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. C187–786–000]

Application Val Gas, L.P.

August 3, 1987.

Take notice that, pursuant to sections 4 and 7 of the Natural Gas Act ("NGA"), 15 U.S.C. 717c and 717f, and Parts 154 and 157 of the Federal Energy Regulatory Commission ("Commission") Regulations Under the NGA, 18 CFR Parts 154 and 157, Val Gas, L.P. ("Val Gas") filed on July 24, 1987, an application which requests (1) an order (a) issuing a blanket certificate of public convenience and necessity for the sale for resale of gas (including gas qualifying under sections 102(d), 104, 106(a), 107(c)(5), 108 and 109 of the Natural Gas Policy Act ("NGPA")) in interstate commerce by Val Gas and any producer from whom Val Gas purchases gas, (b) issuing a blanket certificate of public convenience and necessity for sales for resale of gas in interstate commerce by producers through Val Gas as their agent, and (c) authorizing pre-granted abandonment of sales authorized in (a) and (b) above.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 17, 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 and 385 .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–18015 Filed 8–6–87; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–3243–9]

Environmental Impact Statements; Availability

Responsible Agency

Office of Federal Activities, General Information (202) 382–5073 or (202) 382–5075.

Availability of Environmental Impact Statements Filed July 27, 1987 Through July 31, 1987

EIS No. 870259, DSuppl, COE, CA, Sacramento River Bank Protection Project, Butte Basin Reach Stabilization, Updated Information, Butte and Glenn Counties, Due: September 21, 1987, Contact: Mike Welsh (916) 551–1861.

EIS No. 870260, Final, COE, IA–415 Highway Modifications, Segment C, IA–415 and NW 78th Street to Barrier Dam Roadway, Saylorville Lake Recreation Areas, Access Roadway Improvement Under Section III of the Water Resource Act 1976, Polk County, Due: September 8, 1987, Contact: Jon Duyvejonck (309) 788–6361.

EIS No. 870261, Draft, FHW, IN, US 231/ Wabash River Crossing Relocation and Construction, County Road 350S to West Lafayette, Wabash River, Tippecanoe County, Due: September 21, 1987, Contact: James Threlkeld (317) 269–7494.

EIS No. 870262, FSuppl, COE, OK, Clayton (Sardis) Lake, Jackfork Creek, Dam and Lake Construction, Daisy to Sardis Lake Access Road Construction, Additional Information, Due: September 8, 1987, Contact: Paul Mace (918) 581–7857.

EIS No. 870263, DSuppl, USA, WA, Fort Lewis Military Installation, Fort Lewis and Yakima Firing Center, High-Technology Motorized Division Conversion, 9th Infantry Division, Updated Information, Due: September 21, 1987, Contact: Gary Stedman (206) 967–5337.

EIS No. 870264, Draft, EPA, FL, Charlottee Harbor Ocean Dredged Material Disposal Site, Permanent Designation, Due: September 21, 1987, Contact: Sally Turner (404) 347–2126.

EIS No. 870265, Draft, BLM, AZ, CA, Yuma District Wilderness Study Areas Wilderness Designation, Recommendations, Due: November 20, 1987, Contact: Darwin Snell (602) 726–6300.

EIS No. 870266, Final, BLM, CO, Wolf Ridge Nahcolite Solution Mine, Construction and Operation, Piceance Basin, Plan Approval, Rio Blanco County, Due: September 8, 1987, Contact: Willy Frank (303) 878–3601.

EIS No. 870267, Final, BLM, NV, Wells Resource Areas, Wilderness Study Areas Wilderness Designation, Recommendations, Elko County, Due: September 8, 1987, Contact: Rodney Harris (702) 738–4071.

EIS No. 870268, Final, BLM, CO, Gunnison Basin, American Flats and Silverton Planning Units, Wilderness Study Areas Wilderness Designation, Recommendations, Due: September 8, 1987, Contact: Terry Reed (303) 641–0471.

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[1] The United States Court of Appeals for the District of Columbia vacated the Commission's Order No. 436 on June 23, 1987. In vacating Order No. 436, the Court rejected challenges to the Commission's statement of policy in § 2.77 of its Regulations. Section 2.77 states that the Commission will consider on an expedited basis applications for certificate and abandonment authority where the producers assert they are subject to substantially reduced takes without payment.

Dated: August 4, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-18035 Filed 8-6-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3244-6]

Environmental Impact Statements and Regulations; Availability of EPA Comments Prepared July 20, 1987 Through July 24, 1987

Availability of EPA comments prepared July 20, 1987 through July 24, 1987 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act (CAA) and section 102(2)(c) of the National Environmental Policy Act (NEPA) as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076/73. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. DS-BLM-K08005-00, Rating EC2, Devers-Palo Verde No. 2, 500 kV Transmission Line Project, Construction and Operation, Right-of-Way Grant, Additional Alternatives, CA and AZ. *Summary:* EPA expressed environmental concerns because the draft supplemental EIS did not demonstrate the project's compliance with the section 404(b)(1) Guidelines of the Clean Water Act, which regulate the discharge of dredged or fill material into waters of the U.S., including riparian areas and desert washes that could be impacted by project features.

ERP No. D-FHW-E40706-GA, Rating EC2, Mansell Rd./GA-400 Interchange Extension, Mansell Rd./Old Roswell Rd. Intersection to Old Alabama Rd./Turner Rd., 404 Permit, GA. *Summary:* EPA's concerns were the lack of a Wetlands Mitigation Plan, design year Level of Service values (air quality), detailed analysis of only one build alternative, and noise impacts. As a result, more information was requested in these areas and additional consideration of noise documentation and abatement. EPA also requested that the close consultation with local governments contributing to funding be continued.

ERP No. D-SFW-L64036-AK, Rating EC2, Yukon Delta Nat'l Wildlife Refuge, Long Term Mgmt. Plan and Wilderness Review, AK. *Summary:* EPA's major concern involved the requirement for additional funding and staff level increases in order to fully implement the management directives encompassed by each alternative. The draft EIS noted that the funding and staff levels would have to more than double to fully implement any of the four alternatives. EPA suggested that the final EIS discuss the funding process and present contingency plans for implementing each alternative in the event that funding is inadequate.

ERP No. D-USA-L11007-WA, Rating EC2, Yakima Firing Center Expansion of Military Training Center, Land Acquisition, Fort Lewis Military Installation, 9th Infantry Division, WA. *Summary:* The draft EIS identifies, generally, a number of significant environmental resources and ecosystems that will be affected by the proposed training center expansion. However, the EIS does not respond adequately to a number of environmental issues EPA raised during the scoping process. These issues include: Air quality impacts, noise mitigation, water quality impacts, and justification for the need for the two Columbia River crossing sites.

Final EISs

ERP No. F-AFS-L65098-ID, Challis Nat'l Forest, Land and Resource Mgmt. Plan, ID. *Summary:* EPA's major concern with the final EIS and Forest Plan is that the interrelationship between major components of the forest management process is not clearly described. Also the level of detail and commitment for monitoring was not commensurate with the sensitivity of the resources in the Forest nor the inadequacy of the existing data base.

ERP No. F-FHW-D40213-DE, US-13 Relief Route Construction, DE-7 to US 113/US 13, 404 Permit, DE. *Summary:* EPA's review found that the final EIS satisfactorily addressed earlier concerns regarding the draft EIS. However, EPA is concerned about the lack of clarity in some sections of the final EIS and recommends their modification.

ERP No. FS-FHW-E40150-FL, Port Everglades Expressway/I-595 Construction, I-95/FL-736/Davie Blvd. Improvement, S. Fork New River to Broward Blvd., FL. *Summary:* EPA was primarily concerned that the final supplemental EIS did not indicate whether the proposed project was considered in an areawide hydrocarbon burden analysis as the project area is in a nonattainment for ozone area. Although this and other air quality concerns were orally resolved, follow-up documentation was requested. EPA also requested follow-up regardipg noise impacts, the need for a clearer commitment for noise abatement, and planned additional noise studies.

Regulation

ERP No. R-FCC-A99077-00, 47 CFR Part 80, Protection From Potentially Hazardous Environmental Radiofrequency Radiation From Ship Earth Stations and Ship Radar Stations (52 FR 18409). *Summary:* EPA is concerned that the minimal voluntary requirements of the FCC's proposed rule do not provide sufficient protection to human health from radiofrequency (RF) radiation and urges FCC to take a more active role in this effort.

Dated: August 4, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-18036 Filed 8-6-87; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59247; FRL-3243-3]

Test Market Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written comments by August 24, 1987.

ADDRESS: Written comments, identified by the document control number "[OPTS-59247]" and the specific TME number should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances,

Environmental Protection Agency, Rm. E–611, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TMEs received by EPA. The complete non-confidential document is available in the Public Reading Room NE–G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

T 87–21

Close of Review Period. August 30, 1987.
Manufacturer. Henkel Corporation.
Chemical. (G) Polyalkoxylated polyamide.
Use Production. (S) Softener on textile substrates. Prod. range: 0 to 10,000 lbs/yr.

T 87–22

Close of Review Period. August 30, 1987.
Manufacturer. Henkel Corporation.
Chemical. (G) Polyalkoxylated polyamide.
Use/Production. (S) Softener on textile substrates. Prod. range: 0 to 10,000 lbs/yr.

T 87–23

Close of Review Period. August 30, 1987.
Manufacturer. Henkel Corporation.
Chemical. (G) Polyalkoxylated polyamide.
Use/Production. (S) Softener on textile substrates. Prod. range: 0 to 10,000 lbs/yr.

T 87–24

Close of Review Period. August 30, 1987.
Manufacturer. Henkel Corporation.
Use/Production. (S) Softener on textile substrates. Prod. range:
Chemical. (G) Polyalkoxylated polyamide. 0 to 10,000 lbs/yr.

Dated: July 31, 1987.

Denise Devoe,

Acting Division Director, Information Management Division.

[FR Doc. 87–17884 Filed 8–6–87; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59245A; FRL–3243–2]

Certain Chemical; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for a test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA), TME–87–19. The test marketing conditions are described below:

EFFECTIVE DATE: July 31, 1987.

FOR FURTHER INFORMATION CONTACT: Keith Cronin, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, RM. E–611, 401 M St. SW., Washington, DC 20460, (202–382–3769).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present any unreasonable risk of injury.

EPA hereby approves TME–87–19. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present any unreasonable risk of injury to health or the environment. The production volume must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

The following additional restrictions apply to TME–87–19. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME. In addition, the Company shall maintain the following records until five years after the dates they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. The applicant must maintain records of the quantity of the TME substance produced and the date of manufacture.

2. The applicant must maintain records of dates of the shipment to each customer and the quantities supplied in each shipment.

3. The applicant must maintain copies of the bills of lading that accompany each shipment of the TME substance.

T–87–19

Date of Receipt: June 12, 1987.
Notice of Receipt: June 29, 1987 (52 FR 24217).
Applicant: Confidential.
Chemical: (G) A flourinated polyol.
Use: (G) Industrial protective coating.
Production Volume: Confidential.
Number of Customers: Confidential.
Worker Exposure: Confidential.
Test Marketing Period: Eighteen Months.
Commencing on: Date of Manufacture.
Risk assessment: No significant health or environmental concerns were identified. The estimated worker exposure and environmental release of the test market substance are expected to be low. The test market substance will not present any unreasonable risk of injury to health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: July 31, 1987.

Susan F. Vogt,

Acting Director, Office of Toxic Substances.

[FR Doc. 87–17885 Filed 8–6–87; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–51686; FRL–3241–8]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of twenty-seven such PMNs and provides a summary of each.

DATES: Close of Review Period:

P 87–1435—October 13, 1987
P 87–1436 and 87–1437—October 14, 1987

P 87-1438, 87-1439, 87-1440 and 87-1441—October 17, 1987
P 87-1442, 87-1443, 87-1444, 87-1445 and 87-1446—October 18, 1987
P 87-1447, 87-1448, 87-1449, 87-1450, 87-1451, 87-1452 and 87-1453—October 19, 1987
P 87-1454, 87-1455, 87-1456, 87-1457, 87-1458, 87-1459, 87-1460 and 87-1461—October 20, 1987

Written comments by:

P 87-1435—September 13, 1987
P 87-1436 and 87-1437—September 14, 1987
P 87-1438, 87-1439, 87-1440 and 87-1441—September 17, 1987
P 87-1442, 87-1443, 87-1444, 87-1445 and 87-1446—September 18, 1987
P 87-1447, 87-1448, 87-1449, 87-1450, 87-1451, 87-1452 and 87-1453-September 19, 1987
P 87-1454, 87-1455, 87-1456, 87-1457, 87-1458, 87-1459, 87-1460 and 87-1461—September 20, 1987

ADDRESS: Written comments, identified by the document control number "[OPTS-51686]" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the PMNs received by EPA. The complete non-confidential PMNs are available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 87-1435

Manufacturer. Confidential.
Chemical. (G) Sodium salt of thiocarbonate sulfonate.
Use-Production. (G) Plating additive—contained use. Prod. range: Confidential.

P 87-1436

Importer. Wacker Chemicals (USA), Incorporated.
Chemical. (S) Dodecanoic acid, ethenyl ester.
Use-Import. (S) Industrial monomer for polymerization. Import range: Confidential.

P 87-1437

Manufacturer. Confidential.
Chemical. (G) Ester of alkenyl succinic anhydride.
Use/Production. (G) Alkaline sizing agent in paper processing. Prod. range: Confidential.
Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Irritant, Eye—Irritant; LC_{50} 96 hour (Fathead minnow): >1.0 mg/1.

P 87-1438

Manufacturer. Cardolite Corporation.
Chemical. (G) Dodecylphenol polymer with formaldehyde polyamine resin.
Use/Production. (S) Industrial and commercial curing agent (hardener) for epoxy resins. Prod. range: Confidential.

P 87-1439

Importer. Confidential.
Chemical. (G) Quarternary ammonium salt.
Use/Import. (S) Antistatic agent. Import range: Confidential.

P 87-1440

Importer. Marubeni America Corporation.
Chemical. (S) Propanenitrile, 3-[[4-[(dichloro-2-benzothiazolyl) azo]-3-methylphenyl]ethylamino]-.
Use/Import. (S) Commercial dye for polyester fibres. Import range: 10,000 kg/yr.
Toxicity Data. Acute oral: 5,000 mg/kg; Ames test: Positive; TLm 48 hours (Orange Medaka): 100 parts per million (ppm).

P 87-1441

Importer. Marubeni America Corporation.
Chemical. (S) Propanamide, N-[2-[(5,7,-dibromo-2,1-benzisothiazol-3-yl)azo]-5-(diethylamino)phenyl]-.
Use/Import. (S) Commercial dye for polyester fibres. Import range: 10,000 kg/yr.
Toxicity Data. Acute oral: 5,000 mg/kg; Ames test: Positive; TLm 48 hours (Orange Medaka): 77 ppm.

P 87-1442

Importer. Albright and Wilson Incorporated.
Chemical. (G) Alkyl acrylate polymer.
Use/Import. (S) Industrial pour point depressant. Import range: Confidential.

P 87-1443

Importer. Albright and Wilson Incorporated.
Chemical. (G) Alkyl methacrylate polymer.
Use/Import. (S) Industrial, commercial and consumer viscosity index improver for automatic transmission fluids. Import range: Confidential

P 87-1444

Importer. Albright and Wilson Incorporated.
Chemical. (G) Alkyl methacrylate polymer.
Use/Import. (S) Industrial, commercial and consumer viscosity index improver for lubricants. Import range: Confidential.

P 87-1445

Importer. Albright and Wilson Incorporated.
Chemical. (G) Alkyl methacrylate polymer.
Use/Import. (S) Industrial, commercial and consumer viscosity index improver for automatic transmission fluids. Import range: Confidential.

P 87-1446

Manufacturer. Confidential.
Chemical. (G) Substituted epoxy resin.
Use/Production. (G) Open use industrial coating. Prod. range: Confidential.

P 87-1447

Manufacturer. Hoechst Celanese Corporation.
Chemical. (G) Stearic acid—ester with 2.2'.2" nitrilotris[ethanol] quarternized.
Use/Production. (G) Industrial softener/lubricant. Prod. range: 25,500 to 68,OOO kg/yr.

P 87-1448

Manufacturer. Confidential.
Chemical. (G) Halogenated unsaturated polyester.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

P 87-1449

Importer. CIBA-GEIGY Corporation.
Chemical. (S) Phosphorous acid, diphenyl tetradecyl ester.
Use/Import. (G) Stabilizer for polymers. Import range: Confidential.

P 87-1450

Importer. Confidential.
Chemical. (G) Substituted naphthalene.
Use/Import. (G) Highly dispersive use. Import range: Confidential.
Toxicity Data. Acute oral: >3,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Skin sensitization: Non-sensitizer; Phototoxicity: Non-toxic.

P 87-1451

Importer. CIBA-GEIGY Corporation.
Chemical. (S) Phosphorous acid, phenyl ditetradecyl ester.

Use/Import. (G) Stabilizer for polymers. Import range: Confidential.
Toxicity Data. Acute oral: 4,979 mg/kg; Irritation: Skin—Moderate, Eye—Minimal.

P 87–1452

Manufacturer. Confidential.
Chemical. (G) Polyester polyurethane polymer.
Use/Production. (S) Fabric coating. Prod. range: Confidential.

P 87–1453

Manufacturer. Confidential.
Chemical. (S) 1*H*-Imidazole-1-carboximidic acid, methylenebis (2,6-dimethyl-4,1-phenylene) ester.
Use/Production. (G) Open, non dispersive use. Prod. range: 45 to 2,000 kg/yr.
Toxicity Data. Acute oral: 10 g/kg; Irritation: Skin Non-irritant, Eye—Irritant; Ames test: Non-mutagenic.

P 87–1454

Manufacturer. Confidential.
Chemical. (G) Polyalkyloxylated formaldehyde resin.
Use/Production. (G) Additive used in the energy production industry. Prod. range: Confidential.

P 87–1455

Manufacturer. Confidential.
Chemical. (G) Polyalkoxylated quarternary ammonium compound.
Use/Production. (G) Additive used in the electronic industry. Prod. range: Confidential.

P 87–1456

Manufacturer. Adhesive Coatings Company.
Chemical. (S) Polyamine urea-formaldehyde condensate.
Use/Production. (S) Industrial epoxy curing agent. Prod. range: 300,000 to 500,000 kg/yr.

P 87–1457

Manufacturer. The Dow Chemical Company.
Chemical. (G) Substituted benzene.
Use/Production. (S) Site-limited and industrial chemical intermediate. Prod. range: Confidential.

P 87–1458

Manufacturer. The Dow Chemical Company.
Chemical. (G) Polybenzoxazole.
Use/Production. (G) Textile and reinforced plastics. Prod. range: Confidential.

P 87–1459

Manufacturer. The Dow Chemical Company.
Chemical. (G) Substituted benzene.
Use/Production. (S) Site-limited and industrial chemical intermediate. Prod. range: Confidential.

P 87–1460

Manufacturer. Confidential.
Chemical. (G) Substituted phenyl substituted(methoxyphenyl alkanamide).
Use/Production. (G) Chemical intermediate. Prod. range: 1,000 to 3,000 kg/yr.

P 87–1461

Manufacturer. Confidential.
Chemical. (G) Aliphatic polyester polyurethane.
Use/Production. (G) Polymeric industrial coating component. Prod. range: 5,000 to 30,000 kg/yr.

Date: July 27, 1987.

Denise Devoe,
Acting Division Director, Information Management Division.

[FR Doc. 87–17741 Filed 8–6–87; 8:45 am]
BILLING CODE 6560–50–M

[OPTS–59826; FRL–3241–9]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066)(40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. PMNs for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of five such PMNs and provides a summary of each.

DATES: Close of Review Period:
Y 87–201, 87–202 and 87–203—August 10, 1987
Y 87–204 and 87–205—August 11, 1987

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE–G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Y 87–201

Importer. Nippon Gohsei (USA), Company, Ltd.
Chemical. (G) Partially crosslinked saturated polyester.
Use/Import. (S) Commercial and consumer toner for electrography.
Import range: 30,000 to 100,000 kg/yr.

Y 87–202

Importer. Nippon Gohsei (USA), Company, Ltd.
Chemical. (G) Medium molecular weight linear saturated polyester.
Use/Import. (S) Commercial and consumer toner for electrography.
Import range: 30,000 to 100,000 kg/yr.

Y 87–203

Manufacturer. Sicpa Industries of America, Incorporated.
Chemical. (G) Uralkyd resin.
Use/Production. (S) Site-limited and commercial manufacture of printing inks. Prod. range: Confidential.

Y 87–204

Importer. Confidential.
Chemical. (G) Polyether block polyamide copolymer.
Use/Import. (S) Molding resin and coating powder. Import range: Confidential.

Y 87–205

Manufacturer. Reichhold Chemicals, Incorporated.
Chemical. (G) Carboxylated styrene—acrylic latex.
Use/Production. (G) Industrial coatings. Prod. range: Confidential.

Date: July 27, 1987.

Denise Devoe,
Acting Division Director, Information Management Division.

[FR Doc. 87–17747 Filed 8–6–87; 8:45 am]
BILLING CODE 6560–50–M

[OW-2-FRL-3239-8]

Proposed Determination To Prohibit or Restrict the Specification of an Area for Use as a Disposal Site

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Section 404(c) of the Clean Water Act authorizes the Environmental Protection Agency (EPA) to prohibit or restrict the discharge of dredged or fill material at defined sites in waters of the United States (including wetlands) if EPA determines, after notice and opportunity for hearing, that use of the site for discharge of dredged or fill material would have an unacceptable adverse effect on various resources, including wildlife. EPA's Regional Administrator, Region II, has reason to believe that the unauthorized discharge of fill and the proposed discharge of fill into wetlands by the Russo Development Corporation—71 Hudson Street, Hackensack, New Jersey—within the Hackensack Meadowlands in Carlstadt, New Jersey for the purpose of building warehouses may have unacceptable adverse effects on wildlife. Accordingly, this notice announces the Regional Administrator's proposed determination to prohibit or restrict the discharge of dredged or fill material at the site and seeks public comment on his proposal.

Public Hearing

EPA will schedule a public hearing if there is a significant degree of public interest, or if Russo Development Corp., as landowner and permit applicant, requests one. If a public hearing is scheduled, public notice of a hearing will be issued and will contain: (1) Reference to this public notice of the proposed determination, (2) the date, time, and place of the hearing and, (3) a brief description of the nature and purpose of the hearing including the rules and procedures.

The public hearing would be scheduled no earlier than 21 days from the date of this notice of proposed determination. Requests for a public hearing should be submitted within 15 days of the date of this notice.

DATES: All comments on this proposed determination to prohibit or restrict the use of the Russo site for the discharge of dredged or fill material should be submitted to the person listed under **ADDRESSES** within 60 days of the date of this notice.

ADDRESSES: Comments should be sent to Mr. Mario Del Vicario, Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency Region II, 26 Federal Plaza, New York, NY 10278.

FOR FURTHER INFORMATION CONTACT: Mr. Mario Del Vicario, Chief, Marine and Wetlands Protection Branch, U.S. EPA Region II, 26 Federal Plaza, New York, NY 10278, (212) 264–5170.

SUPPLEMENTARY INFORMATION:

I. Description of the Section 404(c) Process

The Clean Water Act, 33 U.S.C. 1251 *et seq.*, prohibits the discharge of pollutants, including dredged and fill material, into the waters of the United States (including wetlands) except in compliance with, among other things, section 404, 33 U.S.C. 1344. Section 404 authorizes the Secretary of Army, acting through the Chief of Engineers, to authorize the discharge of dredged or fill material at specified sites through the application of environmental guidelines developed by EPA in conjunction with the Secretary or where warranted by the economics of anchorage and navigation, except as provided in section 404(c). Section 404(c) authorizes the Administrator of EPA, after notice and opportunity for hearing, to prohibit or restrict the use of a defined site for disposal of dredged or fill material where he determines that such use would have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife or recreational areas.

Regulations published in 40 CFR Part 231 establish the procedures to be followed by EPA in exercising its section 404(c) authority. Whenever the Regional Administrator has reason to believe that use of a site may have an unacceptable adverse effect on the pertinent resources, he may begin the process by notifying the Corps of Engineers and the applicant that he intends to issue a proposed determination under section 404(c). Unless the applicant or the Corps persuades the Regional Administrator that there will not be unacceptable adverse impacts or identifies corrective measures satisfactory to the Regional Administrator within 15 days, the Regional Administrator publishes a notice in the **Federal Register** of his proposed determination, soliciting public comment and offering an opportunity for a public hearing. Today's notice represents this step in the process.

Following the public hearing and the close of the comment period, the Regional Administrator decides whether to withdraw his proposed determination or prepare a recommended determination. If he prepares a recommended determination, he then forwards it and the complete administrative record compiled in the Region to the Assistant Administrator for Water at EPA's headquarters for a final decision affirming, modifying, or rescinding the recommended determination. The Corps of Engineers and the applicant are provided with another opportunity for consultation before this final decision is made. It is important to note that this section 404(c) action is being initiated in response to an after-the-fact permit action by the Corps pursuant to 33 CFR 326.3(e) and, therefore, primarily involves existing unauthorized fill. EPA may follow up this section 404(c) action with an enforcement action with respect to the unauthorized fill.

II. Description of the Site

A. Russo Site

Prior to filling in 1981, the Russo site was characterized by 57.5 acres of palustrine emergent marsh, dominated by common reed (*Phragmites australis*) and blue joint grass (*Calamagrostis canadensis*). Groupings of aspen (*Populus tremuloides*) and ephemeral ponds were interspersed within the tract. The site is situated within a larger palustrine emergent marsh along the Hackensack River commonly referred to as the Empire tract of the Hackensack Meadowlands. This tract was cut off from tidal river flow by dikes placed in the 1920's. The Russo site receives upland drainage and storm water runoff from adjacent areas and transfers this drainage via ditches dredged on site in the 1920's to Moonachie Creek which drains to the Hackensack River. Moonachie Creek has had a tide gate at its confluence with the Hackensack River since the 1920's.

Historically the site has impounded large areas of water. For example, during construction of the western spur of the New Jersey Turnpike from 1969 to 1971 ditches within the Empire Tract were filled with fill material and drainage was blocked. The Empire tract including the Russo site became an impoundment area with standing water. When turnpike construction was finished in 1971 the drainage ditches were re-dredged. No further maintenance of these ditches or those on the Russo site has occurred since then. In addition, severe storm events in conjunction with the inadequate drainage provided by unmaintained ditches on the Russo site have resulted in storm water retention and

impoundment related to storm water back-up upstream of the Moonachie Creek tide gate.

Between 1981 and 1985 the Russo Development Corporation discharged 52.5 acres of fill material, shot rock (a fill mixture of clean dirt and rock) from excavation sites in New York, on the site without Department of the Army authorization. Six warehouses were constructed on 44 of the 52.5 acres of fill and are currently tenanted; 8.5 acres of fill remain undeveloped. The remaining five acres of wetland on site which did not receive fill have developed into a freshwater pond edged by cattail (*Typha* sp.) and common reed. The Russo Development Corporation has sought after-the-fact Department of the Army authorization to maintain the 52.5 acres of fill and authorization to discharge fill material into the remaining 5 wetland acres for the purpose of constructing more warehouses. The Russo site was/ and remains wetlands and waters of the United States pursuant to 33 CFR 328.3 and 40 CFR 230.3. The site therefore is subject to regulations under section 404 of the Clean Water Act and a Department of the Army 404 permit is required to discharge fill onto the site. This permit issuance must be in compliance with the section 404(b)(1) Guidelines.

Currently, muskrat, waterfowl and a variety of rodents have been observed on the remaining five wetland acres on site. Historical accounts of wildlife use, prior to or at the time of discharge of 52.5 acres of fill, list grey fox (occasional), rabbit, pheasant, waterfowl, woodcock, killdeer and, marsh-associated songbirds. In addition, waterfowl utilization was high when the Russo site impounded large areas of water. Prior to discharge of fill the site functioned in sediment and toxicant retention, contributing to water purification. After discharge of fill, 52.5 acres of the site was transformed from a reed, blue-joint grass and interspersed emergent vegetative community into an upland industrial building complex. The discharge of fill resulted in a higher site elevation, a complete change in substrate and hydrology with the consequent loss of occasional open water impoundment, the loss of ephemeral ponds, the loss of wetland vegetation and animal communities associated with wetland habitat, and the loss of sediment and toxicant retention capacities.

B. The Hackensack Meadowlands District

The Russo site is part of the Hackensack Meadowlands ecosystem. The 7,000–8,000 acres of wetlands contained therein provide habitat for many species of waterfowl, wading birds, shorebirds, passerines, raptors, and various mammals, reptiles and amphibians.

While the Meadowlands perform critical environmental functions, they are under intense development pressure. In fact, the Hackensack Meadowlands Development Commission (HMDC) reports that the wetlands acreage in the Meadowlands District decreased from 10,521 to 7,800 acres between 1972 and 1984. The HMDC Master Zoning Plan provides for development of approximately an additional 2,200 acres of wetlands.

Because of the concern that development in the wetlands and flood-plain areas of the Meadowlands would conflict with section 404 of the Clean Water Act, the Fish and Wildlife Coordination Act of 1958, and other federal policies, EPA and the U.S. Fish and Wildlife Service (FWS) presented recommendations to the Corps of Engineers in 1981 concerning potential permit reviews. In particular, EPA and FWS divided the Meadowlands into marginal and critical wetlands categories. The Agencies anticipated that permits could be granted for "marginal wetlands", provided adequate compensation and other appropriate permit conditions were imposed. The Russo site was designated in this category. For "critical, high quality, and extremely productive wetlands," EPA and FWS indicated that they would be likely to recommend permit denial. If a permit were issued, compensation of at least two wetland acres for every acre lost would be necessary.

While the 1981 policy reflected an initial effort to distinguish among wetlands, it was based on a preliminary and limited data base. Consequently, EPA in late 1985 initiated an Advanced Identification study within the Hackensack Meadowlands with the support of other federal and state agencies. The study is evaluating wetland values, as well as impacts of the intense development pressures to these wetlands, in much greater detail. It is EPA's expectation that the results of the study will serve as a template for future section 404 permit decisions in the Meadowlands. During this time frame, HMDC will also be revising its Master Plan for a number of reasons, including the fact that the Master Plan has not been subject to review for consistency with the National Environmental Policy Act and section 404 of the Clean Water Act.

III. Proceedings to Date

For the reasons stated earlier, a Department of the Army permit is required to discharge fill onto the Russo site. The Russo Development Corporation has sought an after-the-fact Department of the Army permit for the existing and proposed work previously described.

The Corps of Engineers issued Public Notice 12360–85690–J1 for this application on August 28, 1985 proposing to maintain the 52.5 acres of unauthorized fill, to authorize 5 further acres of fill for the purpose of constructing warehouses and to require mitigation for the entire 57.5 acres. The Corps has approved Russo Development Corp.'s mitigation proposal which includes enhancement of existing wetlands within the Hackensack Meadowlands to provide a 0.5:1 (enhance:lost) value-for-value compensation for the wetlands lost and a deed restriction securing permanent preservation of 23 wetland acres owned by the applicant in Troy Meadows of the Passaic River basin (i.e., outside of the Hackensack River basin).

The Corps advised EPA of its intention to issue the permit as requested by the Russo Development Corporation with the mitigation discussed above. EPA Region II reiterated previously expressed objections to the project and requested 2:1 complete and appropriate mitigation to replace the functions and values provided by all 57.5 acres. EPA did not seek removal of the warehouses on the 44 acres that had been illegally filled, since restoration was unlikely to return the site to its previous wetland state.

EPA sought to resolve its concerns through procedures established by the federal agencies under section 404(q) of the Act (see the 404(q) Memorandum of Agreement, November 1985). Section 404(q) directs the Corps and EPA to enter into an agreement to coordinate and expedite permit decision making. In October 1986 correspondence, the Regional Administrator requested notification of the Corps of Engineers permit decision on the Russo application in accordance with these procedures. Accordingly, on December 22, 1986 the Corps submitted a preliminary Notice of Intent to Issue (NII) a permit to EPA and other federal agencies. In response (December 24, 1986), the Regional Administrator requested a meeting with the Division Engineer and suspension of further actions on the permit application. Following their January, 1987 meeting, the New York District Corps reexamined the preliminary NII

and submitted a final NII maintaining the Corps decision to issue a permit without the mitigation EPA considered necessary. In April 20, 1987 correspondence the Assistant Administrator for Water, requested that the Assistant Secretary of the Army (Civil Works) refer the New York District Corps decision to a higher level for re-evaluation. The Assistant Secretary denied EPA's request.

Having exhausted these procedures for resolution of EPA's concerns, the Regional Administrator initiated section 404(c) procedures through which the EPA Administrator may exercise a veto over the specification by the Corps of Engineers of a site for the discharge of dredged or fill material. The Regional Administrator notified the District Engineer and the Russo Development Corp. (May 26, 1987) of his intent to issue a Public Notice on his proposed section 404(c) determination and notified each that there would be a 15 day consultation period to resolve his concern regarding the significant adverse effects. The Corps and the Russo Development Corp. responded (May 27, 1987 and June 10, 1987 respectively) concluding that the project did not pose any unacceptable adverse effects. The consultation period closed on June 11, 1987. Following a review of responses received from the Corps and the applicant, the Regional Administrator concluded that no new information had been provided and, therefore, he was not persuaded that there would be no unacceptable adverse effects from the existing and proposed fill.

IV. Basis for Proposed Determination

A. Section 404(c) Criteria

The Clean Water Act requires that exercise of the final section 404(c) authority be based on a determination of "unacceptable adverse effect" on municipal water supplies, shellfish beds, fisheries, wildlife or recreational areas. The regulations define unacceptable adverse effect:

> Impact on an aquatic or wetland ecosystem which is likely to result in significant degradation of municipal water supplies or significant loss of or damage to fisheries, shellfishing, or wildlife habitat or recreation areas. In evaluating the unacceptability of such impacts, consideration should be given to the relevant portions of the section 404(b)(1) Guidelines (40 CFR Part 230). (40 CFR 231.2 (e))

The preamble to the 404(c) regulations explains that one of the basic functions of section 404(c) is to police the application of the section 404(b)(1) Guidelines.

Those portions of the guidelines relating to significant degradation of waters of the U.S. (40 CFR 230.10(c)), to minimizing adverse impacts to aquatic resources (40 CFR 230.10(d)) and to the determination of cumulative effects on the aquatic ecosystem (40 CFR 230.11(g)) are of particular importance to evaluating the unacceptability of environmental impacts in this case. Compliance with the Guidelines requires that no discharge of dredged or fill material shall be permitted if it causes or contributes to significant degradation of waters of the U.S. Effects contributing to significant degradation include but are not limited to the loss of wildlife habitat or the loss of a wetland's capacity to assimilate nutrients. Compliance with the guidelines requires that no discharge be permitted unless appropriate and practicable steps have been taken to minimize adverse impacts of the discharge on the aquatic ecosystem. In addition, the guidelines state that the permitting authority should collect and solicit information concerning cumulative impacts and document and consider this information during the decision-making process. Thus, it is appropriate under section 404(c) to take into account whether the project has or will result in significant degradation to aquatic resources, particularly wildlife habitat, or whether the proposed mitigation is adequate to offset the impacts of the Russo project.

B. Impacts to Filling the Russo Site

As discussed previously, the existing and proposed fill has/will replace the wetland soils, vegetation and hydrology with impervious surface resulting in a loss of the site's sediment and toxicant retention capabilities. In addition, the existing and proposed fill is and will be a source of pollutants to adjacent aquatic areas during rainfall events.

Beyond these general but very significant environmental impacts, EPA believes wildlife has and will be significantly affected by the fill at the Russo site. Historical accounts of wildlife use prior to or at the time discharge of the fill list wetland-associated songbirds and waterfowl, woodcock, killdeer, pheasant, rabbit and, occasional grey fox. Loss of 52.5 acres of habitat is likely to have disturbed at least the marsh-related species, particularly in view of development north and west of the project site also encroaching on wildlife habitat. FWS and the Corps have characterized the 52.5 acres of the Russo site as low to moderate habitat prior to its being filled. FWS has explained that this rating is based upon the lack of diversity of wildlife habitat because of the monotypic vegetative cover. In addition, FWS noted, and EPA agrees, that the site provided the wildlife habitat functions of a Meadowlands wetland and supported wetland-associated wildlife even though the habitat was monotypic. Moreover, FWS considers the five acres Russo seeks to fill to be a good quality wetland.

The five remaining acres which have not yet been filled consist of a 3 acre pond and 2 acres of palustrine emergent marsh with phragmites, cattail, dwarf spikerush, and juncus spp. This freshwater pond with associated emergent vegetation contributes to the diversity of wetlands within the Meadowlands District and provides quality habitat of food and cover to wetland-associated wildlife, especially waterfowl, wading birds, and muskrat. Loss of the additional five acres can therefore be expected to adversely affect wetland associated wildlife.

In addition to the direct loss of the Russo site, there is reason to conclude that there may be more far-reaching repercussions on wildlife values. Because of the extensive past losses of wetlands in the Meadowlands, EPA believes there is cause to conclude that the past and future fill of the Russo site is likely to contribute to cumulative adverse impacts on wildlife. As mentioned above, gradual and continual wetland development has diminished the Meadowlands District's wetlands by 2,721 acres (10,521 to 7,800) and, the Hackensack Meadowlands Development Commission's Master Plan provides for the development of an approximate additional 2,200 acres. The U.S. Fish and Wildlife Service has designated wetland areas within the eastern flyway, a category into which the Hackensack Meadowlands falls, as priority areas in their Waterfowl Management Plan (May 1986). The Service reports that the degradation of migration and wintering habitat have contributed to long-term downward trends in some duck populations. In those periods when the Russo site impounded large areas of water, waterfowl were numerous on the site. In addition, population declines would be expected for those less mobile wetland-associated species such as muskrat and other rodents, reptiles and amphibians. Ecological theory suggests that disturbed animal populations do not necessarily simply shift into remaining habitat. Depending on the habitat's carrying capacity disturbed populations may perish or displace other organisms which may perish.

There is not a great deal of existing information in the record identifying the

specific values and functions provided by the formerly existing wetlands. For that reason EPA strongly encourages the public to submit any relevant information. EPA believes, though, that the Meadowlands environment cannot tolerate the loss of the Russo site unless the ecological values the site served/serves are compensated for.

In order for filling of the site to be consistent with the section 404(b)(1) Guidelines, EPA believes adequate mitigation must be provided to assure replacement of the wildlife values and functions, thereby stemming the net loss of wildlife habitat in the Meadowlands.[1] Wetland enhancement and creation to provide complete compensation for wetland values lost would constitute appropriate mitigation in this case.

It appears, however, that adequate mitigation will not be provided. Russo has offered only to compensate on a 0.5:1 value-for-value basis by enhancing existing wetlands within the Meadowlands District and to place a deed restriction on 23 acres of wetlands it owns outside the District.

The information provided to date on the proposed mitigation does not identify a particular site and is too limited to evaluate the anticipated ecological gains and the probability of success. Thus, contrary to EPA's and FWS's consistent comments that 1:1 to 2:1 value-for-value compensation is necessary to prevent net loss of wetland values and functions, the proposed mitigation is unlikely to accomplish that goal. Moreover, the deed restriction affords only questionable environmental benefit since the wetland site would already be protected from significant degradation under section 404 in the event that the discharge of fill were proposed.

[1] Since EPA's first response to the Corp's Public Notice of Russo's application for a permit in September, 1985, EPA has consistently stated that mitigation to replace wetland functions and values is required. However, in the fall of 1986, EPA questioned not only the adequacy of Russo's mitigation proposal but also whether there were not, in fact, practicable alternatives to using the Russo site for constructing warehouses. EPA has taken the position that mitigation cannot be used to compensate for avoidable losses; i.e., where there are practicable alternatives to filling a wetland site. Consequently, EPA suggested that (1) mitigation providing value-for-value replacement be required for the 44 acres that have been filled and contain warehouses, (2) restoration be required for the 8.5 acres that have been filled but contain no warehouses and, (3) that a permit be denied to fill the remaining 5 wetland acres. However, assessing the existence of practicable alternatives in the context of an after-the-fact permit raises particularly difficult analytical issues that go far beyond those raised in this particular permit application. Consequently, I have decided not to pursue the practicable alternatives issues in this section 404(c) action.

EPA consequently has concluded that the loss of 57.5 acres of wetlands, taken in the context of the cumulative loss of wetland acreage occurring in the Hackensack Meadowlands, could result in signficant loss and damage to wildlife habitat areas. Unless and until the Russo Corporation agrees to provide adequate mitigation as described above, it is EPA's view that an after-the-fact permit for 52.5 acres and a pre-discharge permit for five acres could result in unacceptable adverse impacts to wildlife within the meaning of section 404(c) and 40 CFR 231.2(e). Accordingly, EPA proposes to prohibit the use of the Russo site for discharge of fill material under the conditions reflected in the permit the Corps proposes to issue. Thus, the fill of the five remaining acres of wetlands would be prohibited. In addition, EPA may initiate enforcement action with respect to the unauthorized fill of the 52.5 acres in order to achieve appropriate restoration of or mitigation for the filled area.

V. Solicitation of Comments

EPA would like to obtain comments on: (1) Whether or not the impacts of such discharge would represent an unacceptable adverse effect as described in section 404(c) of the Clean Water Act; (2) the vegetative and hydrologic characteristics of the subject site and observations of or information concerning wildlife on the site prior to and after the placement of fill material; (3) observations of or information concerning wildlife in wetlands similar to the subject site and in the Hackensack Meadowlands in general; (4) what corrective action, if any, could be taken to reduce the adverse impacts of the discharge; (5) the need for a public hearing and; (6) whether the Regional Administrator should recommend to the Assistant Administrator for Water the determination to prohibit or restrict the discharge of dredged or fill material on the site. Comments should be submitted within 60 days of the date of publication of this **Federal Register** notice to the person listed above under **ADDRESSES**. All comments received will be fully considered by the Regional Administrator in making his decision to prepare a recommended determination to prohibit or restrict filling of the Russo site or to withdraw this proposed determination.

Christopher J. Daggett,

Regional Administrator.

[FR Doc. 87-17187 Filed 8-6-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Submitted to the Office of Management and Budget for Clearance

The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following information collection package for clearance in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Type: Extension of 3067-0142

Title: Hazard Identification, Capability Assessment, and Multi-Year Development Plan (HICA/MYDP) for Local Governments

Abstract: FEMA requires consistent information on the status of State and local emergency management and the impact of FEMA funds on improving capability. HICA/MYDP data has established a nationwide baseline on State and local hazards, current capability, and resource requirements. Data is being used to set program priorities, prepare the FEMA budget, allocate funds, and provide reports to Congress.

Type of Respondents: State or local governments

Number of Respondents: 3,410

Burden Hours: 55,910

Frequency of Recordkeeping or Reporting: Annually

Copies of the above information collection request and supporting documentation can be obtained by calling or writing the FEMA Clearance Officer, Linda Shiley, (202) 646-2624, 500 C Street, SW., Washington, DC 20472.

Comments should be directed to Francine Picoult, (202) 395-7231, Office of Management and Budget, 3235 NEOB, Washington, DC 20503 within two weeks of this notice.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 87-17953 Filed 8-6-87; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

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.: 224–003945A–003.
Title: Port of Oakland Terminal Agreement.
Parties:
Port of Oakland
Maersk Line Pacific, Ltd.

Synopsis: The proposed agreement extends original term of Agreement No. 224–003945A–003 for an additional three months to October 31, 1987.

By Order of the Federal Maritime Commission.
Dated: August 3, 1987.
Joseph C. Polking,
Secretary.
[FR Doc. 87–17974 Filed 8–6–87; 8:45 am]
BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

August 3, 1987.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received on or before August 17, 1987.

ADDRESS: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B–1122 between 8:45 a.m and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nancy Steele—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3822).

Proposal to approve under OMB delegated authority the extension, without revision, of the following reports:

1. Report title: Agreement of Domestic and Foreign Nonmember Banks
Agency form number: FR T–1, T–2
OMB Docket number: 7100–0191
Frequency: On occasion
Reporters: Domestic and foreign nonmember banks
Annual reporting hours: 8½
Small businesses are not affected.

General Description of Report

This information collection is mandatory (15 U.S.C. 78h,w) and is not given confidential treatment.

This report is filed by nonmember banks, both domestic and foreign, which agree to comply with all statutes and regulations applicable to member banks relating to credit extended to broker-dealers on the collateral of registered securities.

2. *Report title:* Notice of Proposed Stock Redemption
Agency form number: FR 4008
OMB Docket number: 7100–0131
Frequency: On occasion
Reporters: Bank holding companies
Annual reporting hours: 2,250
Small businesses are not affected.

General Description of Report

This infonnation collection is mandatory (12 U.S.C. 1844) and is given confidential treatment (5 U.S.C. 552(b)(4), (6), and (8)).

The filing of this notice is required of a bank holding company proposing to purchase or redeem its shares when the gross consideration to be paid for such purchase or redemption is equal to 10 percent or more of the company's consolidated net worth over any 12-month period.

Board of Governors of the Federal Reserve System, August 3, 1987.
William W. Wiles,
Secretary of the Board.
[FR Doc. 87–17931 Filed 8–6–87; 8:45 am]
BILLING CODE 6210–01–M

Formations of; Acquisitions by; and Mergers of Bank Holding Companies; Bank of New Hampshire Corp. et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than August 31, 1987.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank of New Hampshire Corporation,* Manchester, New Hampshire; to acquire 100 percent of the voting shares of The Suncook Bank, Suncook, New Hampshire.

2. **Fleet Financial Group, Inc.,** Providence, Rhode Island; to acquire 100 percent of the voting shares of Norstar Bancorp, Inc., Albany, New York; and thereby indirectly acquire Norstar Bank of Upstate New York, Albany, New York, Norstar Bank of Long Island, Hempstead, New York, Norstar Bank, N.A., Buffalo, New York, Norstar Bank of the Hudson Valley, N.A., Newburgh, New York, Norstar Bank of Commerce, New York, New York, Norstar Bank of Maine, Portland, Maine, and Norstar Bank of Central New York, Syracuse, New York.

B. **Federal Reserve Bank of Cleveland** (Martin E. Abrams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Huntington Bancshares Incorporated,* Columbus, Ohio; to acquire 100 percent of the voting shares of Citizens State Bank, Silverton, Ohio.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *BOL Bancshares, Inc.,* New Orleans, Louisiana; to become a bank holding company by acquiring 100 percent of the voting shares of BOS Bancshares, Inc., Metairie, Louisiana; and thereby indirectly acquire Bank of Louisiana in New Orleans, New Orleans, Louisiana, Fidelity Bank and Trust Company, Slidell, Louisiana, and Bank of the South, Metairie, Louisiana.

D. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Exchange International Corporation,* Chicago, Illinois; to acquire 100 percent of the voting shares of Farmer's State Bank of Sheffield, Illinois, Sheffield, Illinois.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Lincolnland Bancorp, Inc.,* Dale, Indiana; to acquire 100 percent of the voting shares of Chrisney State Bank, Chrisney, Indiana.

F. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Hoff Investment Corporation,* Lisco, Nebraska, the parent of Dalton State Bank, Dalton, Nebraska; to merge with First Nebraska Bancs, Inc., Sidney, Nebraska; and thereby indirectly acquire First National Bank-Sidney, Sidney, Nebraksa.

2. *Garden Banc Shares, Inc.,* Hutchinson, Kansas, the parent of The Fourth Bank of Garden City, N.A., Garden City, Kansas; to merge with Southwest Kansas Banc Shares, Inc., Hutchinson, Kansas; and thereby indirectly acquire The First National Bank of Meade, Meade, Kansas.

Board of Governors of the Federal Reserve System, August 3, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17927 Filed 8-6-87; 8:45 am]

BILLING CODE 6210-01-M

Formations of; Applications by; and Mergers of Bank Holding Companies; Farmers Bancorp Inc.; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 87-17019) published at page 28192 of the issue for Tuesday, July 28, 1987.

Under the Federal Reserve Bank of St. Louis, the entry for FBT Corporation is revised to read as follows:

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Farmers Bancorp Inc.,* Blytheville, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers Bank and Trust Company, Blytheville, Arkansas, which engages in general insurance activities pursuant to the state law.

Comments on this application must be received by August 20, 1987.

Board of Governors of the Federal Reserve System, August 3, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17932 Filed 8-6-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisitions of Companies Engaged in Permissible Nonbanking Activities; Fleet Financial Group, Inc., et al.

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than August 31, 1987.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.,* Providence, Rhode Island; to acquire Norstar Leasing Services Inc., Albany, New York; and thereby engage in equipment leasing and commercial lending pursuant to § 225.25 (b)(1) and (b)(5) of the Board's Regulation Y.

2. *Fleet Financial Group, Inc.,* Providence, Rhode Island; to acquire Norstar Auto Lease Inc., Albany, New York; and thereby engage in automobile leasing pursuant to § 225.25(b)(5) of the Board's Regulation Y.

3. *Fleet Financial Group, Inc.,* Providence, Rhode Island; to acquire Norstar Investment Advisory Services, Inc., Rochester, New York; and thereby engage in portfolio management and investment advice pursuant to § 225.25(b)(4) of the Board's Regulation Y.

4. *Fleet Financial Group, Inc.,* Providence, Rhode Island; to acquire Norstar Trust Company, Rochester, New York; and thereby engage in trust and financial management services pursuant to § 225.25(b)(3) of the Board's Regulation Y.

5. *Fleet Financial Group, Inc.,* Providence, Rhode Island; to acquire Norstar Mortgage Corporation, Westbury, New York; and thereby

engage in origination and servicing of residential mortgage loans and the provision of related advisory services pursuant to § 225.25 (b)(1) and (b)(4) of the Board's Regulation Y.

6. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire Chapdelaine & Company Government Securities, Inc., New York, New York; and thereby engage in acting as a broker of government securities on behalf of other brokers who are principal dealers in such securities pursuant to § 225.25(b)(16) of the Board's Regulation Y.

7. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire Norlife Reinsurance Company, Phoenix, Arizona; and thereby engage in acting as a reinsurer of credit life, credit accident and health insurance and mortgage life and mortgage accident and health insurance sold in connection with extensions of credit to consumers pursuant to § 225.25(b)(8) of the Board's Regulation Y.

8. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire Adams, McEntee & Company, Inc., New York, New York; and thereby engage in the sale and underwriting of state and municipal securities and brokerage of certain mutual fund shares pursuant to § 225.25(b)(16) of the Board's Regulation Y.

9. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire Altman, Brown & Everett Inc., Albany, New York; and thereby engage in actuarial and employee benefits consulting services pursuant to Board Order dated June 19, 1985.

10. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire Norstar Brokerage Corporation, New York, New York, and its wholly-owned subsidiary NB Clearing Corporation, New York, New York; and thereby engage in retail discount brokerage services pursuant to § 225.25(b)(15) of the Board's Regulation Y.

11. *Fleet Financial Group, Inc.*, Providence, Rhode Island; to acquire Norstar Data Services Inc., Albany, New York; and thereby engage in data processing services to affiliates of the parent company and, in the past, to third persons pursuant to § 225.25(b)(7) of the Board's Regulation Y.

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation*, New York, New York; to acquire receivables of an office of BarclaysAmerican/Financial, Inc., Colorado Springs, Colorado; and thereby engage in making and servicing loans and selling as agent or broker credit-related life, accident and health and property and casualty insurance pursuant to § 225.25(b)(1) and (8)(ii) and (iv) of the Board's Regulation Y.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *MCorp*, Dallas, Texas; to acquire Kalvar Corporation, Minneapolis, Minnesota; and thereby engage in providing to others financially related data processing and data transmission, services, facilities and data bases; or access to them pursuant to § 225.25(b)(7) of the Board's Regulation Y.

2. *MCorp Financial, Inc.*, Wilmington, Delaware; to acquire Kalvar Corporation, Minneapolis, Minnesota; and thereby engage in providing to others financially related data processing and data transmissions, services, facilities and data bases; or access to them pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 4, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17929 Filed 8-6-87; 8:45 am]

BILLING CODE 6210-01-M

Application To Engage De Novo in Permissible Nonbanking Activities; Fleet Financial Group, Inc.

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 31, 1987.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Fleet Financial Group, Inc.*, Providence, Rhode Island, to acquire Norstar Trust Company of Florida, National Association, Naples, Florida; and thereby engage in general trust services pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, August 3, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17930 Filed 8-6-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisitions of Shares of Banks or Bank Holding Companies; Nancy M. Haugner et al.

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 31, 1987.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Nancy M. Haugner*, Lincoln, Nebraska; to acquire an additional .3

percent of the voting shares of Martell Financial Services, Inc., Martell, Nebraska.

2. *Lynne M. Morris*, Lincoln, Nebraska; to acquire an additional .3 percent of the voting shares of Martell Financial Services, Inc., Martell, Nebraska.

3. *Jay D. Peters*, Lincoln, Nebraska; to acquire an additional .1 percent of the voting shares of Martell Financial Services, Inc., Martell, Nebraska.

4. *Susan M. Symon*, Leawood, Kansas; to acquire an additional .3 percent of the voting shares of Martell Financial Services, Inc., Martell, Nebraska.

5. *William M. Symon, Jr.*, Leawood, Kansas; to acquire an additional .1 percent of the voting shares of Martell Financial Services, Inc., Martell, Nebraska.

6. *C.B. Graft, Clinton*, Oklahoma; to acquire an additional 2.49 percent of the voting shares of Thomas Bancshares, Inc., Thomas, Oklahoma, and thereby indirectly acquire Bank of Thomas, Thomas, Oklahoma.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *S.W. Cauthorn*, Del Rio, Texas; to acquire 5.07 percent of the voting shares of Westex Bancorp, Inc., Del Rio, Texas, and thereby indirectly acquire The First State Bank, Bracketville, Texas, Del Rio Bank and Trust Company, Del Rio, Texas, and Sutton County National Bank, Sondra, Texas.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Larry Williams or Marianne Williams* (joint tenants), Boise, Idaho; to acquire 19.29 percent of the voting shares of American Ban Corporation, Boise, Idaho, and thereby indirectly acquire American Bank of Commerce, Boise, Idaho.

Board of Governors of the Federal Reserve System, August 3, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-17928 Filed 8-6-87; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Information Collection Being Reviewed by the Office of Management and Budget; Multiple Award Schedule (MAS) Data Collections

AGENCY: Office of Administration, GSA.

SUMMARY: Under the Paperwork Reduction Act of 1980 (44 U.S.C. Ch. 35), the General Services Administration (GSA) requests the Office of Management and Budget (OMB) to approve information collections in use under interim control number 3090-0235 that was granted by OMB on April 30, 1987.

ADDRESSES: Send comments to Bruce McConnell, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Rodney P. Lantier, GSA Clearance Officer, General Services Administration (CAID), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Edward J. McAndrew, Office of Acquisition Policy (202-566-1224).

SUPPLEMENTARY INFORMATION:

a. Background. In March 1985, a request to approve an information collection was submitted to OMB with a proposed revision to the MAS policy statement that was published in the **Federal Register** for comment. In response, OMB stated that certain material in the statement should be incorporated in the General Services Administration Acquisition Regulation (GSAR), specifically, the Discount Schedule and Marketing Data (DSMD) sheets, the Price Reductions clause, and the Economic Price Adjustment (EPA) clause. Thus, GSA has developed a change to the GSAR incorporating the DSMD sheets and the Price Reductions clause. Comments received in response to the December 10, 1985, and the September 3, 1986, **Federal Register** notices have been incorporated, when appropriate, in this GSAR. GSAR Change 18 issued October 18, 1985, incorporated the EPA clause.

b. Purpose. The information collections submitted for approval require: (1) Prospective offerors responding to MAS solicitations to submit sales, discount, and marketing data to support pricing judgments in negotiated MAS contracts; (2) the reporting of price reductions to the customer(s) identified as the basis of the award in MAS contracts; and (3) the submitting of pricing data to support an MAS contractor's request for an economic price adjustment in Federal Supply Service MAS contracts.

c. Annual Reporting Burden. Estimated as follows: DSMD sheets, 6,740 respondents and 101,100 hours; Price Reductions clause, 1,830 respondents and 12,720 hours; Economic Price Adjustment clause, 2,914 respondents and 2,186 hours.

d. Copies of Proposal. Copies of the proposals may be obtained from the Directives and Reports Management Branch (CAID), Room 3015, GS Building, Washington, DC 20405, or call (202) 566-0666.

Dated: July 29, 1987.

Emily C. Karam,

Director, Information Management Division.

[FR Doc. 87-17939 Filed 8-6-87; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Supplemental Funds Available for Fiscal Year 1987; Cooperative Agreements for Acquired Immunodeficiency Syndrome (AIDS) Prevention Projects

Introduction

The Centers for Disease Control announces the availability of supplemental funds in the amount of $27 million for Fiscal Year 1987 for cooperative agreements for Acquired Immunodeficiency Syndrome (AIDS) Prevention Projects. The following information is provided to permit the orderly receipt and review of applications and the timely award of supplemental funds for cooperative agreements to support AIDS Prevention Projects as described in the **Federal Register** on March 6, 1987 (52 FR 7028). These funds are available to only those agencies eligible under the above announcement, i.e., the official public health agencies of States, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, the Northern Mariana Islands, and American Samoa, and local governments which have reported at least 2,000 cases of AIDS. Applications from agencies other than those listed above are not solicited and will not be accepted.

Authority

These projects are authorized under section 301(a) of the Public Health Service Act (42 U.S.C. 241(a)), as amended; and section 311(b) of the Public Health Service Act (42 U.S.C. 243(b)), as amended; and section 318 of the Public Health Service Act (42 U.S.C. 247(c)), as amended. The Catalog of Federal Domestic Assistance Number is 13.118.

Background and Purpose

On May 1, $24.4 million were awarded to 58 State, territorial, and local health

departments to conduct AIDS Prevention Projects. The purpose of those awards was to assist State and local health departments in reducing the spread of AIDS and Human Immunodeficiency Virus (HIV) by the following mechanisms: (1) Establishing or maintaining AIDS health education/risk reduction (HE/RR) programs for the general public and high risk groups; (2) maintaining counseling and testing services that confidentially and effectively target individuals at high risk for AIDS and educate them about ways to prevent transmission of HIV infection through sexual activity, parenteral drug use, and donating blood, semen, or body fluids; and (3) evaluating the effectiveness of those programs and services in reducing the transmission of HIV.

Availability of Funds

Additional funds in the amount of $27 million have become available under the 1987 supplemental appropriations act. Of this amount, $20 million is available for AIDS prevention activities, primarily counseling, testing, and partner notification efforts, as announced in the **Federal Register** on March 6, 1987 (52 FR 7028). The remaining $7 million is available for competing awards to support initiatives targeted to minority populations. Priority consideration will be given to areas with comparatively large numbers of diagnosed AIDS cases, or other evidence of increased risk among minorities.

Eligible agencies that did not apply under the previous announcement may apply competitively under this announcement.

Other Information

Information on application procedures may be obtained from Nancy C. Bridger, Supervisory Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Mailstop E14, Atlanta, Georgia 30305, or by calling (404) 262–6575 or FTS 236–6575. Technical assistance may be obtained from Willard Cates, M.D., M.P.H., Division of Sexually Transmitted Diseases, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia, 30333, telephone (404) 329–2552 or FTS 236–2552.

Dated: August 3, 1987.

Glenda S. Cowart,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87–17917 Filed 8–6–87; 8:45 am]

BILLING CODE 4160–18–M

Cooperative Agreement To Conduct an Integrated Chronic Disease Control/Prevention Demonstration Program; Availability of Funds for Fiscal Year 1987

Introduction

The Centers for Disease Control (CDC) announces the availability of funds in Fiscal Year 1987 to support a cooperative agreement with the Florida Department of Health and Rehabilitative Services to conduct an integrated chronic disease control/prevention demonstration program in Duval County. This is not a formal request for application. Assistance will be provided only to the Florida Department of Health and Rehabilitative Services for support of this project. No other applications are solicited or will be accepted.

Authority

This cooperative agreement is authorized under section 301(a) of the Public Health Services Act (42 U.S.C. 241(a)) as amended. The Catalog of Federal Domestic Assistance Number is 13.283.

Background and Purpose

A major emphasis of the CDC Chronic Disease strategic plan is to promote integration of many categorical chronic disease efforts at the local level, as well as coordination of chronic disease prevention activities within CDC. Toward this end, CDC must begin to address the issue of increasing States' capacity to prevent and control the health problems associated with chronic diseases. The proposed project will establish a community-based integrated chronic disease program which can be replicated in other settings to bring about long term reductions in the prevalence of risk factors and chronic disease. The project will be accomplished through mobilization of existing community resources, community diagnosis of chronic disease determinants, and implementation of population specific community interventions.

Florida administers several local health departments which are conducting comprehensive chronic disease control programs. These programs include cardiovascular disease, hypertension, diabetes, cancer, health promotion, health education, and chronic disease epidemiology under one supervisory level within the organization. Florida has integrated chronic disease care activities with primary care under a single funding mechanism. Florida has a chronic disease advisory board which provides advice and assistance and on which all voluntary agencies are represented. Florida is in a position to conduct extensive evaluation of all chronic disease activities. In addition, Florida has the experience, linkages, and staffing necessary to conduct the project.

Availability of Funds

Approximately $183,000 will be available in Fiscal Year 1987 to fund this cooperative agreement. It is expected that the cooperative agreement will begin on or before September 15, 1987, and will be funded for a 12-month budget period within a 5-year project period. Continuation awards will be made on the basis of satisfactory progress in meeting project objectives and on the availability of funds. The funding estimate outlined above may vary and is subject to change.

Other Submissions and Review Requirements

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

Information

Information may be obtained from Marsha Driggans, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE, Room 321, Atlanta, GA 30333, telephone (404) 262–6575, or from Lisle House, Chief, Program Services Branch, Division of Diabetes Control, Center for Prevention Services, Centers for Disease Control, Atlanta, GA 30333, telephone (404) 321–2310.

Dated: August 3, 1987.

Glenda S. Cowart,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87–17918 Filed 8–6–87; 8:45 am]

BILLING CODE 4160–18–M

Family Support Administration

Disapproval of a State Plan Submitted by New York State; Hearing

AGENCY: Department of Health and Human Services, Family Support Administration.

ACTION: Notice of hearing.

SUMMARY: By designation of the Family Support Administration, a member of the Departmental Grant Appeals Board will hold a hearing pursuant to 45 CFR Part 213 concerning the Family Support Administration's disapproval of a State plan amendment submitted by New York State.

Date: 9:00 a.m., Tuesday, September 29, 1987.

Place: Room 317A & B, Leo W. O'Brien Federal Building, Corner of Clinton Avenue & North Pearl Street, Albany, New York 12207.

Requests to Participate: Requests to participate as a party or as amicus curiae must be submitted to the Departmental Grant Appeals Board in the form specified at 45 CFR 213.15 by August 24, 1987.

FOR FURTHER INFORMATION CONTACT: M. Terry Johnson, Supervisory Attorney, Departmental Grant Appeals Board, Department of Health and Human Services, Room 451–F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, Telephone Number (202) 475–0014.

SUPPLEMENTARY INFORMATION:

Notice of hearing is hereby given as set forth in the following letter, which has been sent to the New York State Department of Social Services.

Washington, DC, August 3, 1987.

Alan A. Pfeffer, Special Counsel, New York State Department of Social Services, Bureau of Deferrals and Disallowances, 40 North Pearl Street, Albany, New York 12243

and

Gail N. Mancher, Assistant Regional Counsel, Region II, Department of Health and Human Services, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278

Counsel

This letter is in response to the May 15, 1987 petition for hearing filed by the New York State Department of Social Services (State) in which it seeks reconsideration of the Family Support Administration's (FSA) disapproval of the State's proposed state plan amendment submitted as Transmittal No. 85–22 (the proposed plan amendment). In the proposed amendment to the State's plan for implementing Title IV–A of the Social Security Act (Aid to Families with Dependent Children, or AFDC) the State adopted a presumption as to the status of an essential person as defined in section 407(a) of the Act.

Pursuant to 45 CFR 213.21, I have designated Judith A. Ballard, a Departmental Grant Appeals Board Member, to preside at the hearing, which will be conducted under the procedures in 45 CFR Part 213. Pursuant to 45 CFR 201.4, a hearing has been scheduled to be held on Tuesday, September 29, 1987, at 9:00 a.m., in Room 317A & B, Leo W. O'Brien Federal Building, Corner of Clinton Avenue & North Pearl Street, Albany, New York 12207. A verbatim transcript will be taken.

The issues to be considered at the hearing include:

1. Whether the proposed plan amendment violates section 402(a)(7) of the Social Security Act, as amended, or 45 CFR 233.20(a)(2)(vi)(b).

2. Whether FSA's decision to reject the proposed plan amendment exceeds its authority under section 402(a)(7) of the Act.

3. Whether the regulatory provision at 45 CFR 233.20(a)(2)(vi)(b) exceeds the plain language of section 402(a)(7) of the Act.

4. Whether the proposed plan amendment violates section 406(b)(2) of the Act and 45 CFR 234.60 of the regulations.

5. Whether the Agency violated its own regulations at 45 CFR 201.3 by failing to act on the proposed plan amendment during the time period prescribed in that regulation and, if so, what effect that alleged violation has on the Agency's authority to reject the amendment.

6. Whether the disapproval of the proposed amendment causes New York to be treated differently from other states that have approved state plans having essential person components and, if so, what effect this disparate treatment has on the Agency's disapproval of the amendment.

A copy of this letter will appear as a Notice in the **Federal Register** and any person wishing to request recognition as a party will be entitled to file a petition pursuant to 45 CFR 213.15(b) with the Departmental Grant Appeals Board within 15 days after that notice has been published. A copy of the petition should be served on each party of record at that time. The petition must explain how the issues to be considered at the hearing have caused them injury and how their interest is within the zone of interests to be protected by the governing Federal statute. 45 CFR 213.15(b)(1). In addition, the petition must concisely state (i) petitioner's interest in the proceeding, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses. 45 CFR 213.15(b)(2). Any party may, within 5 days of receipt of such petition, file comments thereon; the presiding officer will subsequently issue a ruling on whether and on what basis participation will be permitted.

Any interested person or organization wishing to participate as amicus curiae may also file a petition with the Board, which shall conform to the requirements at 45 CFR 213.15(c). This petition should be filed no later than September 18, 1987, to permit the presiding officer an adequate opportunity to consider and rule upon it.

Any further inquiries, submissions, or correspondence regarding this matter should be filed in an original and two copies with Ms. Ballard at the Departmental Grant Appeals Board, Room 451–F, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, where the record in this matter will be kept. Each submission must include a statement that a copy of the material has been sent to the other party, identifying when and to whom the copy was sent. For convenience please refer to Board Docket No. 87–116.

Wayne A. Stanton,

Administrator, Family Support Administration.

Wayne A. Stanton,

Administrator, Family Support Administration.

[FR Doc. 87–17965 Filed 8–6–87; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 87E–0230]

Determination of Regulatory Review Period for Purposes of Patent Extension; Therakos Uvar® System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for the Therakos UVAR® System and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that medical device.

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

FOR FURTHER INFORMATION CONTACT: Philip L. Chao, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) generally provides that a patent may be extended for a period of up to 5 years so

long as the patented item (human drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under that act, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 158(g)(3)(B).

FDA recently approved for marketing the medical device product known as the Therakos UVAR® System which is indicated for use in the ultraviolet-A irradiation, in the presence of the photoactive drug methoxsalen (8-methoxypsoralen, or 8-MOP), of extracorporeally circulating leukocyte-enriched blood in the palliative treatment of the skin manifestations of cutaneous T-cell lymphoma (CTCL) in persons enrolled under the notice of claimed investigational exemption for a new drug (IND), IND No. 29,904, who have not been responsive to other forms of treatment. The sale, distribution, and use of this device is limited to investigators participating in IND No. 29,904. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for U.S. Patent No. 4,428,744 from Frederic A. Bourke, Jr., Eleanor F. Bourke, Richard L. Edelson, and the Edelson Trust. The Patent and Trademark Office requested FDA's assistance in determining the product's eligibility for patent term restoration, and in a letter dated July 9, 1987, FDA advised the Patent and Trademark Office that the medical device had undergone a regulatory review period and that the medical device represented the first permitted commercial marketing or use. This **Federal Register** notice now represents FDA's determination of the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Therakos UVAR® System is 946 days. Of this time, 589 days occurred during the testing phase of the regulatory review period, while 357 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date a clinical investigation involving this device was begun:* September 6, 1984.

The applicant correctly claims that the investigational device exemption for this device was conditionally approved on January 26, 1984. However, FDA regulations at 21 CFR 812.42 explicitly state that an investigation or part of an investigation shall not begin until an institutional review board (IRB) and FDA have both approved "the application or supplemental application relating to the investigation or part of an investigation." Thus, although the IDE was conditionally approved, the investigation could not begin until an IRB approved the investigation. FDA records indicate that IRB approval was obtained on September 6, 1984, and, therefore, September 6, 1984, is the date on which a clinical investigation could begin.

2. *The date an application was initially submitted with respect to the device under section 515 of the Federal Food, Drug, and Cosmetic Act:* April 17, 1986.

FDA has verified the applicant's claim that the premarket approval application (P860003) was submitted on April 17, 1986.

3. *The date the application was approved:* April 8, 1987.

The applicant claims that the device was approved on April 10, 1987. However, FDA records indicate that P860003 was approved on April 8, 1987.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 2 years of patent extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before October 6, 1987, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before February 3, 1988, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 98th Cong., 2d Sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 4, 1987.

Allen B. Duncan,

Acting Associate Commissioner for Health Affairs.

[FR Doc. 87-17980 Filed 8-6-87; 8:45 am]

BILLING CODE 4160-01-M

Social Security Administration

Issuance of Acquiescence Rulings

AGENCY: Social Security Administration, HHS.

ACTION: Notice.

SUMMARY: Social Security Acquiescence Rulings are published under the authority of the Commissioner of Social Security. These Rulings explain the manner in which the Social Security Administration (SSA) applies decisions of the United States Courts of Appeals, which conflict with SSA policy, when adjudicating claims under title II and title XVI of the Social Security Act and Part B of the Black Lung Benefits Act. The rulings are effective upon the date of publication and are available to the public.

On June 4, 1986, the issuance and availability of the first 14 rulings was announced by notice in the **Federal Register** (51 FR 20354). This notice announces the issuance and availability of 12 additional rulings which have been issued during the period from May 20, 1986 through March 31, 1987. Brief descriptions of these rulings follow. The parenthetical number which follows each ruling number refers to the Circuit involved.

AR 86-15(6)

Effective Date: May 20, 1986.

Boyland v. Califano, 633 F. 2d 430 (6th Cir. 1980); *Parker v. Schweiker,* 673 F.2d 160 (6th Cir. 1982); *Childress v. Secretary of Health and Human Services,* 679 F.2d 623 (6th Cir. 1982)—The "contribution to support" requirement of section 216(h)(3)(C)(ii) of the Social Security Act

Issue

Whether, when determining if a worker's contributions to the support of his illegitimate child are regular and substantial, the Secretary must consider the financial circumstances of the worker and the child.

Explanation of How SSA Will Apply These Decisions Within the Circuit

This ruling applies only to cases where the child resides in Michigan, Ohio, Kentucky, or Tennessee at the time of determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council.

In a claim for surviving child's benefits under section 216(h)(3)(C)(ii) of the Social Security Act (42 U.S.C. 416(h)(3)(C)(ii)) where the worker's income had been irregular or insubstantial, the substantiality and regularity of the worker's contributions to the applicant's support must be evaluated in light of the financial resources of both the worker and the child's household.

AR 86–16(2)

Effective Date: May 20, 1986.

Damon v. Secretary of Health, Education and Welfare, 557 F.2d 31 (2nd Cir. 1977)—Child's Benefits: Support of Child Adopted After Worker's Entitlement to Benefits—Title II of the Social Security Act

Issue

Whether payments to foster parents by the State of Vermont on behalf of a foster child are public assistance to the child or compensation to the foster parent whch can be considered the foster parent's income in determining whether the one-half support requirement of section 202(d)(8)(D)(ii) of the Social Security Act is met.

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies only to cases where the child resides in a State in the Second Circuit (New York, Connecticut, or Vermont) and the State law treats foster care payments as payments to the foster parent and not assistance payments to the child at the time of the determination or decision at any administrative level of review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council.

In a claim for child's benefits under section 202(d)(8)(D)(ii) of the Social Security Act (42 U.S.C. 402(d)(8)(D)(ii)), where the worker was receiving payments as a foster parent for a foster child whom the worker adopted after the worker became entitled to Social Security benefits, the payments are to be treated as income of the foster parent in determining whether such parent contributed one-half of the adopted foster child's support for purposes of section (d)(8)(D)(ii).

AR 86–17(9)

Effective Date: May 21, 1986.

Owens v. Schweiker, 692 F.2d 80 (9th Cir. 1982) Child's Benefits—Title II of the Social Security Act

Issue

Whether, for purposes of determining a child's status under section 216(h)(2)(A) of the Social Security Act, the Secretary must apply the State law of intestate succcession in effect at the time of the worker's death, rather than the law in effect at the time of the Secretary's determination.

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies only to cases where the child resides in Alaska, Arizona, Clifornia, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon, or Washington at the time of determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council.

In a claim for surviving child's benefits involving section 216(h)(2)(A) of the Social Security Act (42 U.S.C. 416(h)(2)(A)), to determine the right of the child to inherit under the intestacy law in the State of the worker's domicile at the time of death, the law which is in effect at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review, shall be applied to determine the child's entitlement to benefits.

AR 86–18(5)

Effective Date: May 22, 1986.

Woodson v. Schweiker, 656 F.2d 1169 (5th Cir. 1981) Interpretation of the Deemed Marriage Provision—Title II of the Social Security Act

Issue

Whether an applicant who cannot establish that she is the legal wife or widow of a worker, can establish entitlement to wife's, widow's or mother's benefits on his earnings record under the provision for deeming a marriage valid set forth in section 216(h)(1)(B) of the Social Security Act (the Act), 42 U.S.C. 416(h)(1)(B), where (1) another individual previously has been entitled to benefits on the worker's earnings record under section 202 (b), (e) or (g) of the Act, 42 U.S.C. 402 (b), (e) or (g),[1] but (2) such individual is no longer entitled to benefits.[2]

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies only in cases where the applicant seeking to invoke the deemed marriage provision resides in Mississippi, Louisiana or Texas at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council.

When a claimant seeks to establish her status as the wife or widow of a worker on the basis of the deemed marriage provision and the legal widow was previously entitled, claimant's entitlement will not be barred because the legal widow was previously entitled to wife's, widow's or mother's benefits under section 202 (b), (e) or (g) of the Act.[3] This ruling applies equally to claims for husband's, widower's and father's benefits. See footnote 2. In such cases, the application of the deemed spouse will be adjudicated as though the legal spouse had not been entitled, except that the "deemed spouse" will not be entitled to wife's, widow's or mother's benefits for any months prior to the month after the month in which the former beneficiary's benefits terminated. Once the applicant has

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[1] Respectively, the paragraphs of this section set forth the conditions for entitlement for wife's, widow's and mother's insurance benefits. As more fully set forth in the Act, (1) wife's benefits are benefits paid to the wife of a worker who is entitled to benefits either on the basis of her age, or on the basis that she has in her care a child of the worker who is entitled to benefits; (2) widow's benefits are benefits paid to the widow of an insured worker on the basis of her age; and (3) mother's benefits are benefits paid to a widow on the basis that she has in her care a child of the worker who is entitled to benefits.

[2] This ruling applies equally to an individual seeking to establish entitlement to husband's, widower's or father's benefits by invoking the provisions of section 216(h)(1) of the Act, where another individual previously has been entitled to husband's, widower's or father's benefits under section 202 (c), (f) or (g), 42 U.S.C. 402 (c), (f) or (g). As more fully set forth in the Act, these categories of benefits are analogous to wife's, widow's and mother's benefits, respectively, as described in footnote 1.

[3] In *Woodson*, the widow's remarriage was the event which terminated her entitlement to benefits on the worker's account. However, the court's holding is based on the fact that her status as a widow within the meaning of section 216(h)(1)(B) has ended, and would apply equally where the former beneficiary's entitlement had terminated for some other reason. Under the Act and regulations, there are certain situations in which a widow's remarriage does not terminate her entitlement to benefits. See 20 CFR 404.337 and 404.341. The *Woodson* case does not involve a remarriage which comes within the terms of an exception, and this ruling is not applicable to cases which come within the terms of an exception.

become entitled to benefits under the deemed marriage provisions by application of this ruling, her continuing entitlement should be determined in accordance with regular SSA policies and procedures.[4]

AR 86–19(11)

Effective Date: May 22, 1986.

Woodson v. Schweiker, 656 F.2d 1169 (5th Cir. 1981) Interpretation of the Deemed Marriage Provision Title II of the Social Security Act

Issue

Whether an applicant who cannot be establish that she is the legal wife or widow of a worker, can establish entitlement to wife's, widow's or mother's benefits on his earnings record under the provision for deeming a marriage valid set forth in section 216(h)(1)(B) of the Social Security Act (the Act), 42 U.S.C. 416(h)(1)(B), where (1) another individual previously has been entitled to benefits on the worker's earnings record under section 202 (b), (e) or (g) of the Act, 42 U.S.C. 402 (b), (e) or (g),[5] but (2) such individual is no longer entitled to benefits.[6]

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies only in cases where the applicant seeking to invoke the deemed marriage provision resides in Alabama, Florida and Georgia at the time of the determination or decision at any administrative level of review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council.[7]

When a claimant seeks to establish her status as the wife or widow of a worker on the basis of the deemed marriage provision and the legal widow was previously entitled, claimant's entitlement will not be barred because the legal widow was previously entitled to wife's, widow's or mother's benefits under section 202(b), (e) or (g) of the Act.[8] This ruling applies equally to claims for husband's, widower's and father's benefits. See footnote 6. In such cases, the application of the deemed spouse will be adjudicated as though the legal spouse had not been entitled, except that the "deemed spouse" will not be entitled to wife's, widow's or mother's benefits for any months prior to the month after the month in which the former beneficiary's benefits terminated. Once the applicant has become entitled to beneifts under the deemed marriage provisions by application of this ruling, her continuing entitlement should be determined in accordance with regular SSA policies and procedures.[9]

AR 86–20(6)

Effective Date: May 23, 1986.

Grigg v. Finch, 418 F.2d 661 (6th Cir. 1969) Correction of an individual's earnings record to reflect self-employment income for years in which the individual did not timely file an income tax return

Issue

Whether, after the statutory time limitation for correcting an earnings record has expired, the absence of an entry of self-employment income for a year in which no timely tax return of self-employment income was filed is conclusive evidence that no self-employment income was derived by the worker in that year.

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies only where the claimant resides in Michigan, Ohio, Kentucky, or Tennessee at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review.

When evaluating a request by a worker for an amendment of his or her earnings record to reflect alleged self-employment income for a year in which the worker did not file an income tax return reflecting self-employment income and for which the statutory time limitation for filing an income tax return and for correcting the earnings record has run, SSA will credit the worker with the appropriate self-employment income for that year only where all of the following conditions are met: (1) The worker's receipt of self-employment income is documented by Internal Revenue Service Forms 1099 (2) timely filed by disinterested third parties (3) reflecting the payment of self-employment income to the worker in the period alleged.[10]

AR 86–21(2)

Effective Date: July 3, 1986.

Adams v. Weinberger, 521 F.2d 656 (2d Cir. 1975) Contributions to Support re: Posthumous Illegitimate Child—Title II of the Social Security Act

Issue

Whether the contributions for support by the father of an unborn child commensurate with the needs of the unborn child at the time of the father's death establish support of the child in order to entitle the child to survivor's benefits as a deemed child, even through the contributions to the child or the

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[4] Under SSA's policy, entitlement of a claimant under the deemed marriage provision is possible where the beneficiary previously entitled to wife's, widow's or mother's benefits has died or where the beneficiary's marriage to the insured worker was dissolved by divorce or annulment. The earliest possible month of entitlement for the deemed spouse would be the month of the former beneficiary's death, or, if applicable, dissolution of the marriage to the insured worker. Therefore, in this situation, both SSA policy and circuit law would permit use of the deemed marriage provision to entitle the deemed spouse.

[5] Respectively, the paragraphs of this section set forth the conditions for entitlement for wife's, widow's and mother's insurance benefits. As more fully set forth in the Act, (1) wife's benefits are benefits paid to the wife of a worker who is entitled to benefits either on the basis of her age, or on the basis that she has in her care a child of the worker who is entitled to benefits; (2) widow's benefits are benefits paid to the widow of an insured worker on the basis of her age; and (3) mother's benefits are benefits paid to a widow on the basis that she has in her care a child of the worker is entitled to benefits.

[6] This ruling applies equally to an individual seeking to establish entitlement to husband's, widower's, or father's benefits by invoking the provisions of section 216(h)(1) of the Act, where another individual previously has been entitled to husband's, widower's or father's benefits under section 202 (c), (f) or (g), 42 U.S.C. 402 (c), (f) of (g). As more fully set forth in the Act, these categories of benefits are analogous to wife's, widow's and mother's benefits, respectively, as described in footnote 5.

[7] *Woodson* was decided on September 25, 1981, when the States which now comprise the Eleventh Circuit were part of the Fifth Circuit. Under the holding in *Bonner v. City of Pritchard, Alabama*, 661 F.2d 1206 (11th Cir. 1981), Fifth Circuit decisions issued prior to October 1, 1981 are precedents for the Eleventh Circuit. Accordingly, a Ruling of Acquiescence on *Woodson* is provided for Eleventh Circuit residents.

[8] In *Woodson*, the widow's remarriage was the event which terminated her entitlement to benefits on the worker's account. However, the court's holding is based on the fact that her status as a widow within the meaning of section 216(h)(1)(B) has ended, and would apply equally where the former beneficiary's entitlement had terminated for some other reason. Under the Act and regulations, there are certain situations in which a widow's remarriage does not terminate her entitlement to benefits. See 20 CFR 404.337 and 404.341. The *Woodson* case does not involve a remarriage which comes within the terms of an exeption, and this ruling is not applicable to cases which come within the terms of an exception.

[9] Under SSA's policy, entitlement of a claimant under the deemed marriage provision is possible where the beneficiary previously entitled to wife's, widow's or mother's benefits had died or where the beneficiary's marriage to the insured worker was dissolved by divorce or annulment. The earliest possible month of entitlement for the deemed spouse would be the month of the former beneficiary's death, or, if applicable, dissolution of the marriage to the insured worker. Therefore, in this situation, both SSA policy and circuit law would permit use of the deemed marriage provision to entitle the deemed spouse.

[10] It is significant to note that the Form 1099 will reflect only the gross amount of money paid to the worker. In order to determine the *amount* of self-employment income to be credited to the worker's earnings record, it will be necessary to determine the net earnings from the self-employment (i.e., the amount receive as reflected in the Form 1099 should be reduced by the amount of the worker's deductible expenses.)

child's mother were not regular and substantial.

Explanation of How SSA Will Apply the Decision With the Circuit

This ruling applies only to cases involving an applicant for child's benefits as a deemed child under section 216(h)(3)(C)(ii) of the Social Security Act who resides in Connecticut, New York, or Vermont at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review and who was born after the worker died.

Such an applicant will be deemed to be the worker's child when satisfactory evidence establishes that the worker is the father of the child and the worker's contributions to his unborn child were commensurate with the needs of the unborn child at the time of the worker's death, even though those contributions were not regular and substantial.

AR 86–22(4)

Effective Date: July 3, 1986.

Parsons v. Health and Human Services, 762 F.2d 1188 (4th Cir. 1985)—Contributions to Support re: Posthumous Illegitimate Child—Title II of the Social Security Act

Issue

Whether the contributions for support by the father of an unborn child commensurate with the needs of the unborn child at the time of the father's death establish support of the child in order to entitle the child to survivor's benefits as a deemed child, even through the contributions to the child or the child's mother were not regular and substantial.

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies only to cases involving an applicant for child's benefits as a deemed child under section 216(h)(3)(C)(ii) of the Social Security Act who resides in Maryland, Virginia, West Virginia, South Carolina or North Carolina at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review and who was born after the worker died.

Such an applicant will be deemed to be the worker's child when the worker's contributions to his unborn child were commensurate with the needs of the unborn child at the time of the worker's death, even though those contributions were not regular and substantial.

AR 86–23(9)

Effective Date: July 3, 1986.

Doran v. Schweiker, 681 F.2d 605 (9th Cir. 1982) Contributions to Support re: Posthumous Illegitimate Child—Title II of the Social Security Act

Issue

Whether the contributions for support by the father of an unborn child commensurate with the needs of the unborn child at the time of the father's death establish support of the child in order to entitle the child to survivor's benefits as a deemed child, even though the contributions to the child or the child's mother were not regular and substantial. Further, whether the Secretary in determining if the worker was "contributing to the support" of the unborn child, must consider such contributions in relation to the worker's economic circumstances.

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies only to cases involving an applicant for child's benefits as a deemed child under section 216(h)(3)(c)(ii) of the Social Security Act who resides in Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon or Washington at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review and who was born after the worker died.

Such an applicant will be deemed to be the worker's child when satisfactory evidence establishes that the worker is the father of the child and the worker's contributions to his unborn child were commensurate with the needs of the unborn child at the time of the worker's death, even though those contributions were not regular and substantial. The economic circumstances of the worker (i.e., ability to contribute) will also be taken into account in determining whether the worker was contributing to the claimant's support.

AR 86–24(10)

Effective Date: September 26, 1986.[11]

Hansen v. Heckler, 783 F.2d 170 (10th Cir. 1986); *Elliott v. Heckler*, No. 84–2055 (10th Cir. 1986); Invalidation of the Not Severe Regulations—Titles II and XVI of the Social Security Act

Issue

Whether an individual's impairment(s), alone or in combination, may be found not severe, hence not disabling under the sequential evaluation process based only on medical evidence which establishes that the impairment(s) would have no more than a minimal effect on the individual's ability to work even if the individual's age, education or work experience were specifically considered.

Explanation of How SSA Will Apply the Decisions Within the Circuit

This ruling applies to cases involving an applicant for disability insurance benefits and/or Supplemental Security Income benefits based on disability who resides in Wyoming, Utah, Colorado, Kansas, New Mexico or Oklahoma at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review.

The disability determinations of such applicants will begin as usual with the first step of the sequential evaluation process involving whether the claimant is performing or has performed substantial gainful activity during the period at issue. Adjudication will be as follows:

(1) *Initial Cases*—In cases where a determination is not directed at step one, proceed directly to a consideration of whether the applicant's impairment(s) meets or equals a listed impairment in Appendix 1, and, if necessary, to subsequent steps of the sequential evaluation process.

(2) *Continuing Disability Review Cases*—In cases where a determination is not directed at steps one, two, or five of the sequential evaluation process for continuing disability review cases, proceed to a consideration of current ability to engage in substantial gainful activity, i.e., assess residual functional capacity based on all current impairments and determine whether the person can still do work done in the past. If necessary, proceed to subsequent steps of the sequential evaluation process. See 20 CFR 404.1594(f) (6) and (7); 416.994(b)(5) (vi) and (vii).

AR 86–25(9)

Effective Date: October 20, 1986.

Fagner v. Heckler, 779 F.2d 541 (9th Cir. 1985)—Applicability of section 1127 of the Social Security Act

[11] Since the "nonsevere" issue is presently before the United States Supreme Court in *Bowen v. Yuckert, cert. granted*, 106 S.Ct. 1967 (1986), this ruling is to be applied only until such time as a decision is issued in *Yuckert*.

Issue

Whether section 1127 of the Social Security Act applies to determinations or decisions made before July 1, 1981 (its effective date) but processed for payment after that date.

Explanation of How SSA Will Apply the Decision Within the Circuit

This ruling applies to claims involving an applicant for benefits under both title II and title XVI whose entitlement to title II retroactive benefits was determined prior to July 1, 1981 but whose award certificate for title II benefits was not issued until July 1, 1981 or later and who resides in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Northern Mariana Islands, Oregon or Washington at the time of the determination or decision at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review.

If, prior to July 1, 1981, such a person is determined to be entitled to retroactive title II benefits ("determined" as defined by the Court of Appeals) but his or her award certificate is not issued until July 1, 1981 or later, section 1127 of the Social Security Act will not apply and no reduction of retroactive monthly Social Security benefits for months in which SSI payments were received will be required.

AR 87-1(6)

Effective Date: January 6, 1987.

Webb v. Richardson, 472 F.2d 529 (6th Cir. 1972)—Attorneys' Fees—Single Fee, Not to Exceed 25 Percent of Past-Due Benefits, Set by Tribunal Which Ultimately Upholds the Claim—Title II of the Social Security Act.

Issue:

Whether the tribunal, which ultimately allows an individual's retirement, survivor's or disability insurance (title II) claim, may approve an attorney's fee covering services provided during the entire appeal process and whether such approved fee is limited to 25 percent of the past-due benefits.

Explanation of How SSA Will Apply the Decision Within the Circuit.

This ruling applies only to title II cases involving the allowance of an individual's claim and subsequent application for approval of an attorney's fee in cases where the individual resides in Kentucky, Michigan, Ohio or Tennessee at the time of the fee petition determination at any level of administrative review, i.e., initial, reconsideration, administrative law judge hearing or Appeals Council review.

In all cases, the tribunal (meaning either the Federal Court system or the Social Security Administration) which ultimately allows the individual's claim will set a single attorney's fee covering services provided before either or both tribunals during the entire appeal process. The amount of such approved fee may not exceed 25 percent of the past-due benefits. This 25 percent maximum applies to cases which are pursued no further than the administrative level as well as to cases where there is court involvement.

FOR FURTHER INFORMATION CONTACT: Lita Drapkin, Legal Assistant, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7336.

Paperwork Reduction Act

This notice does not impose recordkeeping or reporting requirements on the public.

Dated: July 15, 1987.

Dorcas R. Hardy,

Commissioner of Social Security.

[FR Doc. 87-17945 Filed 8-6-87; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-030-07-4332-09; FES87-32]

Availability of Final Environmental Impact Statement for the Gunnison Basin and American Flats—Silverton Planning Units; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement (EIS) on the Wilderness Recommendations for the Gunnison Basin and American Flats—Silverton Planning Units, Montrose District, Colorado.

SUMMARY: This EIS assesses the environmental consequences of managing five Wilderness Study Areas (WSAs) as wilderness or nonwilderness. The alternatives analyzed included: (1) A No Wilderness/No Action alternative for each WSA, (2) an All Wilderness alternative for each WSA, and (3) one or more Partial Wilderness alternatives for each WSA.

The names of the WSAs analyzed in the EIS, their total acreage, and the proposed action for each are as follows:

Area	Acres nonsuitable	Acres suitable
Redcloud Peak (CO-030-208)	10,175	30,400
Handies Peak (CO-30-241)	10,975	7,885
American Flats (CO-030-217)	3,205	1,505
Bill Hare Gulch (CO-030-085)	370	0
Larson Creek (CO-030-086)	900	0
	25,625	39,790

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior to the President and from the President to the Congress. The final decision on wilderness designation rests with Congress. In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations, 40 CFR 1506.10B(2).

SUPPLEMENTARY INFORMATION: A limited number of individual copies of the EIS may be obtained from the Area Manager, Gunnison Resource Area, 216 North Colorado, Gunison, CO 81230. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th & C Street, NW., Washington, DC 20240

Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215

Bureau of Land Management, Montrose District, 2465 S. Townsend, Montrose, CO 81401.

FOR FURTHER INFORMATION CONTACT: Bob Schmidt, Acting District Manager, Montrose District, 2465 S. Townsend, Montrose, CO 81401.

Dated: July 30, 1987.

Bruce Blanchard,

Director, Office of Environmental Project Review.

[FR Doc. 87-17769 Filed 8-6-87; 8:45 am]

BILLING CODE 4310-JB-M

[CO-030-07-4410-08]

Availability of the Draft Uncompahgre Basin Resource Management Plan/ Environmental Impact Statement and Draft Wilderness Technical Supplement; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Uncompahgre Basin Resource Management Plan/Environmental Impact Statement and Draft Wilderness Technical Supplement, and notice of three proposed areas for designation as Areas of Critical Environmental

Concern (ACECs) and either Research Natural Areas or Outstanding Natural Areas in one or more of the alternatives.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Federal Land Policy and Management Act of 1976, the Bureau of Land Management has prepared the Draft Uncompahgre Basin Resource Management Plan/Environmental Impact Statement (RMP/EIS) and Draft Wilderness Technical Supplement (WTS).

DATE: Comments must be received by November 5, 1987.

ADDRESS: Comments should be sent to: Robert E. Vecchia, RMP Team Leader, Bureau of Land Management, Uncompahgre Basin Resource Area, 2505 South Townsend Avenue, Montrose, Colorado 81401.

FOR FURTHER INFORMATION CONTACT: Robert E. Vecchia, RMP Team Leader, Bureau of Land Management, Uncompahgre Basin Resource Area, 2505 South Townsend Avenue, Montrose, Colorado 81401; Telephone: 249–2244. Single copies may be obtained from this address.

SUPPLEMENTARY INFORMATION: Four management alternatives for the 483,077 acres of public land in the Uncompahgre Basin Planning Area of the Uncompahgre Basin Resource Area in west-central Colorado were analyzed in the Draft RMP/EIS.

The Continuation of Current Management Alternative represents the existing management guidance. This alternative corresponds to the No Action Alternative required by the NEPA.

The Production Alternative would continue multiple-use management but would promote the development, production, and transportation of resources providing and producing minerals, food, timber, and fiber.

The Conservation Alternative would continue multiple-use management but would promote the conservation and protection of resources such as wilderness, cultural sites, wildlife habitats, watershed, and recreation areas.

The Preferred Alternative was developed based on the analysis of the other three alternatives. It would continue multiple-use management by protecting important environmental values and sensitive resources while allowing development of resources which provide important goods and services.

The Draft RMP/EIS also identifies three areas proposed for designation as ACECs:

A 1,895-acre portion of Escalante Canyon west of Delta, Colorado, would be considered for special designation. This area contains several federally-listed threatened and endangered plant species and two unique plant associations. The area also receives significant recreational use. Specifically, this area is located in T. 51 N., R. 13 W., sections 19, 20, 21, 22, 27, 28, 29, and 30, New Mexico Principal Meridian.

An area comprised of two tracts totalling 377 acres eight miles east of Montrose, Colorado, would be considered for special designation. The tracts contain a large population of a listed endangered specie and significant populations of a candidate specie. Specifically, this area is located in T. 49 N., R. 8 W., Sections 18 and 19; T. 48 N., R. 8 W., section 6; and T. 48 N., R. 9 W., section 1, New Mexico Principal Meridian.

An 80-acre site consisting mainly of a volcanic geological structure with high-value scientific, interpretive, and scenic characteristics northeast of Crawford, Colorado, would be considered for special designation. Specifically, this area is located in T. 15 S., R. 91 W., section 27, 6th Principal Meridian.

The Draft WTS analyzes in detail various alternatives for the three Wilderness Study Areas (WSAs) within the planning area. The WSAs total 41,865 acres.

Public hearings to receive oral and/or written comments on the Draft RMP/EIS and Draft WTS will be held at the following times and locations:

September 22, 1987: 7:30 p.m. to 9:30 p.m., Memorial Hall, Main Street at 1st Street, Hotchkiss, Colorado.

September 24, 1987: 7:30 p.m. to 9:30 p.m., Ramada Inn Foothills, 11595 West 6th Avenue, Lakewood, Colorado.

September 29, 1987: 7:30 p.m. to 9:30 p.m., BLM Montrose District Office, 2465 South Townsend Avenue, Montrose, Colorado.

An informational open house will precede each public hearing. The open house session will begin at 6:30 p.m. at each location.

Tom Walker,

Associate State Director.

July 14, 1987.

[FR Doc. 87–16710 Filed 8–6–87; 8:45 am]

BILLING CODE 4310-JB-M

[NV-930-07-4332-09; FES 87-33]

Availability of Final Environmental Impact Statement for Wells Wilderness; Nevada

AGENCY: Department of Interior, Bureau of Land Management.

ACTION: Notice of Availability of Final Environmental Impact Statement (EIS) on the Wilderness Recommendations for the Wells Resource Area, Elko District, Nevada.

SUMMARY: This EIS assesses the environmental consequences of managing four Wilderness Study Areas (WSAs) as wilderness or nonwilderness. The alternatives analyzed included: (1) A No wilderness alternative for each WSA, (2) an All Wilderness alternative for each WSA, and (3) a Partial Wilderness alternative(s) for each WSA.

The names of the WSAs analyzed in the EIS, their total acreage, and the proposed action for each are as follows:

WSA	Acres suitable	Acres nonsuitable
Bluebell WSA	41,324	14,341
Goshute Peak WSA	61,004	8,766
South Pequop WSA	34,544	6,546
Bad Lands WSA	8,415	1,011
Total	145,287	30,664

The Bureau of Land Management wilderness proposals will ultimately be forwarded by the Secretary of the Interior to the President and from the President to the Congress. The final decision on wilderness designation rests with Congress. In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS. This complies with the Council on Environmental Quality Regulations, 40 CFR 1506.10B(2).

SUPPLEMENTARY INFORMATION: A limited number of individual copies of the EIS may be obtained from the District Manager, Elko District, P.O. Box 831, Elko, NV 89801, or call (702) 738–4071. Copies are also available for inspection at the following locations:

Department of the Interior, Bureau of Land Management, 18th & C Street, NW., Washington, DC 20240

Bureau of Land Management, Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520

Bureau of Land Management, Elko District, P.O. Box 831, Elko, NV 89801.

FOR FURTHER INFORMATION CONTACT: Rodney Harris, District Manager, at 3900 E. Idaho Street or Elko District, P.O. Box 831, Elko, NV 89801.

Dated: July 31, 1987.

Bruce Blanchard,

Director Office of Environmental Project Review.

[FR Doc. 87–17770 Filed 8–16–87; 8:45 am]

BILLING CODE 4310-HC-M

[AZ-050-06-4332-09]

Availability of Yuma District Draft Wilderness Environmental Impact Statement; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Yuma District Draft Wilderness Environmental Impact Statement.

SUMMARY: The Yuma District Draft Wilderness Environmental Impact Statement assesses the environmental consequences of managing 22 wilderness study areas as wilderness or nonwilderness. The alternatives assessed include: (1) An "All Wilderness Alternative" for each wilderness study area; (2) a "No Wilderness Alternative" for each wilderness study area; (3) "Partial Wilderness Alternatives" for ten of the wilderness study areas; and (4) "Enhanced Wilderness Alternatives" for two of the wilderness study areas.

The names of the wilderness study areas and the acreages recommended suitable and nonsuitable under the Proposed Action are shown in the following table.

WSA	Acres recommended	
	Suitable	Nonsuitable
Dead Mtns. No. Add	0	1,815
Dead Mtns. So. Add	0	630
Chemehuevi Mtns. Add	0	195
Chemehuevi/Needles Add	960	0
Needles Eastern Add	0	465
Crossman Peak	19,290	19,340
Mohave Wash	55,018	48,347
Whipple Mountains Add	1,260	120
Gibraltar Mountain	15,675	9,585
Planet Peak	16,430	1,215
Cactus Plain	62,325	8,035
Swansea	11,795	29,895
East Cactus Plain	13,735	0
Big Maria Mtn. No. Add	0	415
Big Maria Mtn. So. Add	0	1,420
South Trigo Mountains	0	4,500
Trigo Mountains	29,095	7,775
Kofa Unit 3 So. Add	0	3,400
Kofa Unit 4 No. Add	1,380	520
Kofa Unit 4 So. Add	0	11,220
Little Picacho Peak Add	0	2,915
Muggins Mountains	8,855	5,600
Total	235,818	157,407

The Bureau of Land Management draft wilderness recommendations are available for public review and comment. Public hearings will be held in Lake Havasu City, Parker, Yuma, and Phoenix, Arizona, and in Blythe, California. The schedule for these hearings is as follows:

Date and time	Location
09/15/87—7-9 p.m. MST	Rancho Viejo Elementary School (Auditorium), 930 South Avenue C, Yuma, Arizona.
09/16/87—7-9 p.m. MST	Havasupai Elementary School Gymnasium, 880 Cashmere Blvd., Lake Havasu City, Arizona.
09/22/87—7-9 p.m. MST	Wallace School Gymnasium (Dome), 1650 Navaho, Parker, Arizona.
09/23/87—7-9 p.m. PDT	Ruth Brown School (Cafetorium), 241 North Seventh Street, Blythe, California.
09/29/87—7-9 p.m. MST	Maricopa County Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, Arizona.

Comments received during the review period will be considered in the later decisionmaking process and included in the final wilderness environmental impact statement. The Bureau of Land Management wilderness recommendations will ultimately be forwarded by the Secretary of the Interior and the President to Congress. The final decision on wilderness designation rests with Congress.

DATE: Written comments should be submitted to the Yuma District Manager and must be received on or before November 20, 1987.

FOR FURTHER INFORMATION CONTACT: J. Darwin Snell, District Manager, Yuma District Office, 3150 Winsor Avenue, P.O. Box 5680, Yuma, Arizona 85364, telephone 602-726-6300.

SUPPLEMENTARY INFORMATION: Copies of the draft environmental impact statement may be obtained from the District Manager at the above address. Copies are also available for inspection at the following locations: Department of the Interior, Bureau of Land Management, 18th and C Streets, NW., Washington, DC 20240; and Arizona State Office, Bureau of Land Management, Public Room, 3rd Floor, 3707 N. 7th St., Phoenix, Arizona 85014.

D. Dean Bibles,

State Director, Arizona.

Date: July 28, 1987.

[FR Doc. 87-17768 Filed 8-6-87; 8:45 am]

BILLING CODE 4310-32-M

[M-63929(ND); MT-030-06-4212-14]

Realty Action; Competitive Sale; Morton County, ND

AGENCY: Bureau of Land Management, Dickinson District, Interior.

ACTION: Notice of Realty Action M-63929(ND), competitive sale of public land in Morton County, North Dakota.

SUMMARY: The following described land has been determined to be suitable for disposal under section 203 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1713 at no less than the appraised fair market value of $5,600.00.

Fifth Principal Meridian, North Dakota

T. 135 N., R. 81 W.

Sec. 6, Lot 6, NE1/4SW1/4.

Containing 74.84 acres.

The land will be offered for sale by sealed bid utilizing competitive bidding procedures. The sale will be held at 10:00 A.M. MDT on September 30, 1987 at the Dickinson District Office, 202 East Villard, Dickinson, North Dakota.

The subject land is located approximately 20 miles south of Mandan, North Dakota. The tract has legal and physical access. The tract is isolated and generally unused by the public. It does not contain significant resource values that would justify retention. It is difficult and uneconomical to manage as part of the public land system and not suitable for management by another federal agency. Transfer of the land to private ownership will benefit the public interest and provide for more efficient land management.

The proposed land sale is consistent with the Bureau's proposed land use plan for the Dickinson District. Final approval of the proposed land use plan is anticipated September 1987.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, exchange, location, and entry under the public land laws, including the mining laws, but not sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976 for a period of two years from the date of publication. The sale will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. The reservation to the United States of all minerals.

3. All valid existing rights (e.g., rights-of-way and leases of record).

Bidding Information

The land will be sold by sealed bids. Bids delivered or sent by mail will be considered only if received by the Bureau of Land Management, Dickinson District Office, Box 1229, 202 East Villard, Dickinson, ND 58602 prior to 10:00 A.M. on September 30, 1987. Each sealed bid must be accompanied by a certified check, postal money order, draft, or cashier's check made payable to the Department of the Interior, Bureau of Land Management for not less than one-fifth of the amount of the sealed bid. The sealed envelope must be marked

with the sale date and case number as follows:

Sealed Bid
Public land sale M-63929(ND)
September 30, 1987

Oral bidding will be used when two or more valid high sealed bids of equal amounts are received. Oral bidding will involve only those parties submitting the high bids.

The highest qualifying bid shall be publicly declared.

If the land is not sold at this sale, it will be offered over-the-counter until sold or until the sale is cancelled. Offers to purchase the land in an over-the-counter transaction, if one is necessary, shall be by sealed bid. The bids will be opened 10:00 A.M. MDT/MST the second Friday of each month. Bids must be received no later that 4:00 P.M. the day before the sale to be considered. Other bidding information given in this notice applies.

Comment Period

For a period of 45 days from the date of the notice, interested parties may submit comments to the Bureau of Land Management at the address shown below. Any adverse comment will be evaluated by the Bureau of Land Management Montana State Director, who may sustain, vacate, or modify this realty action. In absence of any objection, this realty action will become the final determination of the Department of the Interior.

Further Information

Information related to the sale, including the environmental assessment and land report, is available for review at the Dickinson District Office, 202 East Villard, Box 1229, Dickinson, North Dakota 58602.

Bidder Information

The bidder must be a United States citizen, or in the case of a corporation, subject to the laws of any state or the United States. A state, state instrumentality, or political subdividion submitting a bid must be authorized to hold property. Any other entity submitting a bid must be legally capable of holding and conveying lands or interests therein under the laws of the State of North Dakota.

Bids must be submitted by the principal or his agent.

Final Details

Once the high bid is accepted, the successful bidder shall submit the remainder of the full bid price within 30 days of the date of the sale. Failure to submit the required amount within the allotted time will result in cancellation of the sale, and the deposit will be forfeited.

The successful bidder, if other than the grazing lessees, shall allow 180 days from the time patent is issued, for the grazing lessees to salvage materials used to construct authorized range improvement projects and to perform reclamation measures. The owners of the improvements are as follows: Anton Gangl—fence 1320 feet long; Robert Gangl—fence 1535 feet long; Regina Gangl—fence 1320 feet long.

All bids will either be returned, accepted or rejected within 60 days of the sale date.

Dated: July 30, 1987.

William F. Krech,

District Manager.

[FR Doc. 87-17942 Filed 8-6-87; 8:45 am]

BILLING CODE 4310-DN-M

[OR-943-07-4220-11; GP-07-216-OR-40870]

Realty Action: Conveyance of Public Land; Order Providing for Opening of Lands); Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 70 acres of public land out of Federal ownership. This action will also open 8.25 acres of reconveyed land to surface entry.

EFFECTIVE DATE: September 14, 1987.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregan 97208, (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that in an exchange of lands made pursuant to section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 70 acres of land in Crook Country, Oregon, from Federal to private ownership.

2. In the exchange, the following described land has been reconveyed to the United States:

Willamette Meridian

T. 17 S., R. 22 E.,
Sec. 17, all the portion of the NE¼NE¼ lying north of Oregon Highway 380.

The area described contains 8.25 acres in Crook County.

3. At 8:30 a.m., on September 14, 1987, the land described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on September 14, 1987, will be considered as simultaneously filed at that time. Those recieved thereafter will be considered in the order of filing.

4. The mineral estate in the land described in paragraph 2 was not reconveyed to the United States and remains out of Federal ownership.

Dated: July 30, 1987.

B. LaVelle Black,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-17941 Filed 8-6-87; 8:45 am]

BILLING CODE 4310-33-M

Bureau of Mines

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

A request extending the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau's clearance officer and to the Office of Management and Budget Interior Department Desk Officer, Washington, DC 20503, telephone 202-395-7340.

Title: Consolidated Consumers' Report

Abstract: Respondents supply the Bureau of Mines with domestic production and consumption data on nonfuel mineral commodities. This information is published in Bureau of Mines publications including the *Mineral Industry Survey* (MIS), *Minerals Yearbook* Volume I, II, and III, *Mineral Facts and Problems, Mineral Commodity Summaries, Mineral Commodity Profiles,* and *Minerals and Materials/A Bimonthly Survey* for use by private organizations and other government agencies.

Bureau Form Number: 6-1109-MA

Frequency: Monthly/Annually

Description of Respondents: Operations that consume ferrous metals.

Annual Responses: 5,098

Annual Burden Hours: 5,098

Bureau Clearance Officer: James T. Hereford (202) 634–1125.

David S. Brown,

Acting Director, Bureau of Mines.

July 27, 1987.

[FR Doc. 87–17971 Filed 8–6–87; 8:45 am]

BILLING CODE 4310–53–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 328]

Investigation of Tank Car Allowance System

AGENCY: Interstate Commerce Commission.

ACTION: Notice of reconvening of the Joint Negotiating Committee (JNC).

SUMMARY: The JNC is reconvening to negotiate changes to the mileage allowance formula, equalization rule, and other related matters in light of the Commission's decision in No. 35404, *General American Transp. Corp.* v. *Indiana Harbor Belt Railroad Co., et al.* (not printed), served March 12, 1987 (*Indiana Harbor*).

DATES: Negotiations will resume on September 14, 1987 at 10:00 A.M., Local Time, at the Marriott O'Hare, Chicago, IL. By August 17, 1987, interested parties who have not previously participated in the JNC, but who wish to do so, should submit the name of their designated representative to:

Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423

Sidney H. Bonser, President, Union Tank Car Company, 111 W. Jackson Blvd., Chicago, IL 60604

Edward D. Olmo, Manager, Land Transportation, Shell Oil Company, 1 Shell Plaza, P.O. Box 2463, Houston, TX 77252–2463

Walter P. Barrett, Executive Vice President, Union Pacific Railroad, 1416 Dodge Street, Room 830, Omaha, NE 68179

Parties that have participated in the JNC should be represented by their previously designated representatives or their successors.

SUPPLEMENTARY INFORMATION: In *Indiana Harbor* the Commission found that rail carriers may charge for movements of privately owned cars to and from private facilities for ordinary maintenance and repair. The Commission stated that car suppliers could recover those costs through mileage allowances. The purpose of the JNC meeting is to initiate negotiations to address the issues raised by *Indiana Harbor.* This notice is published pursuant to a JNC request that the Commission help publicize the meeting.

Additional information is contained in the Commission's *Indiana Harbor* decision. To purchase a copy of the full decision write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–5403.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: July 31, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–17975 Filed 8–6–87; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 31083]

Sisseton Southern Railway Co. Exemption Change in Operator; SLA Property Management

Sisseton Southern Railway has filed a notice of exemption to become the replacement operator selected by SLA Property Management for its line between Milbank, SD (milepost 0), and Sisseton, SD (milepost 38), a distance of 38 miles. The line has been operated by Dakota Rail, Inc., under Finance Docket No. 29896. Any comments must be filed with the Commission and served on George A. Huff, Gen. Mgr., P.O. Box 436, Chamberlain, SD 5732.[1]

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: July 31, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87–17977 Filed 8–6–87; 8:45 am]

BILLING CODE 7035–01–M

[1] The Railway Labor Executives' Association (RLEA) filed an unsupported request for labor protection, claiming that this transaction is subject to the mandatory labor protection provisions of 49 U.S.C. 11347. The United Transportation Union has asked to become a party to this protest. Since this transaction involves an exemption from 49 U.S.C. 10901, this reliance on section 11347 is misplaced, since it only applies to transactions under sections 11344–11346.

[Finance Docket No. 27590 (Sub-No. 1)]

Trailer Train Co. et al.; Approval of the Pooling of Car Service With Respect to Flat Cars; Correction [1]

AGENCY: Interstate Commerce Commission.

ACTION: Institution of proceeding.

SUMMARY: The Commission is instituting a proceeding to consider the application of Trailer Train Company (Trailer Train) and certain railraods under 49 U.S.C. 11342 to amend the Pooling Agreement and Form A Car Contract approved by the Commission in *American Rail Box Car Co.-Pooling,* 347 I.C.C. 862 (1974).

DATES: Verified statements supporting or opposing the application must be filed by August 31, 1987. Verified replies must be filed by September 14, 1987.

ADDRESSES: Send pleadings, referring to Finance Docket No. 27590 (Sub-No. 1) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Applicants' representatives: Paul R. Duke, Covington & Burling, 1201 Pennsylvania Avenue, NW. P.O. Box 7566, Washington, DC 20044

Robert J. Williams, William A. Callison, Trailer Train Company, 101 North Wacker Drive, Chicago, IL 60606

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245.

SUPPLEMENTARY INFORMATION:

The following railroads are applicants in this proceeding: The Atchison, Topeka and Santa Fe Railway Company; Burlington Northern Railroad Company; Chicago and North Western Transportation Company; Consolidated Rail Corporation; CSX Transportation, Inc.; The Denver and Rio Grande Western Railroad Company; Florida East Coast Railway Company; Grand Trunk Western Railroad Company; Illinois Central Gulf Railroad Company; The Kansas City Southern Railway Company; Missouri-Kansas-Texas Railroad Company; Missouri Pacific Railroad Company; Norfolk and Western Railway Company; Richmond, Fredericksburg and Potomac Railroad Company; St. Louis Southwestern Railway Company; Soo Line Railroad Company; Southern Pacific Transportation Company; Southern Railway Company; and Union Pacific Railroad Company.

The Railroad applicants and Trailer Train are seeking approval of, and authorization from, the Commission for

[1] The notice, served and published July 30, 1987, omitted the Southern Pacific Transportation Company from the list of railroad applicants.

a fifteen-year extension of the arrangement for the pooling of flatcar service approved by the Commission in 1974. The extension, which has been assented to by all of the participants in the pooling, is part of an agreement among the railroad applicants and Trailer Train for a realignment of the ownership interests in Trailer Train held by the various railroads. Applicants allege that the extension is required to ensure the continuation of Trailer Train's operations for the foreseeable future.

Interested persons may submit verified statements by the dates set forth above. Copies of the application and the supporting verified statements can be examined in the Commission's Public Docket File, Room 1221, in Washington, DC. Copies may also be obtained from applicants' representatives.

Applicants assert that the requested Commission action will not significantly affect either the quality of the human environment or energy conservation. Any opposing statement may include a statement indicating the presence or absence of any impact of the requested Commission action on energy conservation, energy efficiency, or the environment. If any such impacts are alleged, the statement must be accompanied by supporting data, indicating the nature and degree of the anticipated impact.

Decided: July 24, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 87-17976 Filed 8-6-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application; Ayerst-Wyeth Pharmaceutical Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 19, 1987, Ayerst-Wyeth Pharmaceutical Inc., State Road 3 Kilometer 142.1, P.O. Box 2880, Guayama, Puerto Rico 00654, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Dihydrocodeine (9120)	II
Bulk dextropropoxyphene (non-dosage forms) (9273).	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than September 8, 1987.

Dated: August 3, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-17914 Filed 8-6-87; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Application; Norac Co., Inc.

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 26, 1987, Norac Company, Inc., 405 South Motor Avenue, P.O. Box F, Azusa, California 91702, made application to the Drug Enforcement Administration to be registered as an importer of Ibogaine (7260), a basic class controlled substance in Schedule I.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, DC 20537, Attention: DEA Federal Register Representative (Room 1112), and must be filed no later than September 8, 1987.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will oontinue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: August 3, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-17915 Filed 8-6-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40

U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1 Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, Organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3504, Washington, DC 20210.

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

District of Columbia:
DC87-1 (Jan. 2, 1987) ..... p. 86.
Delaware:
DE87-2 (Jan. 2, 1987) ..... p. 101.
New Jersey:
NJ87-2 (Jan. 2, 1987) ..... pp. 616-619, pp. 621-623.
NJ87-3 (Jan. 2, 1987) ..... pp. 636-639, pp. 642, 644.
NJ87-4 (Jan. 2, 1987) ..... pp. 660-663.
Pennsylvania:
PA87-8 (Jan. 2, 1987) ..... p. 916.
PA87-19 (Jan. 2, 1987) ..... p. 978.
PA87-21 (Jan. 2, 1987) ..... p. 990.
PA87-23 (Jan. 2, 1987) ..... pp. 1006-1007.
West Virginia:
WV87-3 (Jan. 2, 1987) ..... pp. 1212, 1214, pp. 1217-1219.

Volume II

Michigan:
MI87-12 (Jan. 2, 1987) ..... p. 504.
Minnesota:
MN87-8 (Jan. 2, 1987) ..... pp. 561-577.
Missouri:
MO87-3 (Jan. 2, 1987) ..... pp. 610-612.
Texas:
TX87-18 (Jan. 2, 1987) ..... pp. 966-968.
Listing by location (index) ..... pp. xxxvi-xxxviii.

Volume III

Colorado:
CO87-3 (Jan. 2, 1987) ..... pp. 114-115.
Oregon:
OR87-1 (Jan. 2, 1987) ..... p. 283.
Washington:
WA87-1 (Jan. 2, 1987) ..... pp. 330-352b.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the Country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 31st day of July 1987.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 87-17804 Filed 8-6-87; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 87-63]

NASA Guidelines for United States Commercial Enterprises for Space Station Development and Operations

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of NASA Guidelines for U.S. Commercial Enterprises for Space Station Development and Operations.

SUMMARY: These guidelines are derived from NASA's Commercial Space Policy which implements the commercial intent of President Reagan's National Space Policy. They are intended to provide a framework to encourage U.S. commercial enterprise investment and involvement in the development and operation of the Space Station.

(a) NASA welcomes and encourages participation in Space Station development and operations by U.S. commercial enterprises which seek to develop with private funds Space Station systems and services.

(b) NASA will entertain proposals for commercial development and operation of space Station systems and services with the goal of achieving agreements between NASA and the enterprise.

(c) Agreements shall be for specific services with responsibilities and interfaces clearly defined and shall be focused on achievement of objectives in specific time periods.

(d) NASA will provide, where appropriate, incentives to the enterprise.

(e) NASA safety standards will be applied where appropriate; standards such as reliability and quality assurance

will be applied based on criticality to Space Station functions.

(f) NASA will protect proprietary rights; and will ask for privately-owned data only when necessary to carry out its responsibilities.

(g) U.S. commerical enterprises may, where appropriate, enter into agreements with NASA to receive technical assistance, including access to NASA data and facilities.

(h) U.S. commercial enterprises will retain responsibility for sustaining engineering, operational support, financing and spare parts for their services.

(i) U.S. commerical enterprises may offer their services to Space Station participants.

Andrew J. Stofan,

July 31, 1987.

Associate Administrator for Space Station.

[FR Doc. 87-17981 Filed 8-6-87; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-325 and 50-324]

Environmental Assessment and Finding of No Significant Impact; Carolina Power and Light Co., Brunswick Steam Electric Plant, Units 1 and 2

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption for Units 1 and 2 of the Brunswick Steam Electric Plant located in Brunswick County, North Carolina from the requirements of Appendix R to 10 CFR Part 50 to Carolina Power & Light Company (the licensee).

Environmental Assessment

Identification of Proposed Action

The exemption would grant relief from 10 CFR Part 50, Appendix R, Section III.J, for Fire Zone CB-23 located in Fire Area CB-23E. The exemption request is limited to providing separate emergency lighting units for the operation of safe shutdown equipment from the control room area.

The licensee's exemption request and the bases therefor are contained in a letter dated December 1, 1986, and supplemented February 20, 1987.

The Need for the Proposed Action

The proposed exemption is from Section 111.J of Appendix R to 10 CFR Part 50, which requires that emergency lighting units with at least an 8-hour battery power supply be provided in all areas needed to operate safe shutdown equipment. This requirement extends to the access and egress routes of the subject areas, as well. The licensee currently has emergency control room lighting powered by the emergency diesel generators upon loss of offsite power, and by station batteries should the emergency diesel generators fail.

Environmental Impacts of Proposed Action

The proposed exemption would permit acceptance of the existing emergency lighting systems in the control room (which is common to both Units 1 and 2) as equivalent to the 8-hour battery powered emergency lighting units required by the regulation. The exemption covers only the provision of emergency lighting units needed for operation of safe shutdown equipment in the control room area. This exemption will not affect containment integrity, nor the probability of facility accidents. Thus, post-accident radiological releases will not be greater than previously determined, nor will the granting of the proposed exemption otherwise affect radiological plant effluents, or result in any significant occupational exposure. Likewise, the exemption will not affect non-radiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Because it has been concluded that there is no measurable environmental impact associated with the proposed exemption, any alternatives to the exemption will have either no environmental impacts or greater environmental impacts.

The principal alternative to granting the exemption would be to deny the requested exemption. Such action would not reduce environmental impacts of the Brunswick Steam Electric Plant Units 1 and 2 operations and would not enhance the protection of the environment.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in connection with the Final Environmental Statement for Brunswick Steam Electric Plant, Units 1 and 2, dated January 1974.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based on the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further information with respect to this action, see the application for exemption dated December 1, 1986, as supplemented February 29, 1987, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC and at the Southport-Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461.

Dated at Bethesda, Maryland, this 3rd day of August 1987.

For the Nuclear Regulatory Commission.

Bart Buckley,

Acting Director, Project Directorate II-1, Division of Reactor Projects I-II.

[FR Doc. 87-17992 Filed 8-6-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-458]

Exemption; Gulf States Utilities Co., Cajun Electric Power Cooperative, (River Bend Station, Unit 1)

I.

The Gulf States Utilities Company, et al. (the licensee), is the holder of Facility Operating License No. NPF-47 which authorizes operation of the River Bend Station, Unit 1, at reactor core power levels not in excess of 2894 megawatts thermal. The facility is a boiling water reactor located at the licensee's site in West Feliciana Parish, Louisiana. The license provides, among other things, that the facility is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II.

Paragraphs III.C.3 and III.D.3 of Appendix J to 10 CFR Part 50, require that containment isolation valves, which may provide a pathway for leakage of containment atmosphere, be tested on at least a 24-month frequency for comparison with the limiting value of 0.6 L_a for Type B and Type C tests.

The Gulf States Utilities Company proposed a one-time extension to this 24-month surveillance interval for conducting Type C tests on 5 containment isolation valves. The current testing interval is to be extended until the first refueling outage, which is scheduled to begin on September 15, 1987. The extensions requested for leak testing these valves vary from 5 days to 29 days as shown in the following table:

Valve	Extension days	Description/system	Size (inch)
G33*MOVF004	29	RWCU Pump Suction	6
G33*MOVF054	29	RWCU Pump Discharge	4
C11*VF122	16	CRD Supply to Containment	2
SWP*MOV507A	05	SW Supply	12
SWP*V174	05	SW Supply	12

The staff has found that approval of the proposed extension is warranted and that the proposed extension should be authorized by the granting of this one-time exemption so that the River Bend Station, Unit 1, may continue to operate until shutdown for the first refueling outage.

III

The NRC has evaluated the licensee's basis for requesting the extension in the surveillance interval and finds that not granting this exemption would require the licensee to shut down the plant on or about August 16, 1987 to conduct the testing. The granting of this exemption is likely to result in a negligible reduction in containment integrity during the 5 to 29-day extension period. In evaluating the changes to the Technical Specifications and the associated exemption, the staff reviewed the licensee's technical justifications for the requested extension. The staff reviewed the licensee's position that a shutdown would be required to perform these tests. The staff reviewed the previous leakage test results on the specific valves subject to the request for exemption and has found that there is ample margin between the leak rate values previously measured and the limiting values in Appendix J to accommodate any additional degradation likely to occur during the period of the extension. The details of the above described review are discussed in the enclosed Safety Evaluation. Based on the above information provided by the licensee and the staff's evaluation of the licensee's submittals, the NRC staff concludes that the licensee has provided an adequate basis for the conclusion that postponing the subject local leak rate tests until the first refueling outage is likely to have little effect on containment integrity.

The Commission's regulations in 10 CFR 50.12 state that the Commission will not consider granting an exemption unless special circumstances are present.

In its letter of March 10, 1987 as supplemented June 9 and July 8, 15, and 30, 1987, the licensee addressed one of those special circumstances which is applicable to this request for exemption.

The licensee states that the special circumstances of 10 CFR 50.12(a)(2)(v) are present in that the exemption would provide only temporary relief from the applicable regulation and became necessary because the preoperational testing was scheduled to be consistent with a projected fuel load date of April 1985. The intent of the scheduling was to allow adequate time for the first cycle of operation so as to satisfy the 24-month Type B and C testing requirements of Technical Specification 4.6.3.1.d at the first refueling outage. However, the low power license was not issued until August 29, 1985 and commercial operation occurred in June 1986. Only five valves require a surveillance extension out of a total population of 166 valves at River Bend Station that are associated with Technical Specification 4.6.3.1.d and Type C outleakage testing. The exemption is temporary because these five valves will be tested during the refueling outage scheduled to begin September 15, 1987. In addition, the licensee has committed to make a good faith effort to conduct these surveillances within the current frequency if an outage of sufficient length occurs. On June 18, 1987, the River Bend Station entered an unscheduled outage. The licensee stated that five surveillance tests, for which surveillance interval extensions had been requested, had been performed during this outage. However, the surveillance tests of the five valves for which an exemption was requested, were not performed because of considerations of ALARA, equipment availability, and test duration which would have added a significant length of time to the outage. The licensee stated that the summer months are a time of high system demand and other sources of power in the licensee's system were not available such that the River Bend Station could be maintained out of service for the extended period. Therefore, the staff concluded that special circumstances of 10 CFR 50.12(a)(2)(v) associated with this request for an exemption, have been demonstrated by the licensee. Accordingly, the NRC staff finds that operation of River Bend Station, Unit 1, during the proposed extension period is acceptable.

Therefore, the staff finds that the proposed temporary exemption from 10 CFR Part 50, Appendix J, Paragraph III.D.3 is acceptable.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the proposed exemption is authorized by law, will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants the exemption as follows:

An exemption is granted from the requirement to conduct Type C testing on containment isolation valves at an interval no greater than 24 months as stated in 10 CFR 50, Appendix J, Paragraph III.D 3.. This exemption is granted for the period specified in the licensee's request for exemption dated March 10, 1987, as supplemented July 8, 1987 (from current test deadline dates which begin August 16, 1987 until the first refueling outage which is scheduled to begin on September 15, 1987) and is only applicable to five valves in the River Bend Station as listed in Section II. of this exemption.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption will have no significant impact on the environment (52 FR 28054).

A copy of the Commission's Safety Evaluation dated July 31, 1987 related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW. Washington, DC, and at the Government Documents, Department, Louisiana State University, Baton Rouge, Louisiana 70803.

This Exemption is effective on August 16, 1987 and is to expire at the start of the first refueling outage.

Dated at Bethesda, Maryland, this 31st day of July 1987.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Reactor Projects, III, IV, V and Special Projects.

[FR Doc. 87-17993 Filed 8-6-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-171]

Consideration of Issuance of Amendment to Possession-Only License and Opportunity for Prior Hearing; Peach Bottom Atomic Power Station, Unit No. 1, Philadelphia Electric Co.

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Possession-Only License No. DPR-12 issued to Philadelphia Electric Company (the licensee) for the Peach Bottom Atomic Power Station, Unit No. 1 (the facility) located in York County, Pennsylvania. The amendment is in response to the licensee's application dated November 24, 1975, as revised March 4, 1987. The amendment would accomplish the following: (1) Extend the expiration date of license No. DPR-12 to December 24, 2015; (2) delete authority

to possess special nuclear and source material; (3) delete the license reference to a fission product trapping system and neutron sources; and (4) revise the Technical Specifications in response to the licensee's application. The facility is permanently shut down, there is no fuel on-site and the licensee intends to maintain the facility in a shutdown, safe storage mode until after Units 2 and 3 are also shut down. At that time all residual radioactivity would be removed and the license terminated.

By Amendment No. 6, dated July 14, 1975, the Commission revised License No. DPR–12 to possess-but-not-operate status. In the related Safety Evaluation and Environmental Assessment the Commission found the decommissioning plan involving long term on-site storage of residual activity was acceptable.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By September 8, 1987, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" as set forth in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission, or an Atomic Safety and Licensing Board designated by the Commission, or the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary of the Commission or the Chairman of the designated Atomic Safety and Licensing Board will issue a Notice of Hearing or an appropriate Order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board for up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the Order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. When petitions are filed during the last ten (10) days of the notice period this is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. Herbert N. Berkow: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** Notice. A copy of the petition should also be sent to the Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Mr. Troy B. Conner, Jr., Esq., 1747 Pennsyulvania Avenue, NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1) (i) through (v) and 2.714(d)

For further details with respect to this action, see the application for amendment dated November 24, 1975 as revised March 4, 1987, which is available for public inspection at the Commission Public Document Room 1717 H Street, NW., Washington, DC 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Dated at Bethesda, Maryland, this 3d day of August 1987.

For The Nuclear Regulatory Commission.

Herbert N. Berkow,

Director, Standardization and Non-Power Reactor Project Directorate, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87–17994 Filed 8–6–87; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF MANAGEMENT AND BUDGET

Policy Guidance on Electronic Collection of Information

August 3, 1987.

SUMMARY: The Office of Management and Budget (OMB) solicits public comment in the development of policy guidance concerning the electronic collection of information. The proposed policy requires agencies to certify that they have considered use of electronic information collection techniques as a means to reduce burden on respondents and costs to the government.

DATE: Comments from the public should be submitted no later than October 6, 1987.

ADDRESS: Comments should be addressed to: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Room 3235 New Executive Office Building, Office of Management and Budget, Washington, DC 20503. Telephone: (202) 395–4814.

SUPPLEMENTARY INFORMATION: OMB has a statutory responsibility under the

Paperwork Reduction Act, as amended, (44 U.S.C. Chapter 35), to establish government-wide policies that reduce the Federal paperwork burden, to enhance the appropriate application of information technology, to develop and implement uniform and consistent information resources management policies, and to oversee the development of information management principles, standards, and guidelines and to promote their use. In 1985, OMB issued OMB Circular No. A–130, Management of Federal Information Resources (50 FR 52730–52751, December 24, 1985), publication of which provided a general policy framework for the management of Federal information resources.

A basic assumption of Circular No. A–130 is that the use of up-to-date information technology offers opportunities to improve the management of government programs. One potentially useful application of information technology is the use of current technology in the government's information collections. Such use is consistent with a 1986 amendment to the Paperwork Reduction Act which stated that one of the Act's purposes is:

> . . . to ensure that automatic data processing, telecommunications, and other information technologies are acquired and used by the Federal Government in a manner which . . . wherever practicable and appropriate, reduces the information processing burden for the Federal Government and for persons who provide information to and for the Federal Government. (44 U.S.C. 3501 (5))

The U.S. House of Representatives, Committee on Government Operations, also recommended that OMB furnish central guidance and coordination concerning the electronic collection and dissemination of information (House Report No. 99–560, April 29, 1986).

The General Accounting Office also recommended that OMB establish written policies to encourage the use of information technology for collecting information as a means of reducing burden on the government and the public and improving the efficiency and effectiveness of agency operations (GAO Report GAO/GGD–83–39, April 11, 1983). In 1983, GAO suggested, among other things, that:

—The Health Care Financing Administration (HCFA) could significantly increase its savings by automating the submission of more Medicare claims. Medicare forms used by institutional health service providers to bill HCFA for services rendered to Medicare beneficiaries accounted for 12.4 million respondent burden hours. GAO estimated HCFA could have immediately saved the government $1.3 million by automating claims in FY 1981, and that the potential cost savings could reach $5.4 million per year.

—The Bureau of the Census could double the volume of automated Shipper's Export Declaration (SED) reports and reduce costs significantly by encouraging electronic submission of reports. The SED forms are used by exporters and freight forwarders to report export statistics to Census for compilation of U.S. foreign trade statistics. The SED response burden was 1.67 million hours; automation could have saved the Census Bureau $183,000 in FY 1981 and could potentially yield $1.7 million in savings per year.

For FY 1987, HCFA estimated that 65 percent of Medicare hospital or institutional bills and 32 percent of Medicare physician claims will be electronically transmitted, reducing HCFA's paperwork burden by 5.6 million hours. For FY 1986, the Census Bureau's SED response burden was 1.3 million hours. Respondents electronically filed 1.7 million out of a total of 9.2 million forms, or 19 percent of the total, and these electronic filings saved the Census Bureau approximately $500,000 in processing costs.

More recently, many agencies have initiated programs aimed at accomplishing the electronic collection of substantial bodies of information from the public.

—The Internal Revenue Service (IRS) is broadening its experimental program for electronic filing of individual income tax returns. Qualified return preparers electronically transmitted individual income tax returns for tax year 1986 to the IRS on behalf of clients. Electronic returns were filed from seven metropolitan areas (up from three in the prevous year), and taxpayers filing in three of these areas were able to elect to have their refunds directly deposited in their bank, savings and loan, or credit union accounts. The principal advantages of electronic filing are: (1) Taxpayers will receive refunds 2 to 3 weeks faster than if their returns had been filed on paper; (2) return preparers will be able to serve clients more efficiently; (3) the cost to IRS of processing, storing, and retrieving these returns will be substantially reduced; and (4) taxpayers requesting participation in the IRS direct deposit program will obtain their refunds even more quickly and conveniently.

—The U.S. Customs Service has initiated the Customs Automated Commercial System (ACS) to link electronically import-export brokers and shippers with Customs' computer system, and thereby reduce the paperwork flow between Customs and the public. ACS enables brokers to transmit directly to Customs the information about their client's cargo necessary to assess the proper tariff. Customs is able to release the cargo more quickly, determine the proper tariff, and obtain payment from the broker periodically instead of obtaining payment at the time the tariff is computed for each individual shipment. A reduction of approximately one million burden hours is anticipated by late 1988.

—Since 1984, the Social Security Administration (SSA) has been encouraging employers to report wage data (W–2 forms) electronically. SSA expects to receive over 60 million W–2s electronically in 1986 and 105 million by 1989. All employers with more than 500 employees must report electronically after January 1, 1987; after January 1, 1988, all employers with more than 250 employees will also be covered. The primary benefits from electronic collection have been a reduction in the duplication of effort entailed in paper transactions, receipt of better service from SSA, and enhanced efficiencies in information handling. SSA has particularly benefited from more timely posting of earnings as well as reductions in manual activities, errors, and backlogs of paper, tape, and diskette handling. SSA expected a paperwork burden reduction of over 1.3 million hours due to this initiative in FY 1986 and an additional 1.9 million hour reduction in FY 1987.

—The Federal Maritime Commission is studying the feasibility of electronic filing of maritime tariffs. The current cost to the Commission of manually processing incoming tariff filings is approximately $485,300 annually. The filings impose an annual burden of 330,000 hours on the public.

—The Securities and Exchange Commission's (SEC) electronic filing project, Electronic Data Gathering, Analysis, and Retrieval (EDGAR), is designed to automate filing, processing, and dissemination of 7 million pages of filings. The pilot program for electronic receipt and processing of filings has operated since 1984, and SEC has issued a Request for Proposal for the operational system. This system should improve the effectiveness of SEC processing of filings and ensure rapid, timely disclosure of information to investors and the financial

community. EDGAR will affect almost all of the 38.5 million hour paperwork burden imposed by SEC.

—The Department of Education is testing the feasibility of major electronic collection projects involving student aid programs: The Gateway and Pell Grant Pilot projects. The Gateway project would provide for electronic processing of the Fiscal Operations Report and Application to Participate, a major reporting requirement for campus-based programs. Respondents may transmit online or via diskette. The Pell Grant Pilot project encompasses the electronic transfer of information associated with the Student Aid Report. The total size of the data collections affected by these activities exceeds 300,000 burden hours annually.

—During FY 1987, the Federal deposit Insurance Corporation (FDIC) plans to achieve a reduction of 41,448 hours in the Call Reports (Reports of Condition and Income), prepared quarterly by insured State nonmember commercial banks. Part of the reduction would be achieved by adopting techniques for generating the Call Reports electronically. FDIC estimates that the average bank saves four hours each reporting period by using computers to produce its Call Reports.

—The Department of Transportation (DOT) is investigating electronic filing of international air cargo and passenger tariffs, and has formed a government-industry advisory committee to study the matter. There are currently more than one million effective international fares, rates, and rules on file at DOT, and its Office of International Aviation reviews new filings at the rate of more than 500 pages per day, a rate that is steadily increasing. Manual handling of international aviation tariffs has become unmanageable.

—The Energy Information Administration (EIA), Department of Energy, has sucessfully implemented a microcomputer-based data collection for reporting radioactive waste from civilian nuclear reactors. EIA provides respondents with microcomputer software and data diskettes. Respondents verify and update the previous year's data and enter current year data on the data diskettes. EIA analysts review, edit, and verify the received data on microcomputers, and then transfer clean data files to the EIA mainframe computer for storage, aggregation, and distribution. EIA finds that the system reduces reporting errors and greatly speed the reporting cycle.

These agencies have found that the application of automated data processing to government information collections can enhance the capability of agencies to meet program objectives more efficiently and effectively. In some cases, respondents report reductions in paperwork burden and other efficiencies such as convenience and more timely receipt of benefits. Benefits to the agencies of automated information collection may include resource savings due to:

—Better targeting of program resources;
—More effective and hence less costly monitoring of programs;
—Cost avoidance from reductions in error rates;
—Decreased costs of information reporting or capture; and
—Increased timeliness in processing and disseminating information.

In light of these agency programs and Congressional views, OMB is considering issuance of policy guidance to encourage all executive branch agencies to explore the use of automated techniques for collection of information. When final, this guidance will be issued as an appendix to OMB Circular No. A–130, Management of Federal Information Resources.

The purpose of this policy guidance is, first, to cause agencies systematically to take account of potential management efficiencies derivable from electronic information collection, and second, to ensure that agencies consider the major legal and policy issues that arise in connection with such collection.

The policy guidance that OMB has under consideration, and concerning which OMB seeks public comment, follows.

Policy on Electronic Collection of Information

1. General Policy

For all collections of information subject to the Paperwork Reduction Act (44 U.S.C., Chapter 35), agencies shall certify when submitting the information collections for OMB approval, that they have considered use of electronic collection techniques as a means to reduce burden on respondents and costs to the government.

2. Feasibility of Electronic Information Collection

a. Agencies should examine their information collection to determine whether conditions favor the electronic collection of information. Conditions favorable to electronic collection include:

(1) The agency routinely converts the information collected to electronic format;

(2) A substantial proportion of respondents are known to possess the necessary information technology and to maintain the information in electronic form;

(3) Conversion to electronic reporting, if mandatory will not impose substantial costs or other adverse effects on respondents, expecially small business entities;

(4) The information collection seeks a relatively large volume of data and/or reaches a large number of respondents;

(5) The information collection is relatively frequent; i.e., annually or more frequently; and

(6) The content and format of the information sought by the information collection does not change significantly over several years.

b. Where most of the foregoing conditions are present, electronic collection may be advantageous, and agencies should conduct benefit-cost analyses to determine whether the benefits of electronic collection, including dollar savings and reduction in paperwork burden, outweigh the capitalization and other costs both to the government and to respondents.

c. Where agencies determine that benefits outweigh costs, they should actively pursue the design and development of electronic collection systems.

3. Design and Development

a. In designing and developing electronic information collecting systems, agencies should ensure that records subject to the Privacy Act, and information permitted to be exempted from disclosure under the Freedom of Information Act or any other legislative or regulatory provision, are adequately and properly protected.

b. Agencies should avoid designing and developing electronic collection systems in which sector contractors are expected to pay for the costs of governmental functions associated with systems.

c. Agencies should consider private sector capabilities for performing cost benefit analyses and in the design, development, and implementation of electronic information collection systems.

d. In designing and developing an electronic information collection system, agencies should consult regularly with the likely respondents to the information collection and try to accommodate their suggestions.

e. Where mandatory electronic reporting is imposed, agencies should develop procedures permitting waiver from electronic reporting for those

respondents who may incur unreasonable costs.

f. Where agencies plan to electronically disseminate the information collected electronically, they should design and develop systems so as to integrate collection and dissemination into the same systems insofar as possible.

g. Where electronically collected records are subject to disclosure under the Freedom of Information Act or are to be made publicly accessible for any other reason, agencies should provide for such access in the design and development of the collection system.

h. Agencies should incorporate records management and archival considerations in the design, development, and implementation of electronic information collection systems in accordance with the Federal Records Act (44 U.S.C. 29, 31, and 33).

James C. Miller III,

Director.

[FR Doc. 87-17972 Filed 8-6-87; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs, Washington, DC 20549.

Revised

Rules 701, 702 and 703 and Form 701. File No. 270-306.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3510 *et seq.*), the Securities and Exchange Commission has submitted for OMB approval Rules 701, 702 and 703 and Form 701 which provide an exemption for offers and sales of securities pursuant to the terms of a compensatory employee benefit plan or employment contract from the registration requirements of the Securities Act of 1933. The number of affected entities is approximately 500 per year at an average of one hour each.

Submit comments to OMB Desk Officer: Mr. Robert Neal, (202) 395-7340, Office of Information and Regulatory Affairs, Commerce and Lands Branch, Room 3228 NEOB, Washington, DC 20530.

Jonathan G. Katz,

Secretary.

July 30, 1987.

[FR Doc. 87-17962 Filed 8-6-87; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon written request, copy available from: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street, NW., Washington, DC 20549.

Extension

Form ADV-S—File No. 270-43
Rule 2a-7—File No. 270-258
Form S-6—File No. 270-181

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*), the Securities and Exchange Commission has submitted for extension of OMB approval Form ADV-S under the Investment Advisers Act of 1940, Rule 2a-7 under the Investment Company Act of 1940, and Form S-6 under the Securities Act of 1933.

Form ADV-S is an annual report required of registered investment advisers. Approximately 12,000 investment advisers each file form ADV-S once a year. The form takes about 1 hour to prepare.

Rule 2a-7 permits investment companies, particularly money market funds, to use the penny rounding or amortized cost valuation methods to compute current net asset value per share. The rule affects about 407 investment companies, each of which spends approximately 125 hours to comply.

Form S-6 is used for registration of securities under the Securities Act of 1933 by unit investment trusts registered under the Investment Company Act of 1940. Unit investment trusts file approximately 1,776 Forms S-6 annually. The form takes an average of 200 hours to prepare.

Comments should be submitted to OMB Desk Officer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

July 31, 1987.

[FR Doc. 87-17963 Filed 8-6-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

July 31, 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 stocks:

American Presidents Co., Ltd.
Convertible Exchangeable 3.50 Cumulative, Par Value $.01 (File No. 7-0327)

Cigna Corp.
Convertible Preferred A 2.75, No Par Value (File No. 7-0328)

Coastal Corp.
Convertible Exchangeable Cumulative Preferred G, Par Value .33 1/3 (File No. 7-0329)

Cummins Engine Co., Inc.
Convertible Depository Exchangeable 3.50, No Par Value (File No. 7-0330)

Enron Corp.
2nd Convertible Preferred, 10.50, No Par Value (File No. 7-0331)

Environmental Systems Co.
Convertible Exchangeable Preferred, 1.75 Series A, No Par Value (File No. 7-0332)

Federal Paper Board Co., Inc.
Convertible Cumulative 2.875 Preferred, Par Value $1.00 (File No. 7-0333)

Goodrich (B.F.) Co.
3.50 Convertible Preferred D, Par Value $1.00 (File No. 7-0334)

Household International, Inc.
Convertible Voting 6.25 Cumulative, No Par Value (File No. 7-0335)

I.C.H. Corp.
Convertible Exchangeable A 1.75, No Par Value (File No. 7-0336)

International Minerals & Chemicals Corp.
3.75 Convertible Exchangeable Cumulative, Par Value $.01 (File No. 7-0337)

International Minerals & Chemical Corp.
3.25 Convertible Exchangeable Cumulative, Par Value $1.00 (File No. 7-0338)

National Semiconductor Corp.
Convertible Depository Exchangeable Preferred, No Par Value (File No. 7-0339)

Inland Steel Industries, Inc.
Convertible Preferred Series B, 4.75, No Par Value (File No. 7-0340)

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 21, 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. 87-17958 Filed 8-6-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

July 31, 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 stocks:

Dillard Department Stores, Inc.
Class A, Common Stock, No Par Value (File No. 7-0307)
Clemente Global Growth Fund, Inc.
Common Stock, $.01 Par Value (File No. 7-0308)
Putnam High Income Convertible Bond Fund
Shares of Beneficial Interest (File No. 7-0309)
Ohio Matress Corp.
Common Stock, $1.00 Par Value (File No. 7-0310)
International Multifoods Corp.
Common Stock, $.10 Par Value (File No. 7-0311)
Pannill Knitting Co., Inc.
Common Stock, $.01 Par Value (File No. 7-0312)
Transco Exploration Partners, Ltd.
Depository Units (File No. 7-0313)

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 21, 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. 87-17959 Filed 8-6-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

July 31, 1987.

The above name 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 stocks:

Allegeheny Ludlum Corp.
Common Stock, $.10 Par Value (File No. 7-0301)
Glaxo Holdings PLC
Adjustable Depository Receipts, No Par Value (File No. 7-0302)
Viacom, Inc.
Cumulative Exchangeable, Redeemable, Preferred, $.01 Par Value, (File No. 7-0303)
The Computer Factory, Inc.
Common Stock, $.01 Par Value (File No. 7-0304)
Thermedics, Inc.
Common Stock, $.10 Par Value (File No. 7-0305)
Nuveen Municipal Value Fund
Common Stock, $.01 Par Value (File No. 7-0306)

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 21, 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. 87-17960 Filed 8-6-87; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Boston Stock Exchange, Inc.

July 31, 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 stocks:

Navistar International Corp.
$6.00 Cumulative Preferred Series G, Par Value $1.00 (File No. 7-0314)
Potlach Corp.
3.75 Convertible Exchangeable Preferred Series B Cumulative, No Par Value (File No. 7-0315)
Southland Corp.
Convertible Exchangeable Preferred Series A Cumulative, No Par Value (File No. 7-0316)
Staley Continental, Inc.
3.50 Convertible Preferred, No Par Value (File No. 7-0317)
Todd Shipyards Corp.
Convertible Exchangeable Preferred Series A 3.08, Par Value $1.00 (File No. 7-0318)
Tosco Corp.
Convertible Preferred Series E, 2.375 Cumulative, Par Value $1.00 (File No. 7-0319)
Transco Energy Co.
Convertible Preferred $4.75 Cumulative, No Par Value (File No. 7-0320)
Travelers Corp.
Convertible Exchangeable Preferred, 4.16 Series A, No Par Value (File No. 7-0321)
Union Pacific Corp.

Convertible Preferred Series A, 7.25 Cumulative, No Par Value (File No. 7–0322)

Unisys Corp.

Convertible Preferred Series A 3.75, Par Value $1.00 (File No. 7–0323)

USF & G Corp.

Convertible Exchangeable Preferred, Series A 4.10, No Par Value (File No. 7–0324)

Weyerhaeuser Co.

Convertible Exchangeable Preferred 2.625, Par Value $1.00 (File No. 7–0325)

Warner Communications, Inc.

Convertible Preferred Series A 3.625, Par Value $1.00 (File No. 7–0326)

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 21, 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. 87–17961 Filed 8–6–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–24764; File No. SR–MSRB–87–6]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

The Municipal Securities Rulemaking Board ("MSRB") submitted on June 16, 1987, a proposed rule change (File No. SR–MSRB–87–6) pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4. The proposed rule change adds new rule G–10, which requires municipal securities dealers to deliver a copy of the MSRB's investor brochure [1] to a customer upon receipt of a written complaint from the customer concerning a municipal securities transaction. The proposed rule change also amends MSRB Rule G–8(a)(xii), which requires dealers to keep a record of all written customer complaints and what actions the dealer took in response. The amendment to Rule G–8(a)(xii) requires the dealer to annotate the written complaint file to reflect the mailing of the brochure. This will enable regulatory agencies to inspect for compliance with Rule G–10 through periodic review of the file.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 24626 (June 22, 1987), 52 FR 24081. The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and, in particular, the requirements of section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: July 31, 1987.

[FR Doc. 87–17956 Filed 8–6–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–24763; File No. SR–MSRB–87–5]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Approving Proposed Rule Change

The Municipal Securities Rulemaking Board ("MSRB") submitted on June 11, 1987, a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") and Rule 19b–4 thereunder, to amend MSRB rule A–16 relating to arbitration fees and deposits.

The proposed rule change revises the MSRB's schedule of arbitration fees and deposits to conform them to amendments to the Uniform Arbitration Code. The rule change adjusts the amounts of deposit required in several dispute amount brackets; most notably, it imposes a higher fee for claims involving more than $500,000.

Notice of the proposed rule change was given in Securities Exchange Act Release No. 24620 (52 FR 24080, June 26, 1987). No comments were received.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and, in particular, the requirements of section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 31, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–17957 Filed 8–6–87; 8:45 am]

BILLING CODE 8010–01–M

[File No. 0–7016]

Notice and Opportunity for Hearing; Bacardi Corp.

August 4, 1987.

Notice is hereby given that Bacardi Corporation ("Applicant") has filed a certification pursuant to sections 12(g) and (H) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for the termination of Applicant's registration under section 12(g) of the 1934 Act and the suspension of the duty to file reports under sections 13 and 15(d) of the 1934 Act.

For a detailed statement of the information presented, all persons are referred to the certification on Form 15 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 31, 1987, may submit to the Commission in writing his views on any substantial facts bearing on the certification or the desirability of a hearing thereon. Any such communication or request for a hearing should be addressed: Jonathan G. Katz, 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 facts and law raised by the certification which he desires to controvert.

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[1] The investor brochure contains information about the MSRB and summarizes MSRB rules designed to protect municipal securities investors.

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 motion.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 87-18089 Filed 8-6-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15904; 812-6726]

Application; Triad Mortgage Acceptance Corp.

July 31, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

Applicant: Triad Mortgage Acceptance on behalf of certain trusts ("Trusts") established by it.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from all provisions of the 1940 Act.

Summary of Application: Applicant seeks a conditional order exempting certain trusts ("Trusts") established by it from all provisions of the 1940 Act in connection with the issuance of collateralized mortgage obligations and the sale of beneficial ownership interests in such Trusts.

Filing Date: The application was filed on May 18, 1987 and amended on July 28, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on August 25, 1987. Request a hearing in writing, giving the nature of your interest, the reason, for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, Triad Mortgage Acceptance Corp., Suite 700, 550 Kearny Street, San Francisco, California 94108.

FOR FURTHER INFORMATION CONTACT: Denis R. Molleur, Staff Attorney (202) 272-2363, or Curtis R. Hilliard, Special Counsel (202) 272-3030 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier who can be contacted at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant, a Delaware corporation organized in March 1985, is wholly-owned by Thrift Investment Services ("TIS"), a California limited partnership. Applicant is a limited purpose finance corporation organized to facilitate the financing of long-term residential mortgages on one-to-four family and multi-family residences through the issuance, directly or through the formation of one or more Trusts, of one or more series of bonds secured by such mortgages. Applicant will not engage in any business or investment activities unrelated to such purpose. The exemption requested in this application pertains only to the business activities of the Applicant in connection with the organization of the Trusts, the Trusts' proposed issue and sale of Bonds (as described below) and the proposed sale of beneficial interests in such Trusts.

2. Each Trust will issue one or more series ("Series") of bonds ("Bonds"), secured primarily by Mortgage Certificates,[1] pursuant to a terms indenture incorporating by reference standard indenture provisions (collectively, an "Indenture") between a Trust and a commercial bank acting as trustee for the bondholders ("Bond Trustee"). Each Indenture will be subject to the provisions of the Trust Indenture Act of 1939 or appropriately exempt therefrom. Each Trust will be created pursuant to an agreement ("Trust Agreement") between Applicant, acting as depositor, and a bank, trust company or other fiduciary (expected to be Wilmington Trust Company) acting as owner trustee ("Owner Trustee"). It is anticipated that the Owner Trustee will enter into a bond administration agreement with respect to each Trust whereby TIS will provide certain management services in connection with the issuance of the Bonds.

3. In the case of each Series of Bonds: (a) Payments on the mortgage loans underlying the Mortgage Certificates securing the Bonds will be the primary source of funds for payments of principal and interest due on such Bonds; (b) the Bonds will be secured by collateral consisting primarily of Mortgage Certificates having an aggregate Collateral Value (as defined in the Indenture) at least equal to the outstanding principal balance of such Bonds; (c) scheduled available principal and interest payments on the Mortgage Certificates securing the Bonds (together with any required payments from any reserve funds with respect to the Bonds) plus income received thereon at the assumed reinvestment rate will be sufficient to make the interest payments on and amortize the principal of such Bonds by their stated maturities; and (d) the Mortgage Certificates will be pledged in their entirety by each Trust to the Bond Trustee and will be subject to the lien of the related Indenture.

4. The Applicant may sell some or all of its equity interest in such Trusts ("Trust Certificates") to institutional or non-institutional investors which customarily engage in the purchase of mortgages and mortgage-related securities, in transactions not constituting a public offering under section 4(2) of the Securities Act of 1933 ("1933 Act").

Applicant's Legal Conclusions

1. The sale of Trust Certificates will will not alter the payment of cash flows under any Indenture, including the amounts to be deposited in the collection account or any reserve fund created pursuant to an Indenture to support payments of principal and interest on the Bonds.

2. The interests of the Bondholders will not be compromised or impaired by the ability of Applicant to sell beneficial interests in each Trust and there will not be a conflict of interest between the Bondholders and Owners for several reasons: (a) The Bond Collateral that will be deposited in each Trust will not be speculative in nature; (b) the Bonds will be issued only if an independent nationally recognized statistical rating agency has rated such Bonds in one of the two highest rating categories; (c) the

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[1] The "Mortgage Certificates" collateralizing the Bonds will be limited to fully modified pass-through mortgage-backed certificates fully guaranteed as to principal and interest by the Government National Mortgage Corporation ("GNMA Certificates"), Mortgage Participation Certificates issued by the Federal Home Loan Mortgage Corporation ("FHLMC Certificates"), Guaranteed Mortgage Pass-Through Certificates issued by the Federal National Mortgage Association ("FNMA Certificates"), and reinvestment earnings and distributions on such Mortgage Certificates. In addition to the Mortgage Certificates directly securing the Bonds, a Series may have additional collateral which may include certain collection accounts and reserve funds as specified in the related Indenture (collectively with the Mortgage certificates, "Collateral" or "bond Collateral").

relevant Indenture subjects the Bond Collateral, all income distributions thereon and all proceeds from a conversion, voluntary, of any such collateral to a first priority perfected security interest in the name of the Bond Trustee on behalf of the the Bondholders.

3. Further, neither the Owners nor the Bond Trustee will be able to impair the security afforded by the Mortgage Certificates to the holders of the Bonds ("Bondholders") because without the consent of each affected Bondholder, neither the Owners nor the Bond Trustee will be able to: (1) Change the stated maturity on any Bonds; (2) reduce the prinicipal amount, or the rate of interest on any Bond; (3) change the priority of repayment on any class of any Series of Bonds; (4) impair or adversely affect the Mortgage Certificates securing a Series of Bonds; (5) permit the creation of a lien ranking prior to or in parity with the lien of the related Indenture with respect to the Mortgage Certificates; or (6) otherwise deprive the Bondholders of the security afforded by the lien of the related Indenture.

4. The sale of Trust Certificates will not alter the payment of cash flows under any Indenture, including the amount to be deposited in the collection account or any reserve fund. The aggregate interests of the Owners in the Bond Collateral and the expected returns earned by them will be far less than the payments made to Bondholders. Applicants do not intend to deposit Mortgage Certificates to secure a Series of Bonds the Collateral of which exceeds 110% of the gross proceeds of the Bonds of such Series. Pricing efficiencies mandate that the Bond Collateral does not substantially exceed the amount of such collateral which is required to be pledged in order to satisfy the standards of the rating organization that is rating the Bonds. Thus the excess cash flow from the collateral which is available to Owners always will be far less than the cash flow from the collateral that used to make principal and interest payments to Bondholders. Further, except for the limited rights to substitute Bond Collateral, it will not be possible for the Owners to alter the collateral initially deposits into a Trust, and, in no event will such right to substitute Bond Collateral result in a diminution in the value of quality of such collateral. Therefore, although substituted Bond Collateral may be a different prepayment experience that the original collateral, the interests of the Bondholders will not be impaired because: (a) The prepayment experience of any collateral will be determined by market conditions beyond the control of the Owners, which market conditions are likely to affect all mortgage certificates of similar payment terms and maturities in a similar fashion; (b) the interests of the Owners are not likely to be greatly different from those of the Bondholders with respect to collateral prepayment experience; and (c) to the extent that the Owners may cause the substitution of collateral which has a different prepayment experience that the original collateral, this situation is no different for the Bondholders than the traditional collateralized mortgage obligation structure where bonds are issued by an entity that is a wholly-owned subsidiary.

5. The election by any Trust to be treated as a real estate mortgage investment conduit ("REMIC") will have no effect on the level of the expenses that would be incurred by any such Trust. Administrative fees and expenses will be provided for in a manner satisfactory to the agency or agencies rating the Bonds.

6. The requested order is necessary and appropriate in the public interest because: (1) The applicant and the Trusts are not the type of entities to which the provisions of the 1940 Act were intended to apply; (2) applicant may be unable to proceed with its proposed business if the uncertainties concerning the applicability of the 1940 Act are not removed; (3) applicant's proposed business is intended to serve a recognized and critical public need; and (4) granting of the requested order will be consistent with the protection of investors because they will be protected during the offering and sale of the Bonds by the registration or exemptive provisions of the 1933 Act and thereafter by the Bond Trustee representing their interests under the Indenture; and (5) the disclosure to Owners of a Trust and the limitation of the Owners of each Trust to no more than 100 sophisticated investors provide safeguards adequate to assure that such potential Owner do not require the protection of the 1940 Act.

Applicant's Conditions

Applicant agrees that if an order is granted it will be expressly conditioned on the following:

A. Conditions Relating to the Bonds

(1) Each Series of Bonds will be registered under the 1933 Act, unless offered in a transaction exempt from registration pursuant to section 4(2) of the 1933 Act.

(2) The Bonds will be "mortgage related securities" within the meaning of section 3(a)(41) of the Securities Exchange Act of 1934, and the collateral directly securing the Bonds will be limited to GNMA, FNMA, or FHLMC Certificates.

(3) If new mortgage collateral is substituted, the substitute collateral must: (i) Be of equal or better quality than the collateral replaced; (ii) have similar payment terms and cash flow as the collateral replaced; (iii) be insured or guaranteed to the same extent as the collateral replaced; (iv) meet the conditions set forth in paragraphs (2) and (4) herein. In addition, new collateral may not be substituted for more than 40% of the aggregate face amount of the Mortgage Certificates initially pledged as mortgage collateral. In no event may any mortgage collateral be substituted for any substitute mortgage collateral.

(4) All Mortgage Certificates, funds, accounts or other collateral securing the Series of Bonds will be held by the Bond Trustee or on behalf of the Bond Trustee by an independent custodian. Neither the Bond Trustee nor the custodian will be an affiliate (as that term is defined in Rule 405 under the 1933 Act) of Applicant. The Bond Trustee will be provided with a first priority perfected security or lien interest in and to all Bond Collateral.

(5) Each Series of Bonds will be rated in one of the two highest bond rating categories by at least one nationally recognized statistical rating agency ("Rating Agency") that is not affiliated with Applicant. The Bonds will be considered "redeemable securities" within the meaning of section 2(a)(32) of the 1940 Act.

(6) No less ofter than annually, an indepedent public accountant will report on whether the anticipated payments of principal and interest on the mortgage collateral continue to be adequate to pay the principal of the interest on the Bonds in accordance with their terms. Upon completion, copies of the auditor's report(s) will be provided to the Bond Trustee.

B. Conditions Relating to Variable-Rate Bonds

(1) Each Class of Bonds of a Series bearing a variable interest rate will have a set maximum interest rate.

(2) At the time of the deposit of the Collateral with a Trust, as well as during the term of the Bonds issued by such Trust, the Mortgage Collateral securing such Bonds will have scheduled cash flows sufficient (together with cash available to be withdrawn

from any debt service funds, reserve funds, over-collateralization funds or other funds), together with reinvestment income thereon at assumed reinvestment rates acceptable to the Rating Agency rating the Bonds of such Series, to make timely payments of principal of and interest on the Bonds in accordance with their terms and to pay all of the fees and expenses of the Trust with respect to the Series of Bonds, assuming the maximum interest on each Class of Bonds bearing a variable interest rate. Such Collateral will be paid down as the mortgages underlying the Mortgage Collateral are repaid, but will not be released from the lien of the Indenture prior to payment of the Bonds.

C. Conditions Relating to REMICs

The election by any Trust to be treated as REMIC will have no effect on the level of the expenses that would be incurred by any such Trust. Any Trust that makes a REMIC election will provide for the payment of administrative fees and expenses as set forth in the application, and the anticipated level of fees and expenses will be more than adequately provided for regardless of the method selected.

D. Conditions Relating to the Sale of Certificates of Beneficial Ownership

(1) The Beneficial Owners of each Trust will agree to be bound by the terms of the applicable Trust Agreement.

(2) Trust Certificates in each Trust will be offered and sold only to (i) institutions or (ii) non-institutions which are "accredited investors" as defined in Rule 501(a) of the 1933 Act. Institutional investors will have such knowledge and experience in financial and business matters as to be capable of evaluating the risks of the purchase of the Trust Certificates and understand the volitility of interest rate fluctuaions as they affect the value of mortgages, mortgage-related securities and residual interests in mortgage-related securities, such as those represented by the Trust Certificates, Non-institutional accredited investors will be limited to not more than 15, will purchase at least $200,000 of the Trust Certificates and will have a net worth at the time of purchase that exceeds $1,000,000 (exclusive of their primary residence). In addition, non-institutional accredited investors will have such knowledge and experience in financial and business matters, specifically in the field of mortgage-related securities, as to be capable of evaluating the risks of the purchase of the Trust Certificates and will have direct, personal and significant experience in making investments in mortgage-related securities and because of such knowledge and experience, understand the volatility of interest rate fluctuations as they affect the value of mortgage-related securities and residual interests in mortgage-related securities (such institutional investors and non-institutional investors, "Eligible Investors"). Eligible Investors will be limited to mortgage lenders, thrift institutions, commercial and investment banks, savings and loan associations, pension funds, employee benefit plans, insurance companies, mutual funds, real estate investment trusts or other institutional or knowledgeable non-institution investors as described above which customarily engage in the purchase of mortgages and mortgage-related securities. The Owner-Trustee with respect to a Trust will act as trustee for and the direction of the Beneficial Owners of such Trust.

(3) Each sale of Trust Certificates in a Trust to a Eligible Investor will qualify as a transaction not involving any public offering within the meaning of section 4(2) of the 1933 Act.

(4) The Trust Agreement relating to each Trust will prohibit the transfer of any Trust Certificate in such Trust if there would be more than one hundred Beneficial Owners of such Trust at any time.

(5) The Trust Agreement relating to each Trust will require that each purchaser of a Trust Certificate in such Trust represent that it is purchasing such Trust Certificate for investment purposes and not with a view to distribution thereof, in whole or in part, and that it will hold such Trust Certificate in its own name and not as nominee for undisclosed investors.

(6) The Trust Agreement relating to each Trust will provide that (i) no Beneficial Owner of such Trust may be affiliated with the Bond Trustee for such Trust, (ii) no holders of a controlling (as that term is defined in Rule 405 under the 1933 Act) equity interest in such Trust may be affiliated with either the custodian of the Collateral for a Series of Bonds issued by such trust or the Rating Agency rating the Bonds issued by such trust, and (iii) the Owner-Trustee for such Trust will not purchase any Trust Certificates in such Trust but will function as a legal stakeholder for the assets of such Trust.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-17964 Filed 8-06-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made such a submission.

DATE: Comments should be submitted on or before September 8, 1987. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83s), supporting statements, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer: William cline; Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Prompt Payment by Federal Government Questionnaire
Frequency: One-time nonrecurring
Description of Respondents: Businesses that have had Federal contracts are surveyed and their experience with payment by the government is assessed to identify the extent to which the government fails to comply with the prompt Payment Act.
Annual Responses: 1,000
Annual Burden Hours: 500
Type of Request: New

Title: Application for Certification as a Certified Development Company
Form No.: SBA 1246
Frequency: One for each application for certification
Description of Respondents: This form is used by those individuals, companies who wish to become certified.
Annual Responses: 15
Annual Burden Hours: 150

Type of Request: Extension

August 4, 1987.

William Cline,

Chief, Administrative Information Branch, Small Business Administration.

[FR Doc. 87-18033 Filed 8-6-87; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0207]

Application for a Small Business Investment Company License; ANB Venture Corp.

An application for a license to operate a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) has been filed by ANB Venture Corporation, 33 North LaSalle Street, Chicago, Illinois 60690 (Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1987).

The officers, directors and sole shareholder of the Applicant are as follows:

Name	Title or relationship	Percent of ownership
James C. Tucker, 1661 North Burling St., Chicago, Illinois 60614.	President, Assistant Secretary, Director.	.....
Kurt L. Liljedahl, 2626 North Lakeview, Chicago, Illinois 60614.	Executive Vice President, Director.	.....
Mary C. Moore, 40 East Cedar, Chicago, Illinois 60611.	Secretary, Treasurer.	.....
Michael E. Tobin, 4950 South Chicago Beach Drive, Chicago, Illinois 60615.	Director	.....
Ronald J. Grayheck, 737 South Elm Street, Hinsdale, Illinois 60521.	Director	.....
American National Corporation, 33 North LaSalle Street, Chicago, Illinois 60690.	Sole Shareholder.	100

American National Corporation is a wholly owned subsidiary of First Chicago Corporation which is the parent company of First Capital Corporation of Chicago, a federally licensed small business investment company.

The Applicant, an Illinois corporation, will begin operations with $10,000,000 paid-in capital and paid-in surplus. The Applicant will conduct its activities primarily in the State of Illinois, but will consider investments in businesses in other areas in the United States.

Matters involved in SBA's consideration of the Application include the general business reputation and character of the proposed owner and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L St., NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: July 29, 1987.

Robert G. Lineberry,

Deputy Associate Administrator.

[FR Doc. 87-18034 Filed 8-6-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended July 31, 1987

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket No. 45041

Date Filed: July 27, 1987.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 24, 1987.

Description: Application of British Airways, PLC, pursuant to section 402 of the Act and Subpart Q of the Regulations, requests and amendment to the foreign air carrier permit to add authority for the holder to engage in scheduled foreign air transportation of persons, property and mail, conducted with combination aircraft, between London and San Juan.

Docket No. 45059

Date Filed: July 31, 1987.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: August 28, 1987.

Description: Application of Continental Airlines, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations requests a certificate of public convenience and necessity which will authorize Continental to carry passengers, property and mail between Honolulu, Hawaii and Manila, Philippines commencing on or about October 28, 1987.

Docket No. 43722

Date Field: July 27, 1987.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: August 24, 1987.

Description: Amendment No. 1 the Application of Hawaiian Airlines, Inc., pursuant to section 401 of the Act and Subpart Q of the Regulations, requests that it be issued a certificate of public convenience and necessity authorizing it to engage in scheduled air transportation of persons, property and mail between Honolulu and Apia, Western Samoa (both directly and via Pago Pago, American Samoa) and between Honolulu and Papeete, Tahiti; Rarotonga, Cook Islands; Auckland, New Zealand and Sydney, Australia via Pago Pago, American Samoa.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-18020 Filed 8-6-87; 8:45 am]

BILLING CODE 4910-62-M

[Docket No. 43446]

Assignment of Proceeding; Japan Charter Authorizations

This proceeding is assigned to Chief Administrative Law Judge William A. Kane, Jr. Future communications regarding the proceeding should be addressed to him at the Office of Hearings, M-50, Room 9228, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-2142.

William A. Kane, Jr.,

Chief Administrative Law Judge.

[FR Doc. 87-18019 Filed 8-6-87; 8:45 am]

BILLING CODE 4910-62-M

[Docket 43446; Order 87-8-5]

Aviation Proceedings; Order Instituting the Japan Charter Authorization Proceeding

AGENCY: Department of Transportation.

ACTION: Institution of the *Japan Charter Authorization Proceeding* and allocation of charters, Docket 43446; Order 87–8–5.

SUMMARY: Under the Interim Aviation Agreement between the United States and Japan, dated September 7, 1982, carriers of each country are allowed to operate up to 300 one-way charters each year. The aeronautical authorities of each country allocate the charter flights among their carriers. For the past two years, the Department has allocated Japan charters on a first-come, first-served basis. Orders 85–10–2 and 86–8–41. Based on an arrangement reached with the Japanese during the discussions held in Tokyo July 22–23, 1987, the Department has decided to allocate 100 of the 300 charters among carriers that operated charters in the U.S.-Japan market during the 1986/1987 charter year for the 14-month period commencing August 1, 1987. The Department has also decided to institute the *Japan Charter Authorization Proceeding*, Docket 43446 to determine (1) which U.S. carriers should be authorized to operate the remaining 200 charters during the 1987/1988 charter year; and (2) the number of charters each of these carriers should be authorized to operate. The proceeding will be conducted by an Administrative Law Judge. The Department is inviting interested direct air carriers to file applications to operate the Japan charters at issue.

DATES: Applications for Japan charter authority and petitions for leave to intervene should be filed by August 14, 1987. Answers and any requests for an oral evidentiary hearing shall be due 7 calendar days thereafter. Petitions for reconsideration of Order 87–8–5 shall be due August 10, 1987; answers shall be due 3 calendar days thereafter. Parties to the docket listed above may obtain a service copy of the order by calling the Documentary Service Division (202) 366–9329 or by writing to the address below.

ADDRESS: Applications (Japan charters), petitions for leave to intervene, petitions for reconsideration and requests for an oral evidentiary hearing should be filed in Docket 43446, addressed to the Documentary Service Division, U.S. Department of Transportation, 400 Seventh Street, SW, Room 4107, Washington, DC 20590, and should be served on all parties in Docket 43446 and the Chief Administrative Law Judge.

Dated: August 3, 1987.

Matthew V. Scocozza

Assistant Secretary for Policy and International Affairs.

[FR Doc. 87–17935 Filed 8–6–87; 8:45 am]

BILLING CODE 4910–62–M

Advisory Committee for Regulatory Negotiation Concerning Nondiscrimination on the Basis of Handicap in Air Travel; Meetings

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice; schedule of advisory committee meeting.

SUMMARY: The Department of Transportation gives notice, as required by the Federal Advisory Committee Act (Pub. L. 92–463), of the times and locations of meetings of its Advisory Committee on Regulatory Negotiation (concerning nondiscrimination on the basis of handicap in air travel)..

DATES: Meetings of the Advisory Committee are scheduled on the following dates and at the following locations:

Monday, August 10, 1987—Paralyzed Veterans of America, 801 18th Street, NW., Washington DC, 10th floor conference room.

Tuesday, August 11, 1987—U.S. Department of Transportation, 400 7th Street, SW., Washington DC, Room 3200.

Thursday, August 20, 1987—Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington DC, Room 201. (Note—This represents a change; the meeting was previously scheduled for DOT.)

Wednesday, September 2, 1987—Dirksen Senate Office Building, Room 562, Washington, DC.

Thursday, September 3, 1987—Rayburn House Office Building, Room 2167, Washington, DC.

Wednesday and Thursday, September 9–10, 1987—Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington DC, Room 201.

Wednesday, September 23, 1987—National Federation of the Blind, 1800 Johnson Street, Baltimore, Maryland.

Monday and Tuesday, October 5–6, 1987—U.S. Department of Transportation, 400 7th Street, SW., Washington DC, Room 3200.

Tuesday and Wednesday, October 15–16, 1987—Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington DC, Room 201.

Monday, October 26, 1987—Architectural and Transportation Barriers Compliance Board, Mary Switzer Building, 330 C St., SW., Washington, DC, Room 3065.

Monday, November 2, 1987—U.S. Department of Transportation, 400 7th Street, SW., Washington DC, Room 3200.

Tuesday and Thursday, November 3 and 5, 1987—Paralyzed Veterans of America, 801 18th Street, NW., Washington DC, 10th floor conference room.

Friday, November 6, 1987—U.S. Department of Transportation, 400 7th Street, SE., Washington DC, Room 3200.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, 400 7th Street, SW., Room 10424, Washington DC, 20590. 202–366–9306 (voice); 202–755–7687 (TDD).

SUPPLEMENTARY INFORMATION: The listed meetings of the advisory committee are for the purpose of negotiating the contents of a proposed regulation that would be issued by the Department of Transportation to implement the Air Carrier Access Act of 1986, which prohibits discrimination on the basis of handicap in air travel. The meetings are open to the public. The meetings will begin at 9:30 a.m. and conclude at approximately 4:00 p.m.

The committee has tentatively scheduled discussions of the following subjects on the dates covered by this notice: August 10–11, physical accessibility; August 20, reimbursement and special charges; September 2–3, opportunity for interested persons to provide information to the committee; September 9–10, 23 and October 5–6, conditions of service (e.g., requirements for an attendant, refusals of service, medical certification requirements, limits on the number of disabled passengers on a flight); October 15–16, 26 and November 2–3, seating restrictions (e.g., exit row seating, emergency evacuation procedures); November 5–6, work to finalize a draft NPRM. These subjects of discussion may change; individuals who wish to attend a session on a particular subject should contact Mr. Ashby for current information.

All meetings of the advisory committee are open to the public. However, we call interested persons' attention particularly to the meetings of September 2–3. These meetings are intended to provide an opportunity for interested persons to present information to the committee relevant any of the matters the committee is considering.

All persons who wish to speak during these sessions must contact the committee's chief mediator to schedule their appearance by no later than the close of business, Tuesday, August 25. The mediator will establish times for speakers to make their presentations and may arrange clusters or panels of speakers to address specific topics. The mediator will also attempt to achieve balance in the selection of speakers addressing the committee, so that, for example, a very large number of speakers do not address one issue to the exclusion of opportunities for other issues to be addressed. The chief mediator is: Eileen Hoffman, (202–653–5390), Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington DC 20427.

The Department requests that individuals planning to attend any of the meetings who will need the services of a sign language interpreter so inform the Department at least two days in advance of the meeting date. Interested persons may contact Mr. Ashby for this purpose.

Issued this 3rd day of August, 1987, at Washington DC.

Rosalind A. Knapp,

Deputy General Counsel

[FR Doc. 87–17934 Filed 8–6–87; 8:45 am]

BILLING CODE 4910–62–M

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 159; Minimum Aviation System Performance Standards for Global Positioning System; 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 159 on Minimum Aviation System Performance Standards for Global Positioning System to be held on August 31–September 2, 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 Minutes of the Sixth Meeting; (3) General Dynamics Service Company Briefing on GPS Test and Evaluation; (4) Review of DOD/FAA Activity on GPS Selective Availability; (5) Review of Documents Submitted for Inclusion in the Committee Report; (6) Assignment of Tasks; (7) Other Business; and (8) 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 31, 1987.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 87–17921 Filed 8–6–87; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

Date: August 4, 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 Pennsylvania Avenue, NW., Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB Number: 1512–0163
Form Number: ATF F 5210.5 (3068)
Type of Review: Extension
Title: Manufacturer of Tobacco Products Monthly Report

Description: ATF F 5210.5(3068) documents a tobacco products manufacturer's accounting of cigars and cigarettes, smokeless tobacco products. The form describes the tobacco products manufactured, articles produced, received, disposed of and statistical classes of large cigars. ATF examines and certifies entries on these reports so as to identify unusual activities, errors and or omissions.

Respondents: Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 2,040 hours
Clearance Officer: Robert Masarsky, (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226
OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Internal Revenue Service

OMB Number: 1545–0089
Form Number: IRS Form 104ONR
Type of Review: Revision
Title: U.S. Nonresident Alien Income Tax Return

Description: This form is used by nonresident individuals and foreign estates and trusts to report their income subject to tax and compute the correct tax liability. The information on the return is used to determine whether income, deductions, credits, payments, etc., are correctly figured. Affected public are nonresident individuals, estates and trusts.

Respondents: Individuals or households, Farms, Businesses or other for-profit, Small businesses or organizations
Estimated Burden: 1,013,610 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

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 87–18023 Filed 8–6–87; 8:45 am]

BILLING CODE 4810–25–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the object "The Holy Family with Angels" (see below [1]),

[1] Details concerning the object may be obtained by contacting Mr. John Lindburg of the Office of the General Counsel of USIA. The telephone number is 202–485–7976, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547.

imported from abroad for the temporary exhibition without profit within the United States, is of cultural significance. This object is imported pursuant to a loan agreement with the foreign lender. I also determined that the temporary exhibition or display of the object at the Toledo Museum Of Art in Toledo, Ohio, beginning on or about October 4, 1987, to on or about January 3, 1988, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: July 30, 1987.

C. Normand Poirier,

Acting General Counsel.

[FR Doc. 87-17940 Filed 8-6-87; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Commercial Activities, Performance; Cost Comparison Schedules (OMB A-76 Implementation)

AGENCY: Veterans Administration.

ACTION: Notice of change.

SUMMARY: In accordance with the requirements of OMB Circular No. A-76, the Veterans Administration serves notice to the public that the schedule of A-76 cost comparisons within the Department of Medicine and Surgery (DM&S) published on pages 43626-43628 of the **Federal Register** of October 28, 1985, has been changed. A number of cost comparison studies scheduled to begin in 1985 and 1986 have been rescheduled to begin in 1987, due to extensive construction and replacement initiatives.

The following comprehensive list of the Veterans Administration's A-76 cost comparison studies scheduled to begin in 1987 and 1988 includes rescheduled start dates for some of the previously published DM&S cost comparisons.

FOR FURTHER INFORMATION CONTACT: Brodie C. Covington, Office of Program Analysis and Evaluation, Strategic Management Service (071), Veterans Administration Central Office, 810 Vermont Avenue NW, Washington, DC 20420, (202) 233-2565.

Questions relating to local matters about "contracting out" should be referred to the Director of the VA facility concerned.

Dated: July 30, 1987.

By direction of the Administrator.

David A. Cox,

Associate Deputy Administrator for Management.

Study	Starting date	Location
Grounds Maintenance.	September 1988	VAMC Minneapolis, MN.
Laundry/Dry Cleaning.	September 1987	VAMC Knoxville, IA.
	September 1987	VAMC Fargo, ND.
	September 1987	VAMC Canandaigua, NY.
	September 1987	VAMC Mountain Home, TN.
	September 1987	VAMC Leavenworth, KS.
	September 1987	VAMC Spokane, WA.
	September 1987	VAMC Erie, PA.
	December 1987	VAMC Pittsburg, PA (HD).
	January 1988	VAMC Biloxi/Gulfport, MS.
	January 1988	VAMC Sheridan, WY.
	January 1988	VAMC Buffalo, NY.
	January 1988	VAMC Perry Point, MD.
	February 1988	VAMC Rosenburg, OR.
	March 1988	VAMC Dallas, TX.
	April 1988	VAMC Portland, OR.
	June 1988	VAMC Clarksburg, WV.
Switchboard	September 1987	VAMC Brockton, MA.
	September 1987	VAMC Brooklyn, NY.
	September 1987	VAMC Hines, IL.
	March 1988	VAMC East Orange, NJ.
	March 1988	VAMC Milwaukee, WS.
Transcription	April 1988	VAMC Portland, OR.
VCS Food Service.	September 1987	VAMC Minneapolis, MN.
	April 1988	VAMC Portland, OR.
Warehouse	September 1987	VAMC San Francisco, CA.
	September 1987	VAMC Pittsburgh, PA (UD).
	November 1987	VAMC Hines.
	December 1987	VAMC San Antonio, TX.
	June 1988	VAMC Augusta, GA.
	July 1988	VAMC Miami, FL.
	August 1988	VAMC Indianapolis, IN.
	October 1988	VAMC East Orange, NJ.
Data Processing Centers (DPC).	Spring 1990	VA DPC Austin, TX.
	Spring 1991	VA DPC Philadelphia, PA.
	Deleted	VA DPC Washington, D.C.
Motor Vehicle/Transportation.	Deleted	VA Central Office Washington D.C.

[FR Doc. 87-17946 Filed 8-6-87; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF ENERGY

Procurement and Assistance Management Directorate

NPR-1 Natural Gas Liquid Products Sales

AGENCY: U.S. Department of Energy (DOE).

ACTION: Solicitation of comments on proposed changes to NPR-1 liquid products sales contract provisions.

SUMMARY: U.S. Department of Energy (DOE) solicits written comments and suggestions on its proposed changes to the contractual provisions under which natural gas liquids (propane, butane, and natural gasoline) are to be sold from Naval Petroleum Reserve No. 1 (NPR-1), Kern County, California (10 U.S.C. Chapter 641). DOE is preparing a draft solicitation incorporating the proposed revisions which focus on establishing a price adjustment factor for calculating prices for natural gas liquids.

DATES: Parties interested in obtaining a copy of this draft solicitation should submit a request to the address below. A presolicitation conference will be conducted in Los Angeles, California on August 21, 1987, to discuss the proposed changes. The draft solicitation will provided details on this conference. Written comments on the draft solicitation must be received by August 28, 1987, in order for DOE to consider them before the next sale. In addition, the Department's representatives will, at the time of the presolicitation conference, provide answers to written questions received prior to August 19, 1987.

ADDRESS: Requests for the draft solicitation and comments on the proposed changes should be addressed to: Ms. Trudy Wood, Contracting Officer, United States Department of Energy, Office of Procurement Operations, MA-453.1, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-1020.

Issued in Washington, DC on August 6, 1987.

Berton J. Roth,

Director, Procurement and Assistance Management Directorate

[FR Doc. 87-18185 Filed 8-6-87; 12:30 pm]

BILLING CODE 6450-01-M

Corrections

Federal Register
Vol. 52, No. 152
Friday, August 7, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[AD-FRL 3141-9(a)]

Revisions to the National Ambient Air Quality Standards for Particulate Matter

Correction

In rule document 87-13707 beginning on page 24634 in the issue of Wednesday, July 1, 1987, make the following corrections:

1. On page 24637, in the first column, in the fourth line "10 G6mm" and "5-7 G6mm" should read "10 μm"and "5-7 μm" respectively. In the fifth line "G6mm" should be removed and "μm" inserted in its place.

2. On the same page, in the same column, in the second complete paragraph, in the 24th line "G6m" should read "μm".

3. On page 24639, in the second column, in the first complete paragraph, in the 13th line "G6mm" should read "μm" and in the 24th line "≤" should read ">".

4. On page 24666, in the first column, in the 17th line from the bottom of the column "(Q_a)" should read "$(\bar{Q}_a)$".

5. On the same page, in the second column, "Q_{std}" should read "$\bar{Q}_{std}$" wherever it appears.

6. On the same page and in the same column, in the 29th and 33rd line, "Q_a" should read "$\bar{Q}_a$".

Note.—For an Environmental Protection Agency correction to this document, see the Rules Section of this issue.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51679; FRL-3218-8]

Certain Chemicals Premanufacture Notices

Correction

In notice document 87-13593 beginning on page 22678 in the issue of Monday, June 15, 1987, make the following correction:

On page 22680, in the first column, in premanufacture notice **P 87-1213**, in the eighth line, "3,000" should read "3,300".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51684; FRL-3234-8]

Certain Chemicals Premanufacture Notices

Correction

In notice document 87-16321 beginning on page 27259 in the issue of Monday, July 20, 1987, make the following correction:

On page 27259, in the second column under **P 87-1355**, in the third line, "nitrophenoxy" was misspelled.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-50669; FRL-3227-3]

Pesticides; Issuance of Experimental Use Permits; American Cyanamid Co., et al.

Correction

In notice document 87-15082 beginning on page 25066 in the issue of Thursday, July 2, 1987, make the following correction:

On page 25067, in the first column, under *612-EUP-3*, in the sixth line, "monourea" was misspelled.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPP-240075; FRL-3232-2]

State Registrations of Pesticides

Correction

In notice document 87-15891 beginning on page 26559 in the issue of Wednesday, July 15, 1987, make the following correction:

On page 26559, in the second column, under Arizona, in the second line, "FM" should read "TM".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[PP 7G3468/T545; FRL-3231-9]

Avermectin; Establishment of Temporary Tolerances

Correction

In notice document 87-15892 beginning on page 26561 in the issue of Wednesday, July 15, 1987, make the following correction:

On page 26561, in the third column, under **FOR FURTHER INFORMATION CONTACT**, in the second line, "14" should read "15".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 862

[Docket No. 78N-2285]

Clinical Chemistry and Clinical Toxicology Devices; General Provisions and Classifications of 220 Devices

Correction

In rule document 87-9858 beginning on page 16102 in the issue of Friday, May 1, 1987, make the following corrections:

1. On page 16106, in the second column of the table for Subpart B, in the second line from the bottom, the superior "*" should read superior "*2".

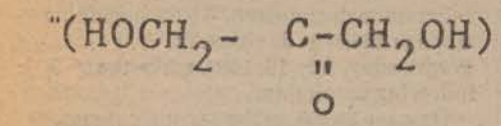
2. On page 16107, in the second column of the table for Subpart D, in the last line, superior "2" should read

superior "1"; and in the sixth and eighth lines from the bottom, superior "1" should read superior "*2".

3. On page 16115, in the third column, in the table, between the fourth and fifth entries, insert the entry "Ophthalmic Devices Panel.....January 26, 1982; 47 FR 3694-3749 (proposals).".

§ 862.1385 [Corrected]

4. On page 16128, in the second column, in § 862.1385(a), the sixth and seventh lines should read:



moiety on the steriod nucleus in urine."

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Inconsistency Ruling No. IR-19; Docket No. IRA-39]

Nevada Public Service Commission Regulations Governing Transportation of Hazardous Materials

Correction

In notice document 87-14811 beginning on page 24404 in the issue of Tuesday, June 30, 1987, make the following corrections:

1. On page 24404, in the first column, in the last full paragraph from the bottom, in the third line "inconsistency" should be one word.

2. On page 24406, in the second column, in the second from last paragraph, in the second line from the bottom in the quoted material "subsequently" should read "subsequent".

3. On the same page, in the third column, in the 12th line, "and" should read "or".

4. On page 24408, in the second column, in the 12th line, "many" should read "may".

5. On the same page, in the third column, in the second complete paragraph, in the seventh line, "implementation" was misspelled.

6. On page 24409, in the second column, in the first complete paragraph, in the fifth line, "issuances" should read "issuance".

7. On the same page, in the third column, in the fourth complete paragraph, in the first line "*Expedition*" should read "*Expediting*".

8. On the same page, in the same column and paragraph, in the third line from the bottom "for" should read "to".

9. On page 24410, in the second column, in the fourth paragraph, in the seventh line, "carts" should read "cars".

10. On the same page, in the third column, in the last complete paragraph, in the second line from the bottom, "currently" should read "current".

11. On page 24411, in the second column, in the last line, "inconsistent" should be one word.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Inconsistency Ruling No. IR-20; Docket No. IRA-37]

Triborough Bridge and Tunnel Authority Regulations Governing Transportation of Radioactive Materials and Explosives

Correction

In notice document 87-14812 beginning on page 24396 in the issue of Tuesday, June 30, 1987, make the following corrections:

1. On page 24396, in the third column, in the fifth paragraph, in the 10th line, "requirement" was misspelled.

2. On the same page, in the third column, in the last paragraph, in the fourth line "Section 102" should read "(Section 102)".

3. On page 24397, in the first column, in the second complete paragraph, in the fourth line from the bottom, "consequences" was misspelled.

4. On the same page, in the second column, in the first complete paragraph, in the fifth line from the bottom, "maybe" should read "may be".

5. On page 24399, in the third column, in paragraph (3), in the next to last line, remove "he".

6. On page 24400, in the second column, the 16th and 17th lines from the bottom of the page were part of the applicants' statements and should have appeared in smaller type. The next paragraph should have had quotation marks before and after it.

7. On the same page, in the third column, in the first complete paragraph, in the 11th line from the bottom, "caused" should read "causes".

8. On the same page, in the same column, in the same paragraph, in the ninth line from the bottom, after "study" insert "of a ".

9. On page 22401, in the first column, in the last paragraph, in the seventh line from the bottom, "expected" should read "excepted".

10. On the same page, in the third column, in the second complete paragraph, in the seventh line from the bottom, "Queens" was misspelled.

BILLING CODE 1505-01-D

federal register

Friday
August 7, 1987

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Alteration of the Burbank-Glendale-Pasadena Airport, CA, Airport Radar Service Area; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWA-21]

Proposed Alteration of the Burbank-Glendale-Pasadena Airport, CA, Airport Radar Service Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Burbank-Glendale-Pasadena Airport, CA, Airport Radar Service Area (ARSA). This proposal would adjust the lateral limits of the ARSA to exclude airspace in several areas of the present ARSA which do not receive adequate radar and/or communications coverage commensurate with the ARSA program and associated services. The proposal will exclude additional surface area in the vicinity of Whiteman Airport to accommodate airport traffic patterns.

DATES: Comments must be received on or before October 15, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA, Western-Pacific Region, Attention: Manager, Air Traffic Division, Docket No 87-AWA-21, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

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: Robert Laser, 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) 267-9255.

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 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-AWA-21." 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 Rules Docket 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 Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. 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 procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to modify the Burbank-Glendale-Pasadena Airport ARSA as follows:

1. Eliminate the area between eight and ten miles between the San Fernando Reservoir and the Simi Valley Freeway. This airspace is predominently utilized by flight transiting the Newhall Pass. The terminus for radar and communications coverage in the vicinity of this sector of the ARSA very nearly approximates the northern boundary of the ARSA. Consequently, aircraft seldom are capable of complying with the ARSA requirement for communicating with air traffic control (ATC) prior to encroachment upon the boundary of this airspace. Furthermore, ATC service is derogated as aircraft must be identified, provided ARSA service and transitioned to the Tower at Van Nuys or Unicom at Whiteman within a very short flight distance.

2. Eliminate the area between five and ten miles to the east between the 090° bearing and the 104° bearing. Adequate radar and communication coverage does not exist in this segment below 4,000 feet MSL.

3. Eliminate the surface area east of a direct line from a point originating at the 004° bearing, five-mile radius to the 090° bearing, five-mile radius. Adequate radar and communication coverage below 3,500 feet MSL does not exist in this area.

4. Expand the surface area exclusion around Whiteman Airport. This area would be increased to a 1.75-mile radius of the Whiteman Airport to accommodate the variety and numbers of aircraft which are frequently in the traffic pattern and better enable those aircraft to maintain a traffic pattern which is clear of ARSA surface areas.

The elimination of ARSA airspace in each of the above instances is directly attributable to reduced ATC service capability at altitudes affected by terrain features. Coverage by radar and/or communication equipment is limited to line of sight. Terrain prevents an acceptable degree of coverage in certain portions of the ARSA. Temporary loss of radio or radar coverage is not an uncommon situation when operating at certain altitudes when the ATC facility is located in close proximity to higher terrain. Normally this is not considered an adverse factor in ATC's ability to provide services, as instrument flight rules (IFR) operations are conducted at altitudes which ensure adequate coverage, and visual flight rules (VFR) operations are advisory in nature with voluntary pilot participation. To the maximum extent practicable, FAA, in the development of regulatory airspace, ensures adequate coverage is provided.

Regulatory Evaluation

The proposed modifications to the Burbank-Glendale-Pasadena Airport ARSA are intended to improve the utility of the affected airspace. The proposal to eliminate a small amount of airspace from the ARSA is not expected to result in any costs associated with a reduction in the controlled airspace. The affected airspace currently is not within sufficient radar and/or communications coverage necessary to provide ARSA services because of terrain features. Adjusting the ARSA boundaries will not alter this situation. Reconfiguring the ARSA to more accurately reflect the terrain characteristics will improve the

efficiency of its operations, and various users, especially the users of Whiteman Airport, will benefit from the restoration of this airspace.

The FAA has determined that the economic impact of this proposal is so minimal as not to require further regulatory evaluation. A copy of the regulatory evaluation for the original Burbank-Glendale-Pasadena ARSA is available for review in FAA Airspace Docket No. 85–AWA–2. For the reasons listed above, this proposal (1) is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

International Trade Impact Analysis

This proposed regulation will only affect terminal airspace operating procedures at one location within the United States. As such, it will have no affect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

Throughout the ARSA program the FAA has attempted to eliminate potentially adverse impacts on satellite airports within five-nautical miles of ARSA centers and the small businesses based at these airports, as well as flight training, soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations, or in some cases, providing exclusions for these airports. This modification of the Burbank-Glendale-Pasadena Airport ARSA will slightly expand the exclusion in the vicinity of Whiteman Airport and ease local operations for this airport.

For these reasons, the FAA certifies that the proposed amendment, if adopted, will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service 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—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.

§ 71.501 [Amended]

2. Section 71.501(a) is amended as follows:

Burbank-Glendale-Pasadena Airport, CA [Revised]

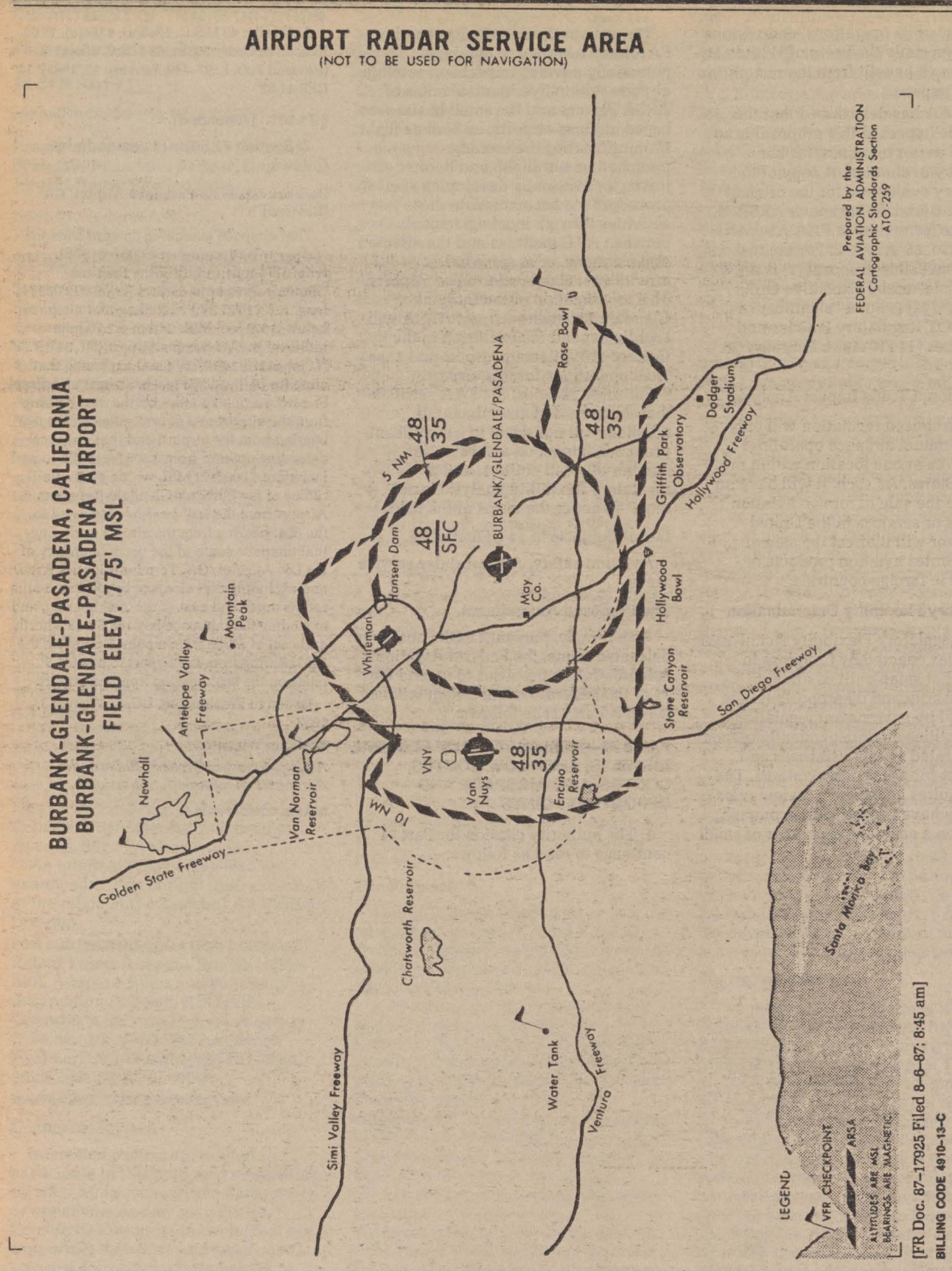
That airspace extending upward from the surface to and including 4,800 feet MSL within a 5-mile radius of the Burbank-Glendale-Pasadena Airport (lat. 34°12'02" N., long. 118°21'27" W.) excluding that airspace below 3,500 feet MSL within a 1.75-mile radius of the Whiteman Airport (lat. 34°15'35" N., long. 118°24'45" W.) and excluding that airspace below 3,500 feet MSL east of a direct line from a point 5 miles on the 004° bearing from the airport to a point 5 miles on the 090° bearing from the airport; and that airspace extending upward from 3,500 feet MSL to and including 4,800 feet MSL within a 10-mile radius of the Burbank-Glendale-Pasadena Airport from the 104° bearing clockwise to the 004° bearing from the airport excluding that airspace south of the north boundary of the Los Angeles, CA, Terminal Control Area, and excluding that airspace beyond an 8-mile radius north and east of the 294° bearing, and excluding that airspace beyond 5 miles north and east of a line from a point 8 miles on the 343° bearing from the airport to a point 5 miles on the 004° bearing from the airport.

Issued in Washington, DC, on August 3, 1987.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

BILLING CODE 4910-13-M



[FR Doc. 87-17925 Filed 8-6-87; 8:45 am]

BILLING CODE 4910-13-C

Federal Register

Friday
August 7, 1987

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 71

Proposed Establishment of Airport Radar Service Areas; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWA-24]

Proposed Establishment of Airport Radar Service Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish an Airport Radar Service Area (ARSA) at three locations—Fayetteville Municipal/Grannis Field Airport, NC; Pope Air Force Base (AFB), NC, and Shaw AFB, SC. Each location is an airport at which a nonregulatory Terminal Radar Service Area (TRSA) is currently in effect. Establishment of each ARSA would require that pilots maintain two-way radio communication with air traffic control (ATC) while in the ARSA. Implementation of ARSA procedures at each of the affected locations would promote the efficient control of air traffic and reduce the risk of midair collision in terminal areas.

DATES: Comments must be received on or before November 7, 1987. Informal airspace meeting dates are as follows: Fayetteville Airport, NC, and Pope AFB, NC—October 6, 1987; and Shaw AFB, SC—October 7, 1987.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket [AGC-204], Airspace Docket No. 87-AWA-24, 800 Independence Avenue, SW., Washington, DC 20591.

The informal airspace meeting places are as follows:

Fayetteville Municipal/Grannis Field Airport and Pope AFB, NC, ARSA's
Time: 7:00 p.m.
Location: Fayetteville Technical Institute Auditorium, 2201 Hull Road, Fayetteville, NC

Shaw AFB, SC, ARSA
Time: 7:30 p.m.
Location: Shaw AFB NCO Club, Shaw AFB, SC, Note: Enter Shaw AFB through main gate

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.

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

FOR FURTHER INFORMATION CONTACT: Robert L. Laser, 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) 267-9255.

SUPPLEMENTARY INFORMATION:

Comments Invited

This notice involves three locations. 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 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-AWA-24." 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 Rules Docket 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 Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. 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 procedure.

Meeting Procedures

In addition to seeking written comments on this proposal, the FAA will hold informal airspace meetings for the proposed ARSA locations in order to receive additional input with respect to the proposal. The dates, times, and places for these meetings are listed above. Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meetings will be informal in nature and will be conducted by the designated representative of the Administrator. Each participant will be given an opportunity to make a presentation.

(b) There will be no admission fee or other charge to attend and participate. The meetings will be open to all persons on a space-available basis. The FAA representative may accelerate the agenda to enable early adjournment if the progress of the meetings is more expeditious than planned.

(c) The meetings will not be recorded. A summary of the comments made at these meetings will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meetings may be accepted. Participants submitting handout materials should present an original and two copies to the presiding officer. There should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the meetings should not be taken as expressing a final FAA position.

Agenda

Presentation of Meeting Procedures
FAA Presentation of Proposal
Public Presentations and Discussion

Background

On April 22, 1982, the National Airspace Review (NAR) plan was published in the **Federal Register** (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1-2 concluded that TRSA's should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated ARSA, was the consensus recommendation.

In response, the FAA published NAR Recommendation 1-2.2.1, "Replace Terminal Radar Service Areas with Model B Airspace and Service" in Notice 83-9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport,

Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) in order to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining an ARSA and establishing air traffic rules for operation within such an area. Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, and Columbus, OH, airports and also at the Baltimore/Washington International Airport, Baltimore, MD, (50 FR 9250; March 6, 1985). The FAA has stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which are included in the TRSA replacement program. The task group recommended that these criteria take into account, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. This criteria has been developed and is being published via the FAA directives system.

The FAA has established ARSA's at 89 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's.

Related Rulemaking

This notice proposes ARSA designation at three locations identified as candidates for an ARSA in the preamble to Amendment No 71-10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the Federal Register.

The Current Situation at the Proposed ARSA Locations

A TRSA is currently in effect at the locations at which ARSA's are proposed in this notice. A TRSA consists of the airspace surrounding a designated airport where ATC provides radar vectoring, sequencing, and separation for all aircraft operating under instrument flight rules (IFR) and for participating aircraft operating under visual flight rules (VFR). TRSA airspace and operating rules are not established by regulation, and participation by pilots operating under VFR is voluntary, although pilots are urged to participate. This level of service is known as Stage III and is provided at all locations identified as TRSA's. The NAR task group recommended the replacement of most TRSA's with ARSA's.

A number of problems with the TRSA program were identified by the task group. The task group stated that because there are different levels of service offered within the TRSA, users are not always sure of what restrictions or privileges exist, or how to cope with them. According to the task group, there is a shared feeling among users that TRSA's are often poorly defined, are generally dissimilar in dimensions, and encompass more area than is necessary or desirable. There are other users who believe that the voluntary nature of the TRSA does not adequately address the problems associated with nonparticipating aircraft operating in relative proximity to the airport and associated approach and departure courses. There is strong advocacy among user organizations that terminal radar facilities should provide all pilots the same service, in the same way, and, to the extent feasible, within standard size airspace designations.

Certain provisions of FAR § 91.87 add to the problem identified by the task group. For example, aircraft operating under VFR to or from a satellite airport and within the airport traffic area (ATA) of the primary airport are excluded from the two-way radio communications requirement of § 91.87. This condition is acceptable until the volume and density of traffic at the primary airport dictates further action.

The Proposal

The FAA is considering an amendment to § 71.501 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish ARSA's at the following three locations: Fayetteville Municipal/Grannis Field Airport, NC; Pope AFB, NC, and Shaw AFB, SC. Fayetteville Municipal/Grannis Field Airport is a public airport, while Pope AFB and Shaw AFB are military airports at which nonregulatory TRSA's are currently in effect. The proposed locations are depicted on charts in Appendix 1 to this notice.

FAA regulations, 14 CFR 91.88, define ARSA and prescribe operating rules for aircraft, ultralight vehicles, and parachute jump operations in airspace designated as an ARSA.

The ARSA rule provides in part that, prior to entering the ARSA, any aircraft arriving at any airport in an ARSA or flying through an ARSA must: (1) Establish two-way radio communications with the ATC facility having jurisdiction over the area, and (2) while in the ARSA, maintain two-way radio communications with that ATC facility. For aircraft departing from the primary airport within the ARSA, two-way radio communications must be maintained with the ATC facility having jurisdiction over the area. For aircraft departing a satellite airport within the ARSA, two-way radio communications must be established as soon as practicable after takeoff with the ATC facility having jurisdiction over the area, and thereafter maintained while operating within the ARSA.

All aircraft operating within an ARSA are required to comply with all ATC clearances and instructions and any FAA arrival or departure traffic pattern for the airport of intended operation. However, the rule permits ATC to authorize appropriate deviations to any of the operating requirements of the rule when safety considerations justify the deviation or more efficient utilization of the airspace can be attained. Ultralight vehicle operations and parachute jumps in an ARSA may only be conducted under the terms of an ATC authorization.

The FAA adopted the NAR task group recommendation that each ARSA be of the same airspace configuration insofar as practicable. The standard ARSA consists of airspace within 5 nautical miles of the primary airport extending from the surface to an altitude of 4,000 feet above that airport's elevation, and that airspace between 5 and 10 nautical miles from the primary airport from 1,200 feet above the surface to an altitude of 4,000 feet above that airport's elevation. Proposed deviation from the standard has been necessary at some airports due to adjacent regulatory airspace, international boundaries, topography, or unusual operational requirements.

Definitions, operating requirements, and specific airspace designations applicable to ARSA may be found in 14 CFR Part 71, §§ 71.14 and 71.501, and 14 CFR Part 91, §§ 91.1 and 91.88.

For the reasons discussed under "Regulatory Evaluation," the FAA has determined that this proposed regulation is not a "major rule" under Executive Order 12291 and is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Regulatory Evaluation

The FAA has conducted a Regulatory Evaluation of the proposed

establishment of these additional ARSA sites. The major findings of that evaluation are summarized below, and the evaluation is available in the regulatory docket.

a. Costs

Costs which potentially could result from the establishment of additional ARSA sites fall into the following categories:

(1) Air traffic controller staffing, controller training, and facility equipment costs incurred by the FAA.

(2) Costs associated with the revision of charts, notification of the public, and pilot education.

(3) Additional operating costs for circumnavigating or flying over the ARSA.

(4) Potential delay costs resulting from operations within an ARSA rather than a TRSA.

(5) The need for some operators to purchase radio transceivers.

(6) Miscellaneous costs.

It has been the FAA's experience, however, that these potential costs do not materialize to any appreciable degree, and when they do occur, they are transitional, relatively low in magnitude, or attributable to specific implementation problems that have been experienced at a very small minority of ARSA sites. The reasons for these conclusions are presented below.

FAA expects that the additional ARSA sites proposed in this notice can be implemented without requiring additional controller personnel above current authorized staffing levels, because participation at these TRSA locations is already quite high, and the reduced separation standards permitted in ARSA's will allow controllers to absorb the slight increase in participating traffic by handling all traffic much more efficiently. Further, because controller training will be conducted during normal working hours, and existing TRSA facilities already operate the necessary radar equipment, FAA does not expect to incur any appreciable implementation costs. Essentially, the FAA will modify its terminal radar procedures at the proposed ARSA sites in a manner that will make more efficient use of existing resources.

No additional costs are expected to be incurred because of the need to revise sectional charts to remove TRSA airspace depictions and incorporate the new ARSA airspace boundaries. Changes of this nature are routinely made during charting cycles, and the planned effective dates for newly established ARSA's are scheduled to coincide with the regular 6-month chart publication intervals.

This rulemaking proceeding and process will satisfy much of the need to notify the public and educate pilots about ARSA operations. The informal public meeting being held at each location where an ARSA is being proposed provides pilots with the best opportunity to learn both how an ARSA works and how it will affect their local operations. The expenses associated with these public meetings are considered costs attributable to the rulemaking process; however, any public information costs following establishment of a new ARSA are strictly attributable to the ARSA. The FAA expects to distribute a Letter to Airmen to all pilots residing within 50 miles of ARSA sites explaining the operation and configuration of the ARSA finally adopted. The FAA also has issued an Advisory Circular on ARSA's. The combined Letter to Airmen and prorated Advisory Circular costs have been estimated to be approximately $500 for each ARSA site. This cost is incurred only once upon the initial establishment of an ARSA.

Information on ARSA's following the establishment of additional sites will also be disseminated at aviation safety seminars conducted throughout the country by various district offices. These seminars are regularly provided by the FAA to discuss a variety of aviation safety issues and, therefore, will not involve additional costs strictly as a result of the ARSA program. Additionally, no significant costs are expected to be incurred as a result of the follow-on user meetings that will be held at each site following implementation of the ARSA which will allow users to provide feedback to the FAA on local ARSA operations. These meetings are being held at public or other facilities which are being provided free of charge or at nominal cost. Further, because these meetings are being conducted by local FAA facility personnel, no travel, per diem, or overtime costs will be incurred by regional or headquarters personnel.

FAA anticipates that some pilots who currently transit a TRSA without establishing radio communications or participating in radar services may choose to circumnavigate the mandatory participation airspace of an ARSA rather than participate. Some minor delay costs will be incurred by these pilots because of the additional aircraft variable operating cost and lost crew and passenger time resulting from the deviation. Other pilots may elect to overfly the ARSA, or transit below the 1,200 feet above ground level (AGL) floor between the 5- and 10-nautical-mile rings. Although this will not result in any appreciable delay, a small additional fuel burn will result from the climb portion of the altitude adjustment (which will be offset somewhat by the descent).

FAA recognizes that the potential exists for delay to develop at some locations following establishment of an ARSA. The additional traffic that the radar facilities will be handling as a result of the mandatory participation requirement may, in some instances, result in minor delays to aircraft operations. FAA does not expect such delay to be appreciable. FAA expects that the greater flexibility afforded controllers in handling traffic as a result of the reduced separation standards will keep delay problems to a minimum. Those that do occur will be transitional in nature, diminishing as facilities gain operating experience with ARSA's and learn how to tailor procedures and allocate resources to take fullest advantage of the increased efficiencies due to the implementation of the ARSA. This has been the experience at most of the locations where ARSA's have been in effect for the longest period of time and is the recurring trend at the locations that have been more recently designated.

The FAA does not expect that any operator will find it necessary to install radio transceivers as a result of establishing the ARSA's proposed in this notice. Aircraft operating to and from primary airports already are required to have two-way radio communications capability because of existing airport traffic areas and, therefore, will not incur any additional costs as a result of the proposed ARSA's. Further, the FAA has made an effort to minimize these potential costs throughout the ARSA program by providing airspace exclusions, or cutouts, for satellite airports located within 5 nautical miles of the ARSA center where the ARSA would otherwise have extended down to the surface. Procedural agreements between the local ATC facility and the affected airports have also been used to avoid radio installation costs.

At some proposed ARSA locations, special situations might exist where establishment of an ARSA could impose certain costs on users of that airspace. However, exclusions, cutouts, and special procedures have been used extensively throughout the ARSA program to alleviate adverse impacts on local fixed base and airport operators. Similarly, the FAA has eliminated potential adverse impacts on existing

flight training practice areas, as well as soaring, ballooning, parachuting, ultralight and banner towing activities, by developing special procedures to accommodate these activities through local agreements between ATC facilities and the affected organizations. For these reasons, the FAA does not expect that any such adverse impact will occur at the candidate ARSA sites proposed in this notice.

b. Benefits

Much of the benefit that will result from ARSA's is nonquantifiable and is attributable to simplification and standardization of ARSA configurations and procedures, which should eliminate much of the confusion currently experienced by pilots when operating in nonstandard TRSA's. Further, once experience is gained in ARSA operations, the air traffic controllers will gain greater flexibility in handling traffic within an ARSA which will enable them to move traffic more efficiently than under the current TRSA's. These expected savings may or may not offset the delay that some sites may experience after the initial establishment of an ARSA, but are expected to eventually provide overall time savings to all traffic, IFR as well as VFR, as both pilots and controllers become more familiar with ARSA operating procedures.

Some of the benefits of the ARSA cannot be specifically attributed to individual candidate airports, but rather will result from the overall improvements in terminal area ATC procedures realized as ARSA's are implemented throughout the country. ARSA's have the potential of reducing both near and actual midair collisions at the airports where they are established. Based upon the experience at the Austin and Columbus ARSA confirmation sites, FAA estimates that near midair collisions may be reduced by approximately 35 to 40 percent. Further, FAA estimates that implementation of the ARSA program nationally may prevent approximately one midair collision every 1 to 2 years throughout the United States. The quantifiable benefits of preventing a midair collision can range from less than $100,000, resulting from the prevention of a minor nonfatal accident between general aviation aircraft, to $300 million or more, resulting from the prevention of a midair collision involving a large air carrier aircraft and numerous fatalities. Establishment of ARSA's at the sites proposed in this notice will contribute to these improvements in safety.

c. Comparison of Costs and Benefits

A direct comparison of the costs and benefits of this proposal is difficult for a number of reasons. Many of the benefits of the rule are nonquantifiable, and it is difficult to specifically attribute the standardization benefits, as well as the safety benefits, to individual candidate ARSA sites.

FAA expects that any adjustment problems that may be experienced at the ARSA locations proposed in this notice will only be temporary, and that once established, the ARSA's will result in an overall improvement in efficiency in terminal area operations. This has been the experience at the vast majority of ARSA sites that have already been implemented. In addition to these operational efficiency improvements, establishment of the proposed ARSA sites will contribute to a reduction in near and actual midair collisions. For these reasons, FAA expects that establishment of the ARSA sites proposed in this notice will produce long term, ongoing benefits that will far exceed their costs, which are essentially transitional in nature.

International Trade Impact Analysis

This proposed regulation will only affect terminal airspace operating procedures at selected airports within the United States. As such, it will have no effect on the sale of foreign aviation products or services in the United States, nor will it affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have a significant economic impact on a substantial number of small entities.

The small entities that potentially could be affected by implementation of the ARSA program include the fixed-base operators, flight schools, agricultural operators and other small aviation businesses located at satellite airports within 5 nautical miles of the ARSA center. If the mandatory participation requirement were to extend down to the surface at these airports, where under current regulations participation in the TRSA and radio communication with ATC is voluntary, operations at these airports might be altered, and some business could be lost to airports outside of the ARSA core. FAA has proposed to exclude many satellite airports located within 5 nautical miles of the primary airport at candidate ARSA sites to avoid adversely impacting their operations and to simplify coordinating ATC responsibilities between the primary and satellite airports. In some cases, the same purposes will be achieved through Letters of Agreement between ATC and the affected airports that establish special procedures for operating to and from these airports. In this manner, FAA expects to eliminate any adverse impact on the operations of small satellite airports that potentially could result from the ARSA program. Similarly, FAA expects to eliminate potentially adverse impacts on existing flight training practice areas, as well as soaring, ballooning, parachuting, ultralight, and banner towing activities, by developing special procedures that will accommodate these activities through local agreements between ATC facilities and the affected organizations. FAA has utilized such arrangements extensively in implementing the ARSA's that have been established to date.

Further, because the FAA expects that any delay problems that may initially develop following implementation of an ARSA will be transitory, and because the airports that will be affected by the ARSA program represent only a small proportion of all the public use airports in operation within the United States, small entities of any type that use aircraft in the course of their business will not be adversely impacted.

For these reasons, the FAA certifies that the proposed regulation, if adopted, will not result in a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

List of Subjects in 14 CFR Part 71

Aviation safety, Airport radar service 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—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.

§ 71.501 [Amended]

2. Section 71.501 is amended as follows:

Fayetteville Municipal/Grannis Field Airport, NC [New]

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5 mile radius of the Fayetteville Municipal/Grannis Field Airport (lat. 34°59'26"N., long. 78°52'50" W.) and that airspace within a 10.mile radius of the Fayetteville Municipal/Grannis Field Airport extending upward from 1,400 feet MSL to and including 4,200 feet MSL, excluding that airspace within Restricted Area R–5311. This airport radar service area is effective during the specific days and hours of operation of the Fayetteville Tower and Approach Control Facility as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Pope AFB, NC [New]

That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of the Pope AFB (lat. 35°09'58" N., long. 79°01'03" W.) and that airspace extending upward from 1,400 feet MSL to and including 4,200 feet MSL within a 10.mile radius of the Pope AFB, excluding that airspace within Restricted Area R–5311 and excluding that airspace within the Fayetteville Municipal/Grannis Field Airport, Airport Radar Service Area. This airport radar service area is effective during the specific days and hours of operation of the Pope AFB Tower and Fayetteville Approach Control Facility as established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Shaw AFB, SC [New]

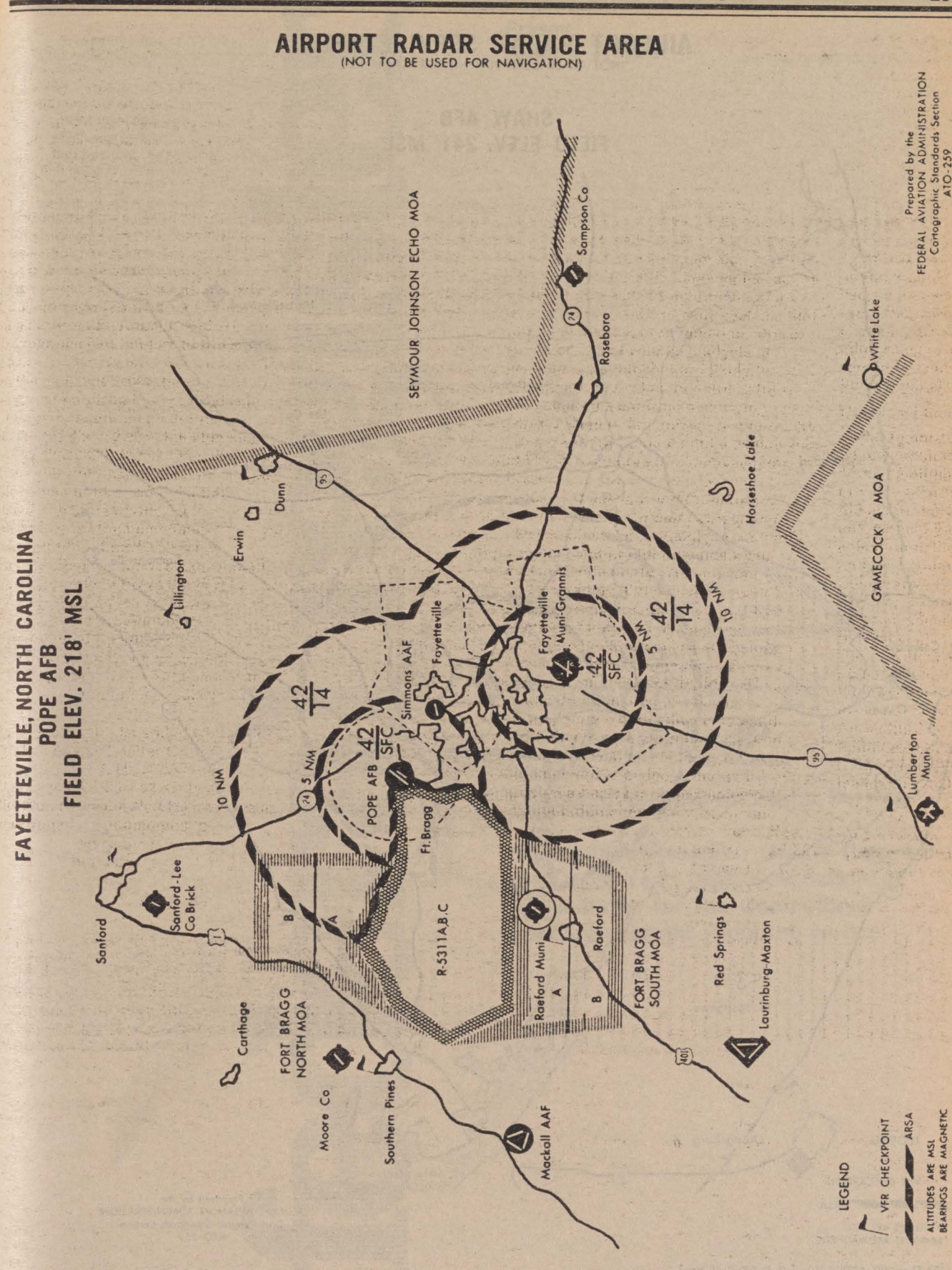
That airspace extending upward from the surface to and including 4,200 feet MSL within a 5-mile radius of the Shaw AFB (lat. 33°58'05" N., long. 80°28'48" W.) and that airspace extending upward from 1,500 feet MSL to and including 4,200 feet MSL within a 10-mile radius of the Shaw AFB, excluding that airspace below 1,500 feet MSL within a 2-mile radius of the Sumter Municipal Airport (lat. 33°59'42" N., long. 80°21'45" W.) and excluding that airspace within Restricted Area R–600.2

Issued in Washington, DC, on August 3, 1987.

Shelomo Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

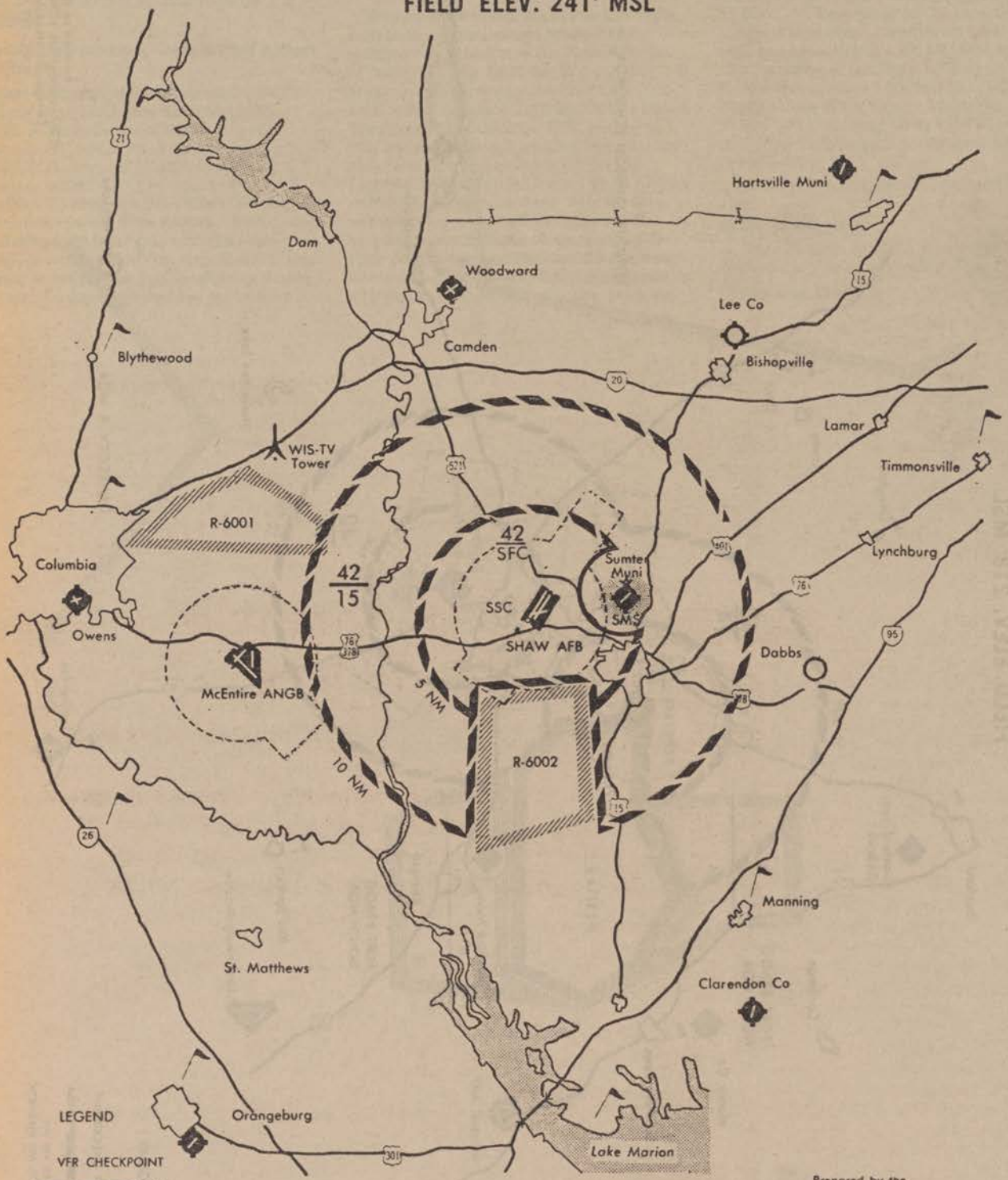
BILLING CODE 4910–13–M


AIRPORT RADAR SERVICE AREA
(NOT TO BE USED FOR NAVIGATION)
FAYETTEVILLE, NORTH CAROLINA
POPE AFB
FIELD ELEV. 218' MSL
Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259
SEYMOUR JOHNSON ECHO MOA
Sampson Co
Roseboro
White Lake
Horseshoe Lake
GAMECOCK A MOA
Dunn
Erwin
Lillington
Fayetteville
Simmons AAF
Fayetteville Muni-Grannis
42/14
42/SFC
10 NM
5 NM
POPE AFB
Ft. Bragg
R-5311A,B,C
Lumberton Muni
Sanford
Sanford-Lee Co Brick
Carthage
FORT BRAGG NORTH MOA
Moore Co
Southern Pines
Mackall AAF
Raeford Muni
Raeford
FORT BRAGG SOUTH MOA
Red Springs
Laurinburg-Maxton
LEGEND
VFR CHECKPOINT
ARSA
ALTITUDES ARE MSL
BEARINGS ARE MAGNETIC

AIRPORT RADAR SERVICE AREA

(NOT TO BE USED FOR NAVIGATION)

SHAW AFB
FIELD ELEV. 241' MSL



ALTITUDES ARE MSL
BEARINGS ARE MAGNETIC

Prepared by the
FEDERAL AVIATION ADMINISTRATION
Cartographic Standards Section
ATO-259

[FR Doc. 87-17926 Filed 8-6-87; 8:45 am]
BILLING CODE 4910-13-C

federal register

Friday
August 7, 1987

Part IV

Department of Agriculture

Cooperative State Research Service

Competitive Research Grants Program for Fiscal Year 1988; Solicitation of Applications for the Competitive Research Grants Program; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Competitive Research Grants Program for Fiscal Year 1988; Solicitation of Applications for the Competitive Research Grants Program

Applications are invited for competitive grant awards under the Competitive Research Grants Program administered by the Office of Grants and Program Systems, Cooperative State Research Service, for fiscal year 1988.

The authority for this program is contained in section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)). Under this program, subject to the availability of funds, the Secretary may award competitive research grants, for periods not to exceed five years, for the support of research projects to further the programs of the Department of Agriculture. Proposals may be submitted by any State agricultural experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual. Proposals for scientists at non-United States organizations will not be considered for support.

Application Regulations

Regulations applicable to this program include the following: (a) The regulations governing the Competitive Research Grants Program, 7 CFR Part 3200 (49 FR 5570, February 13, 1984, as amended by 50 FR 5499, February 8, 1985), which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects; and (b) the USDA Uniform Federal Assistance Regulations, 7 CFR Part 3015, as amended.

Specific Research Areas To Be Supported in Fiscal Year 1988

Standard project grants and a small number of continuation grants will be awarded to support basic research in selected areas of the biological sciences related to agriculture and human nutrition.

The Competitive Research Grants Program covers the following categories:

Plant Science
Human Nutrition
Animal Science
Biotechnology

The research categories of plant and animal science and human nutrition have been considered by a number of scientific groups to possess exceptional opportunity for fundamental scientific discovery and for contributing, in the long run, to applied research and development vitally needed on high-priority food and nutrition problems.

The major initiative in biotechnology research that began in fiscal year 1985 will continue for fiscal year 1988. It is designed to provide opportunities to address research problems in all categories of agricultural science including plants, animals, insect pests, and microorganisms associated with these biota. It is anticipated that this research will advance broadly the Nations competitive advantages in the food, feed, fiber and natural resource processes. Consideration will be given to research proposals that address fundamental questions in the areas noted below and that are consistent with the long-range agricultural needs of the Nation. If you intend to submit a Biotechnology proposal, it should be submitted to one of the research program areas listed below where the subject matter is most appropriate.

While basic guidelines are provided to assist members of the scientific community in assessing their interest in the program areas and to delineate certain important areas where new information is needed, the guidelines are not meant to provide boundaries or to detract from the creativity of potential applicants. USDA encourages the submission of innovative projects in the so-called "high-risk" category as well as those that may have a more certain payoff potential. In all instances, innovative research will be given high priority.

Agriculturally important organism(s) should be used to accomplish the research objectives. The use of other organisms as experimental model systems must be justified relative to the goals of the appropriate research program area and to the long-term objectives of USDA.

Workshops or symposia that bring together scientists to identify research needs, update information, or advance an area of research are recognized as integral parts of research efforts. Support for a limited number of such meetings covering subject matter encompassed by this Competitive Research Grants solicitation will be considered.

Individuals who have recently received a doctoral degree and wish to have further research experience before embarking on an independent career may submit proposals describing the research they wish to perform related to the program areas described in this solicitation.

To be considered for funding during fiscal year 1988, proposals from these individuals must be postmarked according to the dates established in this solicitation.

Interested individuals should contact the appropriate program staff for further information. The following specific research areas (program areas) and guidelines are provided as a base from which proposals may be developed:

1.0 *Plant Biological Stress Including Molecular Plant Pathology, Weed Science, Entomology and Nematology.* Plants are exposed to many stresses that may adversely affect their productivity and usefulness to man. This program area will support research on stresses on plants arising from their interactions with other plants or other biological agents and their control agents such as weeds, insects, nematodes, fungi, bacteria, viruses, and mycoplasma-like organisms. The ultimate goal of the research supported in this area is to reduce losses in plant productivity from damage caused by biologically generated stresses. This program area will emphasize studies that enhance our understanding of (a) how stressful interactions are established between plants and other biological agents; (b) how plants react to stresses generated by interactions with biological agents; and (c) how damage from such interactions may be reduced or eliminated. The interactions may be studied at any number of levels (i.e., population, organismal, cellular, and molecular) and by various approaches including genetics, molecular biology, and biochemistry.

Within this context, one of the goals of this program area is to understand the molecular basis for the organisms response to these stresses and to identify which of the genetic or cellular systems involved in these responses can be manipulated by techniques in biotechnology. Research on plants, plant-associated insects or microorganisms should emphasize: (a) Identification, isolation, transfer, regulation, and expression of genes involved in biological stresses; (b) physiological/biochemical-genetic analyses of identified genes or gene products involved in biological stress; and (c) fundamental or molecular mechanisms underlying stress responses, injury, tolerance, resistance, and avoidance at the molecular, cellular, and organismal levels.

Proposals may include studies on plants separated from stress-causing organisms or on stress-causing organisms separated from their target plants. However, proposals should

indicate how the anticipated information will be relevant to an understanding of the causes, consequences, and avoidance of biologically generated stresses on plants. The research supported in this program area will focus on the identification of new approaches that will be both effective and compatible with social and environmental concerns.

To expedite processing and review of the large number of proposals submitted in the broad subject area of Plant Biological Stress, proposals will be evaluated under two subprogram areas:

1.1 *Plant Pathology/Weed Science* and
1.2. *Entomology/Nematology*, each of which will have a separate deadline date for submission of proposals.

Within the guidelines described above, the Plant Pathology/Weed Science subprogram area will consider all proposals for research addressing plant pathogens or weeds affecting plant stress. The Entomology/Nematology subprogram area will consider all proposals for research addressing arthropods or nematodes stressing the plant.

2.0 *Plant Genetic Mechanisms and Plant Molecular Biology.* The goal of this program area is to encourage new approaches for the development of genetically superior varieties of agricultural crops. Proposals should be directed toward obtaining novel combinations or gene modifications. One of the major limiting factors for the application of biotechnology to agriculture is the lack of basic information about genes. Studies addressing the basic cellular, molecular, and genetic processes which contribute new information required for the development of novel approaches to crop improvement will be given high priority. This research should increase our understanding of the structure, function, regulation, and expression of genes. This program area will emphasize the following but will not exclude other new or unusual approaches to crop improvement: (a) Identification, isolation, and characterization of genes and gene products; (b) relationships between gene structure and function; (c) regulatory mechanisms of gene expression; (d) interactions between nuclear and organellar genes, and between extrachromosomal and chromosomal genes; (e) mechanisms of gene recombination and transposition; (f) molecular basis of chromosomal replication; (g) cell and tissue culture studies designed to increase our knowledge of the basic molecular, biochemical, and cellular processes involved in regenerating whole plants from single cells; (h) development of cellular and molecular methods for identifying plant characteristics or genes which are important targets for genetic manipulation; (i) development of molecular and cellular methods for crop improvement using gene transfer or genetic engineering technology; (j) development of new methods for producing, selecting, and transferring agronomically important qualitative and quantitative traits; and (k) basic genetic studies on the alteration and utilization of unadapted and wild germplasm.

3.0 *Biological Nitrogen Fixation and Metabolism.* The most common limiting nutrient for plant growth is nitrogen. The presence of soil nitrogen is due to past accretions in nature, biological nitrogen fixation, or the application of nitrogenous fertilizer. The latter represents a significant energy input in cropping and ultimately increases food costs. Thus, the enhancement of biological nitrogen fixation capacity in plant-soil microbial associations is of major importance. Research aimed at understanding nitrogen-fixing mechanisms and related nitrogen metabolism in both symbiotic and free-living organisms as well as the fate of fixed nitrogen in the plant is of high priority.

In general, the objectives of this program area include building a foundation of basic information concerning nitrogen fixation as it relates to enhancing the process in currently known systems and in providing a base for developing new nitrogen-fixing associations, by genetic transfer or other means, for crop species not now possessing such capability. Moreover, the process of nitrification, the assimilation and utilization of ammonia and nitrate, and denitrification all play important roles in plant growth.

Examples of research encompassed in this program area include: (a) Structure and mechanism of action of nitrogenase; the regulation of nitrogenase activity and synthesis; the relationship between nitrogenase and hydrogenase activities in nitrogen-fixing organisms; (b) energetics of the nitrogen fixation process including competitive processes within the plant; (c) infection by *Rhizobium* and conditions for effective nodulation; basis of the recognition process between symbiotic organisms; factors controlling symbiont specificity; competition in the soil; (d) nitrogen-fixing capabilities of *Actinomycetes*, *Azospirillum* spp., Cyanobacteria, and other organisms potentially important in supplying nitrogen needs of plants; (e) relation between the fixation process and the processes of assimilation, nitrification, and denitrification; (f) development of methods for the *in situ* measurement of nitrification and denitrification and determination of the actual extent of these processes in nature; (g) analysis of the distribution of denitrifying and nitrifying bacteria and elucidation of control mechanisms operating on nitrogen transformations in the major species; (h) metabolism of fixed nitrogen including the enzymes involved in the assimilation and dissimilation of fixed nitrogen in bacteria and crop plants and the partitioning of fixed nitrogen into various gene products or plant organs; and (i) efficiency of nitrogen utilization by crop plants in the production of food proteins.

Emphasis in program priorities will be on innovative approaches which may contribute to a more thorough understanding of nitrogen cycling encompassing biochemistry, molecular biology, cellular and developmental biology, genetics and genetic manipulation, and other relevant life science disciplines including suitable techniques of biotechnology. An understanding of these processes is essential to the devlopment of strategies which maximize nitrogen fixation, minimize inputs of nitrogenous fertilizers, and optimize their utilization in agriculture.

4.0 *Photosynthesis.* Photosynthetic efficiency is an important factor in crop productivity. Basic research which provides information on limiting processes of photosynthesis and associated carbon metabolism will lead to a greater understanding of those factors which affect the ability of the plant to produce a usable product.

Research is needed in the following major subareas: (a) Genetic and cellular manipulation to improve photosynthetic efficiency in plants including studies of the chloroplast and nuclear genomes, analyses of regulatory steps controlling both nuclear and extra-nuclear photosynthetic gene expression and their interactions; (b) aspects of photosynthetic energy conversion, including such areas as early events in photon capture by photosynthetic systems and the mechanisms of charge separation, the structure and function of photosynthetic membranes and membrane constituents, and the associated chemical and physical reactions; (c) photosynthetic carbon assimilation including mechanisms of CO_2 fixation, biochemistry and molecular biology of photosynthetic and related biosynthetic pathways, photorespiration, and aspects of cellular metabolism regulating these reactions; (d) control q photo-synthate partitioning,

translocation, and utilization; (e) factors controlling development and senescence of the photosynthetic apparatus; and (f) photosynthetic process in leaves, whole plants, and canopies including, but not limited to, involvement of the stomatal apparatus.

Other research designed to generate new information leading to a basic understanding of photosynthesis and its accompanying processes also may be considered a part of this program.

5.0 *Molecular and Cellular Mechanisms of Plant Growth and Development.* Suboptimal growth and development are limiting factors in plant productivity. A basic understanding of the developmental processes in agriculturally important plants is largely lacking, but new experimental approaches are being developed through advances in molecular and cellular biology. The goal of this program area is to encourage the use of emerging techniques for the investigation of the developmental processes, as well as to increase fundamental knowledge that will provide a basis for biotechnological manipulation of plant growth and development.

This research area will place emphasis on, but not be limited to, studies of (a) cellular and molecular mechanisms controlling growth and developmental processes, including reproduction, differentiation, and senescence; and (b) metabolic processes related to growth and development. Projects designed to identify molecular, cellular, and organismal targets for genome manipulation also are encouraged.

6.0 *Genetic and Molecular Mechanisms Controlling Plant Responses to Physical and Environmental Abiotic Stresses.* Physical stresses prevent the expression of the full genetic potential of an organism's productivity and set limits on where and when it thrives. A major goal of this program area is to understand the molecular and cellular bases for the organism's responses to these abiotic stresses and to identify which of the genetic systems involved in these responses can be manipulated. Research on plants should emphasize: (a) Identification, isolation, transfer, and expression of genes that are regulated by, or involved in, stresses; (b) physiological-genetic and biochemical-genetic analyses of identified genes or genomic segments that are likely to affect performance under stress; (c) molecular mechanisms underlying coordination of organismal responses to stress; (d) fundamental mechanisms of stress responses, injury, tolerance, and avoidance at the molecular, cellular, and organismal levels; and (e) laboratory and field investigations on the physiology of the organism that contribute to an understanding of the causes, consequences, and avoidance of stresses, rather than simply describing the effects of stress.

7.0 *Human Nutrition.* Proposals are invited in the area of human requirements for nutrients. Support will not be provided for clinical research, demonstration or action projects, nor for surveys of the nutritional status of population groups.

Research in this program area is intended to contribute to the improvement of human nutritional status by increasing our understanding of requirements for nutrients. The objective is to support basic, creative research that will help to fill gaps in our knowledge about nutrient requirements, bioavailability, the interrelationships of nutrients, and the nutritional value of foods that are consumed in the U.S. and of the nutrient condition of healthy individuals, as all of these relate to human nutrient requirements. Special attention will be given to applications involving innovative approaches designed to improve methods of research and investigation that will increase the reliability and validity of data concerned with the quantitative evaluation of nutrient requirements and nutrient condition. Studies of the biochemical and molecular basis for nutrient requirements are encouraged, answering questions as to why a particular nutrient is required, and what its function is in the cell. Also, studies of the molecular biology of factors interacting with nutrients, such as receptors, carrier proteins and binding proteins, are encouraged.

The use of animals as model systems should be justified.

Proposals dealing with processing techniques in food technology should be clearly oriented toward determination of human nutrient requirements. Proposals which concern utilization or production of a food commodity should emphasize the relationship to specific human nutrient requirements. It is especially important that proposals emphasize innovative, fundamental research.

8.0 *Animal Science (Reproductive Physiology).* Suboptimal reproductive performance in domestic farm animals is the major factor limiting more efficient production of animal food products. This failure to achieve maximal reproductive efficiency is due to problems related to puberty, ovulation, corpus luteum formation and function, insemination, fertilization, prenatal death, and poor survival of offspring.

The economic loss to the producer and increased costs of animal food products to the consumer due to inefficient reproductive performance makes the requirement for new knowledge in this area a high priority. Although the exact needs may vary from species to species and region to region, there are areas where additional fundamental research is crucial.

This program area will support innovative research in the following categories: (a) Mechanisms affecting embryo survival, endocrinological control of embryo development, mechanisms of embryomaternal interactions, and embryo implantation; (b) gamete physiology, primarily gametogenesis including maturation processes, follicle growth, ovulation, corpus luteum formation and function, and superovulation; fundamental processes of fertilization, mechanisms regulating gamete survival *in vitro*, and basic questions regarding gamete transport; and (c) parturition, postpartum interval to conception, and neonatal survival.

Emphasis will be on innovative approaches which may contribute to a thorough understanding of the reproductive processes in animals primarily raised for food and fiber production.

The use of experimental model systems should be justified relative to the objectives of this research.

Proposals on the development of methods for *in vitro* manipulation and preservation of animal gametes and embryos will be considered, but overall objectives of such studies should be related to the development of fundamental knowledge.

9.0 *Animal Molecular Biology.* One of the major limiting factors for the application of biotechnology to agriculture is the lack of basic information about genes. The primary objective of this program area is to increase our understanding of the structure, organization, function, regulation, and expression of genes in animals and their associated infectious agents and microorganisms.

This program area will emphasize the following categories of research: (1) Identification, isolation, characterization, and expression of genes and gene products; (b) relationships between gene structure and function; (c) regulatory mechanisms of gene expression; (d) interactions between nuclear and organellar genes, and between extrachromosomal and chromosomal genes; (e) mechanisms of gene recombination and transposition; (f) molecular basis of chromosomal

replication; and (g) mechanisms of interaction with beneficial or deleterious microorganisms or infectious agents.

The program encourages additional basic research directed toward understanding the genetic and molecular mechanisms controlling animal responses to physical and biological stresses. Topics include the organism's interaction with the stresses and identification of the genetic systems involved in the interaction that can be manipulated through molecular genetic techniques. Research may emphasize (a) identification, isolation, transfer, and expression of genes or gene systems that are regulated by, or involved in, stress; (b) biochemical genetic analysis of genome segments that are likely to affect performance under stress; (c) molecular mechanisms underlying coordination of organismal responses to stress; and (d) fundamental mechanisms of stress responses at the molecular level.

10.0 *Molecular and Cellular Mechanisms of Animal Growth and Development.* Suboptimal growth and development are limiting factors in animal productivity. Yet, a basic understanding of the developmental processes in agriculturally important animals is largely lacking. New experimental approaches are being developed through advances in molecular and cellular biology. The goal of this program area is a basic understanding of the developmental processes in agriculturally important animals as well as to increase fundamental knowledge that will provide a basis for biotechnological manipulation of animal growth and development. This research area will place emphasis on, but not be limited to, studies of (a) cellular and molecular mechanisms controlling growth and developmental processes, including reproduction, differentiation, and senescence; (b) molecular and cellular biological studies of metabolic processes related to growth and development; and (c) identification of molecular, cellular, and organismal targets for genome manipulation.

This program area also encourages basic research in *Genetic, Molecular, and Cellular Mechanisms Controlling Animal Responses to Physical and Biological Stresses* that impinge upon growth and development. Research should address the molecular basis for the organism's interaction with these stresses and the identification of genetic systems causing these responses which can be manipulated. Research may emphasize (a) identification, isolation, transfer, and expression of genes that are regulated by, or involved in, stresses; (b) physiological-genetic and biochemical-genetic analyses of identified genes or genomic segments that are likely to affect performance under stress; (c) molecular and cellular mechanisms underlying coordination of organismal responses to stress; (d) fundamental mechanisms of stress responses, injury, tolerance, and avoidance at the cellular and molecular levels; and (e) cellular physiology of the organism that contributes to an understanding of the causes, consequences, and avoidance of stress, rather than simply describing the physiological effects of stress. Proposals addressing research on infectious agents should be sent to the Animal Molecular Biology panel.

How to Obtain Application Materials

Please note that potential applicants who were on the Competitive Research Grants mailing list for fiscal year 1987, or who recently requested placement on the list for fiscal year 1988, will automatically receive copies of this solicitation, the Grant Application Kit, and the regulations governing the Competitive Research Grants Program, 7 CFR Part 3200 (49 FR 5570, February 13, 1984, as amended). All others may request copies from: Proposal Services Unit, Grants Administrative Management, Office of Grants and Program Systems, Cooperative State Research Service, U.S. Department of Agriculture, Room 005, J.S. Morrill Building, 15th & Independence Avenue SW., Washington, DC 20251–2200; telephone (202) 475–5049.

What to Submit

An original and 14 copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Renewal proposals should include a clearly identified progress report and any reprints or preprints of publications resulting from the funded research. Resubmissions of unsuccessful proposals should clearly indicate what changes have been made in the proposal.

Each copy of each proposal must include a Form CSRS–661, "Grant Application," which is included in the Grant Application Kit. Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative. Each project description is expected by the members of review committees and the staff to be complete in itself. It should be noted that reviewers are not required to read beyond 15 pages of the project description to evaluate the proposal. Proposals beyond this limit are therefore subject to non-review and return. It would be helpful for reviewers if the vitae of key project personnel were limited to three (3) or four (4) pages.

All copies of a proposal must be mailed in one package. Due to the volume of proposals received, proposals submitted in several packages are very difficult to identify. Also, please see that each copy of each proposal is *stapled securely* in the upper left-hand corner. DO NOT BIND. Information should be typed on one side of the page only. Every effort should be made to ensure that the *proposal contains all pertinent information when initially submitted.* Prior to mailing, compare your proposal with the "Application Requirements" checklist contained in the Grant Application Kit and instructions contained in the regulations governing the Competitive Research Grants Program, 7 CFR Part 3200.

Applicants must not submit the same research proposal in the same fiscal year to different research program areas within the Competitive Research Grants Program and all of the CSRS Special Grants Programs. Duplicate proposals, essentially duplicate proposals, or predominantly overlappping proposals will be returned without review.

Submission of more than one proposal from the same principal investigator in the same fiscal year is strongly discouraged.

Excessive numbers of co-principal investigators and collaborators create conflicts of interest problems during the review and award processes. Multiple co-principal investigators and collaborators, beyond those required for genuine multidisciplinary studies, are strongly discouraged.

Where and When to Submit Grant Applications

Proposals submitted to the research program areas in this notice (e.g., 2.0 Plant Genetic Mechanisms and Plant Molecular Biology) will be assigned by the staff of the Competitive Research Grants office to the most appropriate peer review panel. If necessary, further information may be obtained from the responsible Associate Program Manager at the telephone numbers given below. Each research grant application must be submitted to: Competitive Research Grants Program, c/o Grants Administrative Management, Office of Grants and Program Systems, Cooperative State Research Service,

U.S. Department of Agriculture, Room 005, J.S. Morrill Building, 15th and Independence Avenue SW., Washington, DC 20251–2200. To be considered for funding during fiscal year 1988, proposals *must be postmarked* by the following dates and received in time to permit adequate peer panel review:

Postmark dates	Peer review panels/ program areas	Contacts
Nov. 2, 1987	7.0 Human Requirements for Nutrients.	475–5034
Nov. 2, 1987	10.0 Molecular and Cellular Mechanisms of Animal Growth and Development.	475–3399
Nov. 2, 1987	2.0 Plant Genetic Mechanisms and Plant Molecular Biology.	475–5042
Nov. 9, 1987	4.0 Photosynthesis	475–5030
Nov. 9, 1987	1.2 Entomology/ Nematology.	475–5114
Dec. 7, 1987	1.1 Plant Pathology/ Weed Science.	475–5178
Jan. 8, 1987	5.0 Molecular and Cellular Mechanisms of Plant Growth and Development.	475–5042
Jan. 8, 1988	6.0 Genetic and Molecular Mechanisms Controlling Plant Responses to Physical and Environmental Stresses.	475–5178
Jan. 25, 1988	8.0 Animal Science (Reproductive Physiology).	475–5034
Feb. 8, 1988	3.0 Biological Nitrogen Fixation and Metabolism.	475–5030
Feb. 8, 1988	9.0 Animal Molecular Biology.	475–3399

Workshop or symposia proposals may be submitted at any time. Allow sufficient time for review and processing of a proposal. Contact appropriate program staff for estimate of time required.

Special Instructions

The Competitive Research Grants Program should be indicated in Block 7 and the applicable program area should be indicated in Block 8 of Form CSRS–661 provided in the Grant Application Kit. *Select one program area only.* The *number* assigned to the applicable program area also must be cited in Block 8 of Form CSRS–661. A final determination of the program area will be made by the program and/or appropriate peer panel.

SUPPLEMENTARY INFORMATION: The Competitive Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.206. For reasons set forth in the Final rule-related Notice to 7 CFR Part 3015, Subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials. In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this notice have been approved under OMB Document No. 0524–0022.

The award of any grants under the Competitive Research Grants Program during FY 1988 is subject to the availability of funds. One copy of each proposal that is *not* selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Done at Washington, DC, this 4th day of August 1987.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 87–18021 Filed 8–6–87; 8:45 am]

BILLING CODE 3410–22–M

federal register

Friday
August 7, 1987

Part V

Department of Housing and Urban Development

Office of the Secretary

Intergovernmental Review of Agency Programs and Activities; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-87-1615; FR-2119]

Intergovernmental Review of Agency; Programs and Activities

AGENCY: Office of the Secretary, HUD.

ACTION: Notice identifying programs subject to 24 CFR Part 52, Intergovernmental Review of the Department of Housing and Urban Development Programs and Activities.

SUMMARY: This notice contains a list of all HUD programs by Catalog of Federal Domestic Assistance (CFDA) Number that are subject, in whole or in part, to the intergovernmental review process under 24 CFR Part 52 and a list of those programs that are not subject to Part 52. It also indicates, for certain programs, the specific activities that are subject to the intergovernmental review process. This notice updates the lists that were published on February 13, 1987, at 52 FR 4754 by changing the program coverage for CFDA No. 14.852, Comprehensive Improvement Assistance Program (CIAP). It also adds CFDA No. 14.231, Emergency Shelter Grants Program to Table I (programs subject to Part 52). This Program is subject to Part 52 to the extent that it involves reallocations of grants for site-specific applications involving major rehabilitation of, or conversion of buildings to, emergency shelters. CFDA No. 14.178, Transitional Housing Demonstration Program, is added to Table II (programs not subject to Part 52).

EFFECTIVE DATE: August 7, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Drew Allbritten, Executive Assistant to the Deputy Under Secretary for Intergovernmental Relations, Room 10184, Department of Housing and Urban Development, Washington, DC 20410. Telephone (202) 755-6732. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR 52.3, on February 13, 1987, the Department published at 52 FR 4754, the lists of HUD programs subject to the intergovernmental review procedures in 24 CFR Part 52 and of HUD programs not subject to Part 52.

Comprehensive Improvement Assistance Program (CIAP)

In the February 13, 1987, notice the Department also proposed an additional change in program coverage with respect to CFDA No. 14.852, Comprehensive Improvement Assistance Program.

CIAP was then subject to the intergovernmental review procedures under Part 52 without any express limitations on coverage. Because much of the work performed under the various modernization programs under CIAP clearly does not directly affect State and local governments, the Department proposed to limit the applicability of the Part 52 procedures to CIAP to circumstances similar to those that apply to the other assisted housing programs. HUD proposed that a CIAP application would be subject to the Part 52 procedures only if it involves substantial rehabilitation and involves: (1) a change in the use of land; (2) an increase in project density; or (3) a change from rental to homeownership.

The Department received one public comment on this proposed change. The commenter, a Public Housing Agency, recommended that all CIAP activities be excluded from the Part 52 procedures on the ground that, even without these procedures, a State or local government could disapprove any of the three types of activities listed above through denial of building permits, zoning restrictions, local ordinances, or State law. There is no basis under Executive Order 12372 or the OMB guidelines, however, to exclude a program because a State or local government may have its own authority to regulate the activity. The intergovernmental review procedures are intended to provide an opportunity for State and local governments, acting through a State process, to have their comments considered by a Federal agency that is carrying out an activity that may have a direct effect on them. The Department believes that its proposed coverage for CIAP provides State and local governments the opportunity to comment on those CIAP activities that could have a direct effect on them and is, therefore, revising the CIAP coverage as proposed.

Transitional Housing Demonstration and Emergency Shelter Grants Programs

Section 101(g), Pub. L. 99-500 (approved October 18, 1986), and Pub. L. 99-591 (approved October 30, 1986), making appropriations as provided in H.R. 5313, 99th Cong., 2d Sess. (1986), authorized two new programs to assist the homeless—the Transitional Housing Demonstration Program and the Emergency Shelter Grants Program. The Department published a notice of proposed guidelines for the Transitional Housing Demonstration Program on February 25, 1987, at 52 FR 5587. This notice sought public comment (due April 14, 1987) on the proposed implementation of this program. Section 5. (viii) of the notice (52 FR at 5597) stated that the Department proposed to exclude this Program under the OMB criterion that permits exclusion of research and development programs. The Department did not receive any comments concerning the proposed exclusion of the Transitional Housing Demonstration Program. Notice of final guidelines was published on June 9, 1987, (52 FR 21743), which states in section 6. (viii) that 24 CFR Part 52 does not apply to applications under this Program. This notice, accordingly, lists CFDA No. 14.178, Transitional Housing Demonstration Program, in Table II, HUD Programs Not Subject to 24 CFR Part 52.

On December 17, 1986, the Department published a proposed rule and program requirements for fiscal year 1987 (51 FR 45278, comments due February 17, 1987), which, in accordance with the statutory mandate, both sought public comment to develop a final effective rule and provided the requirements for the immediate implementation of the Emergency Shelter Grants Program. This document did not expressly address the Part 52 procedures, but implemented the Program without providing for intergovernmental review. One commenter on the Emergency Shelter Grants Program proposed rule noted the omission of any reference to Part 52 procedures.

The Department has added CFDA No. 14.231, Emergency Shelter Grants Program to Table I, HUD Programs Subject to 24 CFR Part 52. Only an application, however, that (1) involves a reallocation of grant amounts to a grantee, (2) involves the major rehabilitation of an emergency shelter or conversion of a building to an emergency shelter, and (3) is site specific is subject to Part 52.

The Emergency Shelter Grants Program provides broad discretion for a grantee to determine the specific use for the grant within statutorily created categories of eligible activities. HUD does not normally review specific sites, but considers a general Homeless Assistance Plan. Indeed, emergency shelter grants initially are allocated by a formula that is based on the Community Development Block Grant (CDBG) Entitlement and States Program allocation. These emergency shelter grants, as do the CDBG entitlement grants, clearly fall within the OMB exclusion for financial transfers over which the Federal agency has no funding discretion or authority to approve specific sites or projects. HUD,

however, also may reallocate grant amounts that are returned or unused. These reallocations are made on a review of Homeless Assistance Plans and do not normally involve HUD approval of specific sites. A reallocation, therefore, is normally a financial transfer with the grantee retaining ultimate decisionmaking authority for the specific use of the grant and is not subject to Part 52. The Department, however, will subject those applications to the intergovernmental review process when HUD is considering site specific applications that could directly affect State and local governments, namely, conversion of a building to an emergency shelter or major rehabilitation of an emergency shelter. These limitations on program coverage are comparable to the existing limitations on program coverage for the Department's multifamily insurance programs and assisted housing programs.

Description of Tables of Programs

To aid the reader, this notice contains all HUD programs currently listed in the Catalog of Federal Domestic Assistance. Table I contains a list of all HUD programs that are subject, in whole or in part, to Part 52. Related programs are listed together and limitations on program coverage are identified. Table II contains a list of all HUD programs that are completely excluded from Part 52 intergovernmental procedures. The programs are listed by Catalog of Federal Domestic Assistance Number.

Please note that because a program is listed in Table I does not necessarily mean that a particular State has selected the program to be covered by the State's intergovernmental review process. Interested parties should contact the appropriate State Single Point of Contact (SPOC) to determine whether a program listed in Table I has been selected by that State for intergovernmental review.

Finding

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

Authority: Executive Order 12372 (July 14, 1982; 47 FR 30959); sec. 401(b), Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(b)); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: July 29, 1987.

Samuel R. Pierce, Jr.,

Secretary.

Intergovernmental Review of HUD Program Under 24 CFR Part 52

Table I—HUD Programs Subject to 24 CFR Part 52

Programs marked with an asterisk (*) are subject to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. Any program, even though otherwise subject to 24 CFR Part 52, is excluded to the extent it involves a federally recognized Indian tribe.

HOUSING—FEDERAL HOUSING COMMISSIONER

CFDA No.	24 CFR part	Program name	Comments
14.112	234	Mortgage Insurance—Construction or Substantial Rehabilitation of Condominium Projects.	1
14.115	213	Mortgage Insurance—Development of Sales Type Cooperative Projects	1
14.116	244	Mortgage Insurance—Group Practice Facilities	
14.123	207	Mortgage Insurance—Housing in Older, Declining Areas	1, 3
14.124	213	Mortgage Insurance—Investor Sponsored Cooperative Housing	1
14.125	205	Mortgage Insurance—Land Development	
14.126	213	Mortgage Insurance—Management Type Cooperative Projects	
14.127	207	Mortgage Insurance—Manufactured (Mobile) Home Parks	1
14.128	242	Mortgage Insurance—Hospitals	1
14.129	232	Mortgage Insurance—Nursing Homes, Intermediate Care Facilities and Board and Care Homes.	1
14.134	207	Mortgage Insurance—Rental Housing	1
14.135	221	Mortgage Insurance—Rental Housing for Moderate Income Families	1
14.137	221	Mortgage Insurance—Rental and Cooperative Housing for Low and Moderate Income Families, Market Interest Rate.	1
14.138	231	Mortgage Insurance—Rental Housing for the Elderly	1
14.139	220	Mortgage Insurance—Rental Housing in Urban Renewal Areas	1
14.151	241	Supplemental Loan Insurance—Multifamily Rental Housing	1
14.156	880, 881, 883, 884, and 886.	Lower Income Housing Assistance Program	2
14.157	885	Housing for the Elderly or Handicapped	2
14.174	850	Housing Development Grants	2
14.176	251	Mortgage Insurance—Section 221(d) Coinsurance for the Construction or Substantial Rehabilitation of Multifamily Housing Projects.	1

1. An application under these multifamily mortgage insurance programs is subject to 24 CFR Part 52 if it involves insurance of advances; (A) For the construction of a project; or (B) substantial rehabilitation of a project, but only if the project being substantially rehabilitated involves: (i) A change in use of the land, (ii) an increase in project density, or (iii) a change from rental to cooperative or condominium housing.

2. An application under these assisted housing programs is subject to 24 CFR Part 52, if it involves construction or substantial rehabilitation, but only if the project being substantially rehabilitated involves: (a) A change in use of the land, (b) an increase in project density, or (c) a change from rental to cooperative or condominium housing. Applications under the Section 8 Certificate Program the Section 8 Moderate Rehabilitation Program, and the Section 8 Voucher Program, which are all included under CFDA No. 14.156 and 24 CFR Part 882, are not subject to 24 CFR Part 52.

3. A single family (one-to-four units) application under CFDA No. 14.123 is not subject to 24 CFR Part 52.

COMMUNITY PLANNING AND DEVELOPMENT

CFDA No.	24 CFR part	Program name	Comments
14.218	570	Community Development Block Grants/Entitlement *	4
14.221	570	Urban Development Actions Grants	
14.231	575	Emergency Shelter Grants Program	5

4. Only those portions of final statements under CFDA No. 14.218 that consist of planning or construction of a water or sewage facility in a metropolitan area are subject to Part 52 procedures. HUD may be unable to accomodate state process recommendations concerning particular activities since HUD has only limited authority to refuse to fund an eligible activity.

5. Only an application that involves a reallocation of grant amounts to a grantee, involves the major rehabilitation of an emergency shelter or conversion of a building to an emergency shelter, and is site specific is subject to Part 52 procedures.

FAIR HOUSING AND EQUAL OPPORTUNITY

CFDA No.	24 CFR part	Program name	Comments
14.401	111	Fair Housing Assistance Plan	6

6. An application under CFDA No. 14.401 is subject to Part 52 procedures if it is for type II—competitive funding.

POLICY DEVELOPMENT AND RESEARCH

CFDA No.	24 CFR part	Program name	Comments
14.508		Mortage Insuance—Experimental Projects Other Than Housing	7
14.509	233	Mortage Insurance—Experimental Rental Housing	8

7. An application, under CFDA No. 14.508, that must meet the requirements for Title X, Land Development and New Communities (see CFDA No. 14.125) is subject to 24 CFR Part 52. An application that must meet requirements for Title XI Group Practice Facilities (see CFDA 14.116) is also subject to 24 CFR Part, except such an application that involves substantial rehabilitation is subject to 24 CFR Part 52 only if it involves: (a) A change in use of the land; or (b) an increase in project density.

8. An application, under CFDA NO. 14.509, that involves substantial rehabilitation is subject to 24 CFR Part 52 only if the project involves: (a) A change in use of the land; (b) an increase in project density; or (c) a change from rental to cooperative or condominum housing.

PUBLIC AND INDIAN HOUSING

CFDA No.	24 CFR part	Program name	Comments
14.850	941	Public Housing	9,11
14.851	904	Low Income Housing—Homeownership Opportunities for Low/Income Families.	9,11
14.852	968	Public Housing—Comprehensive Improvement Assistance Program	10,11

9. An application under CFDA No. 14.850 or 851 is subject to 24 CFR Part 52, if it involves construction or substantial rehabilitation, but only if the project being substantially rehabilitated involves: (a) A change in use of land; (b) an increase in project density; or (c) a change from rental to homeownership.

10. An application under CFDA No. 14.852 is subject to 24 CFR Part 52 if the application involves substantial rehabilitation and involves: (1) A change in the use of the land; (2) an increase in project density; or (3) a change from rental to homeownership.

11. An application, under these programs, that involves Indian housing is not subject to 24 CFR Part 52.

Table II—HUD Programs Not Subject To 24 CFR Part 52

HOUSING—FEDERAL HOUSING COMMISSIONER

CFDA No.	24 CFR part	Program name
14.103	236	Interest Reduction Payments—Rental and Cooperative Housing for Lower Income Families.
14.108	203	Rehabilitation Mortgage Insurance.
14.110	201	Manufactured (Mobile) Home Insurance—Financing Purchase of Manufactured Homes as Principal Residences of Borrowers.
14.117	203	Mortgage Insurance—Homes.
14.119	203	Mortgage Insurance—Homes for Disaster Victims.
14.120	221	Mortgage Insurance—Homes for Low and Moderate Income Families.
14.121	203	Mortgage Insurance—Homes in Outlying Areas.
14.122	220	Mortgage Insurance—Homes in Urban Renewal Area.
14.130	240	Mortgage Insurance—Purchase by Homeowners of Fee Simple Title From Lessors.
14.132	213	Mortgage Insurance—Purchase of Sales-Type Cooperative Housing Units.
14.133	234	Mortgage Insurance—Purchase of Units in Condominiums.
14.140	237	Mortgage Insurance—Special Credit Risks.
14.141	271	Nonprofit Sponsor Assistance Program.

HOUSING—FEDERAL HOUSING COMMISSIONER—Continued

CFDA No.	24 CFR part	Program name
14.142	201	Property Improvement Loan Insurance for Improving All Existing Structures and Building of New Nonresidential Structures.
14.149	215	Rent Supplements—Housing and Lower Income Families.
14.155	207	Mortgage Insurance for the Purchase or Refinancing of Existing Multifamily Housing Projects.
14.159	203	Section 245 Graduated Payment Mortgage Program.
14.161	204	Single-Family Home Mortgage Coinsurance.
14.162	201	Mortgage Insurance—Combination and Manufactured (Mobile) Home Lot Loans.
14.163	203	Mortgage Insurance—Cooperative Financing.
14.164	219	Operating Assistance for Troubled Multifamily Housing Projects.
14.165	203	Mortgage Insurance—Homes—Military Impacted Areas.
14.166	222	Mortgage Insurance—Homes for Members of the Armed Services.
14.167	207	Mortgage Insurance—Two Year Operating Loss Loans, Section 223(d).
14.168	1700 to 1730	Land Sales—Parcels of Subdivided Land.
14.169		Housing Counseling Assistance Program.
14.170		Congregate Housing Services Program.
14.171	3280 to 3283	Manufactured Housing Construction and Safety Standards.
14.172	203	Mortgage Insurance—Growing Equity Mortgages.
14.173	255	Section 223(f)—Coinsurance for the Purchase or Refinancing of Existing Multifamily Projects.
14.178		Transitional Housing Demonstration Program.
COMMUNITY PLANNING AND DEVELOPMENT:		
14.219	570	Community Development Block Grants/Small Cities.
14.220	510	Section 312 Rehabilitation Loans.
14.222	590	Urban Homesteading.
14.223	571	Indian Community Development Grant Program.
14.225	570	Community Development Block Grants/Secretary's Discretionary Fund/Insular Areas.
14.227	570	Community Development Block Grants/Secretary's Discretionary Fund/Technical Assistance Program.
14.228	570	Community Development Block Grants/State Program.
14.230	511	Rental Rehabilitation.
FAIR HOUSING AND EQUAL OPPORTUNITY:		
14.400	105	Equal Opportunity in Housing.
14.402		Nondiscrimination in Federally Assisted Programs (On the Basis of Age).
14.402		Nondiscrimination in Federally Assisted Programs (On the Basis of Age).
14.403	120	Community Housing Resource Board Program.
14.404	1	Nondiscrimination in Federally Assisted Programs (On the Basis of Handicap).
14.406	570	Nondiscrimination in the Community Planning and Development Block Grant Programs (On the Basis of Race, Color, National Origin, Sex, Handicap or Age).
POLICY DEVELOPMENT AND RESEARCH:		
14.506		General Research and Technology Activity.
14.507	233	Mortgage Insurance—Experimental Homes.
SOLAR ENERGY AND ENERGY CONSERVATION BANK:		
14.550	1800	Solar Energy in Energy Conservation Bank.

[FR Doc. 87-17944 Filed 8-6-87; 8:45 am]
BILLING CODE 4210-32-M

federal register

Friday
August 7, 1987

Part VI

The President

Executive Order 12604—Presidential Board of Advisors on Private Sector Initiatives

Federal Register
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Friday, August 7, 1987

Presidential Documents

Title 3—

The President

Executive Order 12604 of August 5, 1987

Presidential Board of Advisors on Private Sector Initiatives

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), and in order to extend the life of the Presidential Board of Advisors on Private Sector Initiatives, it is hereby ordered that Executive Order No. 12528 of August 8, 1985, is amended as follows:

Section 1(a) is amended to increase the maximum number of members of the Board from 30 to 35.

Section 4(a) is amended to read:

"The Board shall terminate on July 1, 1989, unless sooner extended."

Ronald Reagan

THE WHITE HOUSE,
August 5, 1987.

[FR Doc. 87-18167
Filed 8-6-87; 11:28 am]
Billing code 3195-01-M

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