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Friday
August 21, 1987

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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

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

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 575]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: Regulation 575 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 351,774 cartons during the period August 23 through August 29, 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 575 (§ 910.875) is effective for the period August 23 through August 29, 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 (the "Act", 7 U.S.C. 601–674), as amended. 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 18, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended by an 11 to 1 vote (with one abstention) a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register 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. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 910.875 is added to read as follows:

§ 910.875 Lemon Regulation 575.

The quantity of lemons grown in California and Arizona which may be handled during the period August 23 through August 29, 1987, is established at 351,774 cartons.

Dated: August 19, 1987.

Ronald L. Cioffi,

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

[FR Doc. 87–19351 Filed 8–20–87; 8:45 am]
BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 0, 1, 2, 7, 9, 10, 11, 15, 19, 20, 21, 25, 30, 35, 40, 50, 51, 60, 61, 70, 71, 72, 73, 74, 75, 95, 150, and 170

Statement of Organization and General Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is revising its regulations pertaining to its statement of organization and general information. The revision is necessary to reflect the completion of a major reorganization. The revision is also necessary to fulfill the NRC's obligation under the Freedom of Information Act (5 U.S.C. 552(a)(1)(A)) to publish in the Federal Register descriptions of its headquarters and field organizations and to inform industry and the interested public of these organizational changes.

EFFECTIVE DATE: August 19, 1987.

FOR FURTHER INFORMATION CONTACT: Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301–492–7211.

SUPPLEMENTARY INFORMATION: On July 18, 1977, 10 CFR Part 1, "Statement of Organization and General Information," was promulgated (42 FR 36797). During the past 10 years, Part 1 has been amended over 20 times; but the entire part has never been completely revised. Until the April 12, 1987 reorganization, past reorganizations had a real, yet small, impact on the content of Part 1. The new reorganization has altered virtually the entire part, with the creation of entirely new offices, the consolidation of other offices, and the elimination of still others.

In its revision of Part 1, the NRC has revamped the text of the older version in order to present the information in plain English, a departure from the more formal style of the old text. As a model, the NRC patterned the revision on the office-level functional descriptions found in NUREG–0325 (Revision 10), "NRC Functional Organization Charts," published on February 6, 1987, which contains more detailed descriptions of the functional responsibilities of NRC's offices.[1] NUREG–0325 is revised annually to reflect changes in the functions of NRC offices. Should changes in NUREG–0325 impact the descriptions contained in Part 1, a corresponding revision will be made in Part 1.

Conforming amendments are being made to other affected parts where current information permits. In the future, as the NRC moves toward completion of its consolidation to a new location, other changes will be made to reflect address changes.

Because these amendments deal solely with agency organization and procedure, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). The amendments are effective upon publication in the **Federal Register.** Good cause exists to dispense with the usual 30-day delay in the effective date, because the amendments are of a minor and administrative nature dealing with the agency's organization.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.)

Regulatory Analysis

Because this final rule has no economic impact on the public and only a modest economic impact on the NRC for resources to prepare the final rule, no regulatory analysis has been prepared.

Backfit Analysis

This final rule pertains solely to the organization of the NRC; therefore, no backfit analysis has been prepared.

List of Subjects in 10 CFR Parts 0, 1, 2, 9, 15, 21, 150, and 170

Organization and functions (Government agencies).

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following revision of 10 CFR Part 1 and conforming amendments to 10 CFR Parts 0, 2, 7, 9, 10, 11, 15, 19, 20, 21, 25, 30, 31, 34, 35, 40, 50, 51, 60, 61, 70, 71, 72, 73, 74, 75, 95, 150, and 170.

1. 10 CFR Part 1 is revised to read as follows:

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

Subpart A—Introduction

Sec.

Subpart B—Headquarters

Panels, Boards, and Committees

Commission Staff

Executive Director for Operations

Staff Offices

Program Offices

Subpart C—NRC Seal and Flag

Authority: Sec. 23, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2033, 2201); sec. 29, Pub. L. 85–256, 71 Stat. 579, Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039); sec. 191, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); secs. 201, 203, 204, 205, 209, 88 Stat. 1242, 1244, 1245, 1246, 1248, as amended (42 U.S.C. 5841, 5843, 5844, 5845, 5849); 5 U.S.C. 552, 553; Reorganization Plan No. 1 of 1980, 45 FR 40561, June 16, 1980.

Subpart A—Introduction

§ 1.1 Creation and authority.

(a) The Nuclear Regulatory Commission was established by the Energy Reorganization Act of 1974, as amended, Pub. L. 93–438, 88 Stat. 1233 (42 U.S.C. 5801 et seq.). This Act abolished the Atomic Energy Commission and, by section 201, transferred to the Nuclear Regulatory Commission all the licensing and related regulatory functions assigned to the Atomic Energy Commission by the Atomic Energy Act of 1954, as amended, Pub. L. 83–703, 68 Stat. 919 (42 U.S.C. 2011 et seq.). These functions included those of the Atomic Safety and Licensing Board Panel and the Atomic Safety and Licensing Appeal Panel. The Energy Reorganization Act became effective January 19, 1975 (E.O. 11834).

(b) As used in this part:

"Commission" means the five members of the Nuclear Regulatory Commission or a quorum thereof sitting as a body, as provided by section 201 of the Energy Reorganization Act of 1974, as amended.

"NRC" means the Nuclear Regulatory Commission, the agency established by Title II of the Energy Reorganization Act of 1974, as amended, comprising the members of the Commission and all

[1] NUREG–0325 is available for inspection and copying for a fee at the NRC Public Document Room 1717 H Street NW., Washington DC 20555. NUREG–0325 may be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082; or the National Technical Information Service, 5285 Port Royal Road, Springfield VA 22161.

offices, employees, and representatives authorized to act in any case or matter.

§ 1.3 Sources of additional information.

(a) A statement of the NRC's organization, policies, procedures, assignments of responsibility, and delegations of authority is in the Nuclear Regulatory Commission Manual and other elements of the NRC's Management Directives System, including local directives issued by Regional Offices. Letters/memoranda delegations of authority are also issued from time to time that have not yet been incorporated into the Manual, parts of which are republished periodically. Copies of the Manual and other delegations of authority are available for public inspection and copying for a fee at the NRC Public Document Room, 1717 H Street, NW., Washington, DC, and at each of NRC's Regional Offices. Information may also be obtained from the Office of Governmental and Public Affairs or from Public Affairs Officers at the Regional Offices. In addition, "NRC Functional Organization Charts" (NUREG–0325) contains detailed descriptions of the functional responsibilities of NRC's offices. It is revised annually and is available for public inspection at the NRC Public Document Room or for purchase from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082; or from the National Technical Information Service, Springfield, VA 22161.

(b) Commission meetings are open to the public, as provided by the Government in the Sunshine Act, unless they fall within an exemption to the Act's openness requirement and the Commission also has determined that the public interest requires that those particular meetings be closed. Information concerning Commission meetings may be obtained from the Office of the Secretary.

(c) Information regarding the availability of NRC records under the Freedom of Information Act and the Privacy Act of 1974 may be obtained from the Division of Rules and Records, Office of Administration and Resources Management. NRC's regulations are published in the **Federal Register** and codified in Title 10, Chapter I, of the Code of Federal Regulations. They are also published in looseleaf form as "NRC Rules and Regulations," and available on a subscription basis from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. Final opinions made in the adjudication of cases are published in "Nuclear Regulatory Commission Issuances," and available on a subscription basis from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

§ 1.5 Location of principal offices and Regional Offices.

(a) The principal NRC offices are located in the Washington, DC, area. Facilities for the service of process and papers are maintained within the District of Columbia at 1717 H Street, NW. The mailing address for all NRC Headquarters offices is Washington, DC 20555. The locations of NRC offices in the Washington, DC, area are as follows:

(1) Air Rights III Building, 4550 Montgomery Avenue, Bethesda, Maryland.

(2) East West/South Towers Building, 4340 East West Highway, Bethesda, Maryland.

(3) East West/West Towers Building, 4350 East West Highway, Bethesda, Maryland.

(4) Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland.

(5) Matomic Building, 1717 H Street, NW, Washington, DC.

(6) Nicholson Lane Building, 5650 Nicholson Lane, Rockville, Maryland.

(7) Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland.

(8) Willste Building, 7915 Eastern Avenue, Silver Spring, Maryland.

(9) Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland.

(b) The addresses of the NRC Regional Offices are as follows:

Region I, USNRC, 631 Park Avenue, King of Prussia, PA 19406.

Region II, USNRC, 101 Marietta Street, NW, Suite 2900, Atlanta, GA 30323.

Region III, USNRC, 799 Roosevelt Road, Glen Ellyn, IL 60137.

Region IV, USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, TX 76011.

USNRC, Region IV Uranium Recovery Field Office, 730 Simms Street, P.O. Box 25325, Denver, CO 80225.

Region V, USNRC, 1450 Maria Lane, Suite 210, Walnut Creek, CA 94596.

Subpart B—Headquarters

§ 1.11 The Commission.

(a) The Nuclear Regulatory Commission, composed of five members, one of whom is designated by the President as Chairman, is established pursuant to section 201 of the Energy Reorganization Act of 1974, as amended. The Chairman is the principal executive officer of the Commission, and is responsible for the executive and administrative functions with respect to appointment and supervision of personnel, except as otherwise provided by the Energy Reorganization Act of 1974, as amended, and Reorganizaton Plan No. 1 of 1980 (45 FR 40561); distribution of business; use and expenditures of funds (except that the function of revising budget estimates and purposes is reserved to the Commission); and appointment, subject to approval of the Commission, of heads of major administrative units under the Commission. The Chairman is the official spokesman, as mandated by the Reorganization Plan No. 1 of 1980. The Chairman has ultimate authority for all NRC functions pertaining to an emergency involving an NRC Licensee. The Chairman's actions are governed by the general policies of the Commission.

(b) The Commission is responsible for licensing and regulating nuclear facilities and materials and for conducting research in support of the licensing and regulatory process, as mandated by the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and the Nuclear Nonproliferation Act of 1978; and in accordance with the National Environmental Policy Act of 1969, as amended, and other applicable statutes. These responsibilities include protecting public health and safety, protecting the environment, protecting and safeguarding nuclear materials and nuclear power plants in the interest of national security, and assuring conformity with antitrust laws. Agency functions are performed through standards setting and rulemaking; technical reviews and studies; conduct of public hearings; issuance of authorizations, permits, and licenses; inspection, investigation, and enforcement; evaluation of operating experience; and confirmatory research. The Commission is composed of five members, appointed by the President and confirmed by the Senate.

(c) The following staff units and officials report directly to the Commission: Atomic Safety and Licensing Board Panel, Atomic Safety and Licensing Appeal Panel, Office of Inspector and Auditor, Office of Investigation, Office of the General Counsel, Office of the Secretary, and other committees and boards which are authorized or established specifically by the Act. The Advisory Committee on Reactor Safeguards also reports directly to the Commission.

(d)(1) For matters pertaining to Public and Congressional Affairs, the Office of Governmental and Public Affairs reports directly to the Chairman.

(2) For matters pertaining to International and State, Local, and Indian Tribe Programs, the Office of Governmental and Public Affairs reports directly to the Commission.

Panels, Boards, and Committees

§ 1.13 Advisory Committee on Reactor Safeguards.

The Advisory Committee on Reactor Safeguards (ACRS) was established by section 29 of the Atomic Energy Act of 1954, as amended. Consisting of a maximum of 15 members, it reviews and reports on safety studies and applications for construction permits and facility operating licenses; advises the Commission with regard to hazards of proposed or existing reactor facilities and the adequacy of proposed reactor safety standards; upon request of the Department of Energy (DOE), reviews and advises with regard to the hazards of DOE nuclear activities and facilities; reviews any generic issues or other matters referred to it by the Commission for advice. The Committee, on its own initiative, may conduct reviews of specific generic matters or nuclear facility safety-related items. The ACRS conducts studies of reactor safety research and submits reports thereon to the U.S. Congress and the NRC as appropriate.

§ 1.15 Atomic Safety and Licensing Board Panel.

The Atomic Safety and Licensing Board Panel, established pursuant to section 191 of the Atomic Energy Act of 1954, as amended, conducts hearings for the Commission and such other regulatory functions as the Commission authorizes. The Panel is comprised of any number of Administrative Judges (full-time and part-time), who may be lawyers, physicists, engineers, and environmental scientists; and Administrative Law Judges, who hear antitrust, civil penalty, and other cases and serve as Atomic Safety and Licensing Board Chairmen. The Chief Administrative Judge develops and applies procedures governing the activities of Boards, Administrative Judges, and Administrative Law Judges and makes appropriate recommendations to the Commission concerning the rules governing the conduct of hearings. The Panel conducts all licensing and other hearings as directed by the Commission primarily through individual Atomic Safety and Licensing Boards composed of one or three Administrative Judges. Those boards are appointed by either the Commission or the Chief Administrative Judge.

§ 1.17 Atomic Safety and Licensing Appeal Panel.

The Atomic Safety and Licensing Appeal Panel is the organizational body from which are drawn Atomic Safety and Licensing Appeal Boards for particular proceedings. These three-member Appeal Boards exercise the authority and perform the review functions that would otherwise be exercised and performed by the Commission in facility licensing proceedings under 10 CFR Part 50 and such other licensing and enforcement proceedings as the Commission may specify, reviewing initial decisions and other issuances of Atomic Safety and Licensing Boards and other presiding officers. Appeal Boards perform such other regulatory functions as may be delegated to them by the Commission. The Panel is comprised of a Chief Administrative Judge, who serves as Chairman, and other Administrative Judges as may be appointed.

§ 1.19 Other committees, boards, and panels.

Under section 161a. of the Atomic Energy Act of 1954, as amended, the Commission may establish advisory bodies to make recommendations to it. Currently, two advisory committees are in existence.

(a) The Advisory Committee on Medical Uses of Isotopes (ACMUI) was established by the Atomic Energy Commission in July 1958. The ACMUI, composed of physicians and scientists, considers medical questions referred to it by the NRC staff and renders expert opinions regarding medical uses of radioisotopes. The ACMUI also advises the NRC staff, as requested, on matters of policy regarding licensing of medical uses of radioisotopes.

(b) The Advisory Committee for the Decontamination of Three Mile Island, Unit 2, was established by the NRC in October 1980. Its purpose is to obtain input and views from the residents of the Three Mile Island area and afford Pennsylvania government officials an opportunity to participate in the Commission's decisional process regarding cleanup for Three Mile Island, Unit 2.

Commission Staff

§ 1.21 Office of Inspector and Auditor.

The Office of Inspector and Auditor—

(a) Conducts investigations and inquiries to ascertain and verify the integrity of NRC programs and operations;

(b) Investigates allegations of NRC employee misconduct, wrongdoing by NRC contractors, claims for personal property loss or damage, tort claims against the United States and fraud, waste, and mismanagement;

(c) Develops policies and standards governing the Commission's financial and management audit program and administers the Commission's day-to-day audit activities;

(d) Reports to the Commission as necessary to keep the Commission fully informed of its financial management responsibilities and of the results of investigations, inspections, and audits;

(e) Hears individual employee concerns regarding NRC operations and activities;

(f) Refers suspected or alleged criminal matters regarding NRC employees and contractors to the Department of Justice; and

(g) Maintains liaison with Inspector General organizations and other law enforcement agencies.

§ 1.23 Office of the General Counsel.

The Office of the General Counsel, established pursuant to section 25 of the Atomic Energy Act of 1954, as amended—

(a) Directs matters of law and legal policy, providing opinions, advice, and assistance to the agency with respect to all of its activities;

(b) Reviews and prepares appropriate draft Commission decisions on Atomic Safety and Licensing Appeal Board decisions and rulings, public petitions seeking direct Commission action, and rulemaking proceedings involving hearings;

(c) Provides interpretation of laws, regulations, and other sources of authority;

(d) Reviews the legal form and content of proposed official actions;

(e) Prepares or concurs in all contractual documents, interagency agreements, delegations of authority, regulations, orders, licenses, and other legal documents and prepares legal interpretations thereof;

(f) Reviews and directs intellectual property (patent) work;

(g) Represents and protects the interests of the NRC in legal matters and in court proceedings, and in relation to other government agencies, administrative bodies, committees of Congress, foreign governments, and members of the public; and

(h) Represents the NRC staff as a party in NRC administrative hearings.

§1.25 Office of the Secretary of the Commission.

The Office of the Secretary of the Commission—

(a) Provides general management services to support the Commission and to implement Commission decisions; and advises and assists the Commission and staff on the planning, scheduling, and conduct of Commission business including preparation of internal procedures;

(b) Prepares the Commission's meeting agenda;

(c) Manages the Commission Staff Paper and COMSECY systems;

(d) Receives, processes, and controls Commission mail, communications, and correspondence;

(e) Maintains the Commission's official records and acts as Freedom of Information administrative coordinator for Commission records;

(f) Codifies Commission decisions in memoranda directing staff action and monitors compliance;

(g) Receives, processes, and controls motions and pleadings filed with the Commission; issues and serves adjudicatory orders on behalf of the Commission; receives and distributes public comments in rulemaking proceedings, issues proposed and final rules on behalf of the Commission; maintains the official adjudicatory and rulemaking dockets of the Commission; and exercises responsibilities delegated to the Secretary in 10 CFR 2.702 and 2.772;

(h) Directs and administers the Headquarters NRC Public Document Room;

(i) Administers the NRC Historical Program;

(j) Integrates office automation initiatives into the Commission's administrative system;

(k) Functions as the NRC Federal Advisory Committee Management Officer; and

(l) Provides guidance and direction on the use of the NRC seal and flag.

§ 1.27 Office of Investigations.

The Office of Investigations—

(a) Develops policy, procedures, and quality control standards for the conduct of all NRC investigations of licensees, permittees, applicants, and their contractors and vendors;

(b) Conducts and supervises investigations within the scope of NRC authority, except those concerning NRC employees and NRC contractors;

(c) Assures the quality of investigations;

(d) Maintains current awareness of inquiries and inspection by other NRC offices to identify the need for formal investigations;

(e) Makes appropriate referrals to the Department of Justice;

(f) Keeps Commission and involved NRC offices currently apprised of matters under investigation as they affect public health and safety, the common defense and security, environmental quality, or the antitrust laws;

(g) Issues subpoenas where necessary or appropriate for the conduct of investigations; and

(h) Maintains liaison with other agencies and organizations to ensure the timely exchange of information of mutual interest.

§ 1.29 Office of Governmental and Public Affairs.

The Office of Governmental and Public Affairs—

(a) Establishes and maintains good communications and working relationships between the NRC and other Governmental and public constituents;

(b) Provides advice and assistance to the Chairman, Commission, and NRC staff on all NRC relations with Congress, State and local Governments, Indian Tribe Organizations, the State Department, the international nuclear community, the news media, and the public;

(c) Serves as primary contact for policy matters between the NRC and these external groups, developing policies for Commission consideration on how NRC should effectively interact with these groups;

(d) Keeps the agency apprised of these groups' activities as they may affect NRC and conveys to NRC management these groups' views toward NRC policies, plans, and activities;

(e) Issues export and import licenses and participates in formulation of policies on nonproliferation issues, international safeguards, and physical security; and

(f) Administers State Agreements program by—

(1) Providing training and technical assistance to Agreement States;

(2) Integrating State/Federal regulatory activities; and

(3) Maintaining the information exchange and analysis program on State activities.

Executive Director for Operations

§ 1.31 Office of the Executive Director for Operations.

(a)(1) The Executive Director for Operations (EDO) reports for all matters to the Chairman, and is subject to the supervision and direction of the Chairman as provided in Reorganization Plan No. 1 of 1980.

(2) Supervises and coordinates policy development and operational activities in the following line offices: The Office of Nuclear Reactor Regulation, the Office of Nuclear Material Safety and Safeguards, the Office of Nuclear Regulatory Research, and the NRC Regional Offices; and the following staff offices: The Office of Enforcement, the Office of Administration and Resources Management, the Office for Analysis and Evaluation of Operational Data, the Office of Small and Disadvantaged Business Utilization and Civil Rights, the Office of Personnel, and other organizational units as shall be assigned by the Commission. The EDO is also responsible for implementation of the Commission's policy directives pertaining to these offices; and

(3) Exercises powers and functions delegated to the EDO under the Reorganization Plan No. 1 of 1980, this chapter, or otherwise by the Commssion or Chairman, as appropriate. The EDO has the authority to perform any function that may be performed by an office director reporting to the EDO.

(b) The Office of Enforcement—

(1) Develops policies and programs for enforcement of NRC requirements; and

(2) Manages major enforcement actions and assesses effectiveness and uniformity of Regional enforcement actions.

(c) The Office of Special Projects—

(1) Implements regulations, issues orders, takes other action associated with licensing and enforcement, and develops and implements policies, programs, and procedures for all aspects of licensing and inspection for the Tennessee Valley Authority (TVA) and Comanche Peak projects, except for actual issuance or revocation of construction permits or operating licenses;

(2) Performs all safety and environmental reviews and evaluations for the assigned nuclear reactor facilities; and

(3) Performs other functions required for implementation of the reactor licensing and inspection programs for TVA and Comanche Peak projects.

(d) The Office of Consolidation—

(1) Assures coordinated planning, budgeting, and execution of tasks required to consolidate the NRC headquarters staff at White Flint North;

(2) Provides a single focus for management review, decision making, and direction for activities undertaken to accomplish the consolidation of the NRC headquarters staff; and

(3) Keeps NRC management and employees as fully and accurately informed as possible about all aspects of the consolidation, especially those aspects which could affect individual

and collective performance of agency missions and tasks.

Staff Offices

§ 1.33 Office of Administration and Resources Management.

The Office of Administration and Resources Management—

(a) Prepares the agency's budget for submission to the EDO;

(b) Performs all accounting and financial systems management functions, including payroll, travel, and license fees, and provides centralized administrative service, such as managing rules and records, facilities, and operations support, publications services, security, and contracts;

(c) Manages centralized information resources of the agency including computer and telecommunications services, the document control system, records managment and services, and the library; and

(d) Provides, to the extent feasible, all necessary administrative, financial, and information support services to other NRC offices.

§ 1.35 Office for Analysis and Evaluation of Operational Data.

The Office for Analysis and Evaluation of Operational Data—

(a) Analyzes and evaluates operational safety data associated with NRC-licensed activities to identify safety issues that require NRC or industry action;

(b) Provides timely feedback of findings and evaluations to NRC staff, licensees, Congress, the public, and organizations, as appropriate;

(c) Identifies NRC needs for operational data and related technical information and provides the NRC focal point for coordination of generic operational safety data and systems with the industry and other agencies;

(d) Develops and manages the NRC program for response to incidents and emergencies, including the timely notification of events to NRR, NMSS, and the Regions, as appropriate;

(e) Develops and provides appropriate technical training for NRC staff;

(f) Develops and manages the agency program for reactor performance indicators;

(g) Develops and directs the agency program for diagnostic evaluations and for investigation of significant operational incidents;

(h) Manages and conducts the support functions for the Committee to Review Generic Requirements (CRGR) in a manner that is consistent with CRGR charter; and

(i) Ensures the administrative processes and functions specified in the CRGR charter are implemented in a thorough and timely manner.

§ 1.37 Office of Small and Disadvantaged Business Utilization and Civil Rights.

The Office of Small and Disadvantaged Business Utilization and Civil Rights—

(a) Develops and implements an effective small and disadvantaged business program in accordance with the Small Business Act, as amended, and plans and implements NRC policies and programs relating to equal employment oppportunity and civil rights matters as required by the Equal Employment Opportunity Commission (EEOC) and the Office of Personnel Management (OPM);

(b) Ensures that appropriate consideration is given to Labor Surplus Area firms and Women Business Enterprises, and conducts an outreach program aimed at contractors desiring to do business with NRC;

(c) Maintains liaison with other Government agencies and trade associations;

(d) Coordinates efforts with the Director, Division of Contracts, and Directors of other affected offices;

(e) Develops and recommends for approval by the Executive Director for Operations, NRC policy providing for equal employment opportunity in all aspects of Federal personnel practice;

(f) Develops, monitors, and evaluates the agency's equal employment opportunity efforts and affirmative action programs to ensure compliance with NRC policy;

(g) Serves as the principal contract with local and national public and private organizations to facilitate the NRC equal opportunity program; and

(h) Coordinates all efforts pertaining to small and disadvantaged business utilization and equal employment opportunity with Office Directors and Regional Administrators.

§ 1.39 Office of Personnel.

The Office of Personnel—

(a) Plans and implement NRC policies, programs, and services to provide for the effective organization, utilization, and development of the agency's human resources;

(b) Provides labor relations and personnel policy guidance and supporting services to NRC managers and employees;

(c) Provides training, benefits administration, and counseling services for NRC employees;

(d) Collects, analyzes, and provides data on the characteristics, allocation, utilization, and retention of NRC's workforce;

(e) Provides staffing advice and services to NRC managers and employees; and

(f) Provides executive resources management and organizational and managerial development services to the NRC.

Program Offices

§ 1.41 Office of Nuclear Material Safety and Safeguards.

(a) The Office of Nuclear Material Safety and Safeguards is responsible for protecting the public health and safety, the common defense and security, and the environment by licensing, inspection, and environmental impact assessment for all nuclear facilities and activities, and for the import and export of special nuclear material.

(b) The Office responsibilities include—

(1) Development and implementation of NRC policy for the regulation of activities involving safety, quality, approval, and inspection of the use and handling of nuclear and other radioactive materials, such as uranium activities;

(2) Fuel fabrication and fuel development;

(3) Medical, industrial, academic, and commercial uses of radioactive isotopes;

(4) Safeguards activities;

(5) Transportation of nuclear materials, including certification of transport containers;

(6) Out-of-reactor spent fuel storage;

(7) Safe management and disposal of low-level and high-level radioactive wastes;

(8) Planning and direction of program for financial assurance of NMSS licensees; and

(9) Management of the decommissioning of facilities and sites when their licensed functions are over.

(c) Safeguards responsibilities include—

(1) Development of overall agency policy;

(2) Monitoring and assessment of the threat environment, including liaison with intelligence agencies, as appropriate; and

(3) Those licensing and review activities appropriate to deter and protect against threats of radiological sabotage and threats of theft or diversion of special nuclear material at fuel facilities and during transport.

(d) The Office identifies and takes action to control safety and safeguards issues for activities under its responsibility, including consulting and coordinating with international Federal, State, and local agencies, as appropriate.

§ 1.43 Office of Nuclear Reactor Regulation.

The Office of Nuclear Reactor Regulation—

(a) Implements regulations and develops and implements policies, programs, and procedures for all aspects of licensing, inspection, and safeguarding of—

(1) Manufacturing, production, and utilization facilities, except for those concerning fuel reprocessing plants and isotopic enrichment plants;

(2) Receipt, possession, and ownership of source, byproduct, and special nuclear material used or produced at facilities licensed under 10 CFR Part 50;

(3) Operators of such facilities;

(4) Emergency preparedness at such facilities; and

(5) Contractors and suppliers of such facilities.

(b) Identifies and takes action regarding conditions and licensee performance that may adversely affect public health and safety, the environment, or the safeguarding of nuclear reactor facilities;

(c) Assesses and recommends or takes action regarding incidents or accidents;

(d) Provides special assistance as required in matters involving reactor facilities exempt from licensing;

(e) Provides guidance and implementation direction to Regional Offices on reactor licensing, inspection, and safeguards programs assigned to the Region, and appraises Regional program performance in terms of effectiveness and uniformity;

(f) Performs other functions required for implementation of the reactor licensing, inspection, and safeguards programs;

(g) Performs management of the NRC allegation program; and

(h) Performs review and evaluation related to regulated facilities insurance, indemnity, and antitrust matters.

§ 1.45 Office of Nuclear Regulatory Research.

The Office of Nuclear Regulatory Research—

(a) Plans, recommends, and implements programs of nuclear regulatory research, standards development, and resolution of generic safety issues for nuclear power plants and other facilities regulated by the NRC;

(b) Develops and promulgates all technical regulations;

(c) Coordinates research activities within and outside the agency including appointment of staff to committees and conferences; and

(d) Coordinates NRC participation in international standards-related activities and national volunteer standards efforts, including appointment of staff to committees.

§ 1.47 NRC Regional Offices.

Each Regional Administrator executes established NRC policies and assigned programs relating to inspection, enforcement, licensing, State agreements, State liaison, and emergency response within Regional boundaries set out in § 1.5(b) of this part.

Subpart C—NRC Seal and Flag

§ 1.51 Description and custody of NRC seal.

(a) Pursuant to section 201(a) of the Energy Reorganization Act of 1974, the Nuclear Regulatory Commission, has adopted an official seal. Its description is as follows: An American bald eagle (similar to that on the Great Seal of the United States of America) of brown and tan with claws and beak of yellow, behind a shield of red, white, and blue, clutching a cluster of thirteen arrows in its left claw and a green olive branch in its right claw, positioned on a field of white, with the words "United States Nuclear Regulatory Commission" in dark blue encircling the eagle. The eagle represents the United States of America and its interests.

(b) The Official Seal of the Nuclear Regulatory Commission is illustrated as follows:

(c) The Secretary of the Commission is responsible for custody of the impression seals and of replica (plaque) seals.

§ 1.53 Use of NRC seal or replicas.

(a) The use of the seal or replicas is restricted to the following:

(1) NRC letterhead stationery;

(2) NRC award certificates and medals;

(3) Security credentials and employee identification cards;

(4) NRC documents, including agreements with States, interagency or governmental agreements, foreign patent applications, certifications, special reports to the President and Congress and, at the discretion of the Secretary of the Commission, such other documents as the Secretary finds appropriate;

(5) Plaques—the design of the seal may be incorporated in plaques for display at NRC facilities in locations such as auditoriums, presentation rooms, lobbies, offices of senior officials, on the fronts of buildings, and other places designated by the Secretary;

(6) The NRC flag (which incorporates the design of the seal);

(7) Official films prepared by or for the NRC, if deemed appropriate by the Director of Governmental and Public Affairs;

(8) Official NRC publications that represent an achievement or mission of NRC as a whole, or that are cosponsored by NRC and other Government departments or agencies; and

(9) Any other uses as the Secretary of the Commission finds appropriate.

(b) Any person who uses the official seal in a manner other than as permitted by this section shall be subject to the provisions of 18 U.S.C. 1017, which provides penalties for the fraudulent or wrongful use of an official seal, and to other provisions of law as applicable.

§ 1.55 Establishment of official NRC flag.

The official flag is based on the design of the NRC seal. It is 50 inches by 66 inches in size with a 38-inch diameter seal incorporated in the center of a dark blue field with a gold fringe.

§ 1.57 Use of NRC flag.

(a) The use of the flag is restrictd to the following:

(1) On or in front of NRC installations;

(2) At NRC ceremonies;

(3) At conferences involving official NRC participation (including permanent display in NRC conference rooms);

(4) At Governmental or public appearances of NRC executives;

(5) In private offices of senior officials; or

(6) As the Secretary of the Commission otherwise authorizes.

(b) The NRC flag must only be displayed together with the U.S. flag. When they are both displayed on a speaker's platform, the U.S. flag must occupy the position of honor and be placed at the speaker's right as he or she faces the audience, and the NRC flag must be placed at the speaker's left.

§ 1.59 Report of violations.

In order to ensure adherence to the authorized uses of the NRC seal and flag as provided in this subpart, a report of each suspected violation of this subpart, or any questionable use of the NRC seal or flag, should be submitted to the Secretary of the Commission.

The following amendments are also being made to other parts of the regulations in this chapter.

PART 0—CONDUCT OF EMPLOYEES

2. The authority citation for Part 0 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

3. in § 0.735–3, the introductory text of paragraph (e) and paragraphs (e)(1) and (f) are revised to read as follows:

§ 0.735–3 Responsibilities and authorities.

* * * * *

(e) The Director, Office of Personnel—

(1) Provides a copy of this part to each employee and special Government employee, and to each new employee at the time of his or her entrance on duty.

* * * * *

(f) The Director, Office of Personnel, assumes the responsibilities assigned in §§ 0.735–28(b) and 0.735–49.

* * * * *

§ 0.735–28 [Amended]

4. In § 0.735–28, paragraph (a)(2), after the words "Office of Administration" add the words "and Resources Management", and in paragraph (b), remove the words "Office of Administration" and add in their place the words "Office of Personnel".

§ 0.735–49 [Amended]

5. In § 0.735–49, paragraph (a), remove the words "The Director, Office of Administration," and add in their place the words "The Director, Office of Personnel".

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

6. The authority citation for Part 2 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 2.101 [Amended]

7. In § 2.101, paragraphs (c)(3) and (e)(1), remove the words "Antitrust and Economic Anlysis Branch," and add in their place the words "Policy Development and Technical Support Branch".

§ 2.201 [Amended]

8. In § 2.201, in paragraph (a), remove the words "Director, Office of Inspection and Enforcement" and add in their place the words "Deputy Executive Director for Regional Operations"; and in paragraphs (b) and (c), remove the words "Director, Office of Inspection and Enforcement" and add in their place the words "Deputy Executive Director for Regional Operations or the Deputy's designee".

§ 2.202 [Amended]

9. In § 2.202, paragraph (a) introductory text, remove the words, "Director, Office of Inspection and Enforcement" and add in their place the words "Deputy Executive Director for Regional Operations, or the Deputy's designee"; and add to the words "Office of Administration" the words "and Resources Management"; and in paragraph (f), remove the words "Director, Office and Inspection and Enforcement" and add in their place the words "Deputy Executive Director for Regional Operations or the Deputy's designee".

10. In § 2.205, paragraphs (a), (c), (d), (g), (h), and (i) are revised to read as follows:

§ 2.205 Civil penalties.

(a) Before instituting any proceeding to impose a civil penalty under section 234 of the Act, the Deputy Executive Director for Regional Operations, or the Deputy's designee, as appropriate, shall serve a written notice of violation upon the person charged. This notice may be included in a notice issued pursuant to § 2.201. The notice of violation shall specify the date or dates, facts, and the nature of the alleged act or omission with which the person is charged, and shall indentify specifically the particular provision or provisions of the law, rule, regulation, license, permit, or cease an desist order involved in the alleged violation and must state the amount of each proposed penalty. The notice of violation shall also advise the person charged that the civil penalty may be paid in the amount specified therein, or the proposed imposition of the civil penalty may be protested in its entirety or in part, by a written answer, either denying the violation or showing extenuating circumstances. The notice of violation shall advise the person charged that upon failure to pay a civil penalty subsequently determined by the Commission, if any, unless compromised, remitted, or mitigated, be collected by civil action, pursuant to section 234c of the Act.

* * * * *

(c) If the person charged with violation fails to answer within the time specified in paragraph (b) of this section, an order may be issued imposing the civil penalty in the amount set forth in the notice of violation described in paragraph (a) of this section.

(d) If the person charged with violation files an answer to the notice of violation, the Deputy Executive Director for Regional Operations, or the Deputy's designee, upon consideration of the answer, will issue an order dismissing the proceeding or imposing, mitigating, or remitting the civil penalty. The person charged may, within twenty (20) days of the date of the order or other time specified in the order, request a hearing.

* * * * *

(g) The Deputy Executive Director for Regional Operations, or the Deputy's designee, as appropriate may compromise any civil penalty, subject to the provisions of § 2.203.

(h) If the civil penalty is not compromised, or is not remitted by the Deputy Executive Director for Regional Operations, or the Deputy's designee, as appropriate, the presiding officer, or the Commission, and if payment is not made within ten (10) days following either the service of the order described in paragraph (c) or (f) of this section, or the expiration of the time for requesting a hearing described in paragraph (d) of this section, the Deputy Executive Director for Regional Operations, or the Deputy's designee, as appropriate, may refer the matter to the Attorney General for collection.

(i) Except when payment is made after compromise or mitigation by the Department of Justice or as ordered by a court of the United States, following reference of the matter to the Attorney General for collection, payment of civil penalties imposed under section 234 of the Act shall be made by check, draft, or money order payable to the Treasurer of the United States, and mailed to the Director, Office of Enforcement.

11. In § 2.206, paragraphs (a) and (b) are revised to read as follows:

§ 2.206 Requests for action under this subpart.

(a) Any person may file a request to institute a proceeding pursuant to § 2.202 to modify, suspend, or revoke a license, or for such other action as may be proper. Such a request shall be addressed to the Executive Director for Operations and shall be filed either (1) by delivery to the Public Document Room at 1717 H Street, NW., Washington, DC, or (2) by mail or telegram addessed to the Executive

Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. The requests shall specify the action requested and set forth the facts that constitute the basis for the request. The Executive Director for Operations will refer the request to the Director of the NRC Office with responsibility for the subject matter of the request for appropriate action in accordance with paragraph (b) of this section.

(b) Within a reasonable time after a request pursuant to paragraph (a) of this section has been received, the Director of the NRC office with responsibility for the subject matter of the request shall either institute the requested proceeding in accordance with this subpart or shall advise the person who made the request in writing that no proceeding will be instituted in whole or in part, with respect to the request, and the reasons for the decision.

* * * * *

12. In § 2.802, paragraphs (b) and (g) are revised to read as follows:

§ 2.802 Petition for rulemaking.

* * * * *

(b) A prospective petitioner is encouraged to confer with the staff prior to the filing of a petition for rulemaking. Questions regarding applicable NRC regulations sought to be amended, the procedures for filing a petition for rulemaking, or requests for a meeting with the appropriate NRC staff to discuss a petition should be addressed to the Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Rules and Procedures Branch. A prospective petitioner may also telephone the Division of Rules and Records on 301–492–7086 or Toll Free on 800–368–5642.

* * * * *

(g) The Director, Division of Rules and Records, Office of Administration and Resources Management, will prepare on a quarterly basis a summary of petitions for rulemaking before the Commission, including the status of each petition. A copy of the report will be available for public inspection and copying for a fee in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

PART 7—ADVISORY COMMITTEES

13. The authority citation for Part 7 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 92–463 86 Stat. 770 (5 U.S.C. App. I).

§ 7.19 [Amended]

14. In § 7.19, paragraph (b), after the words "Office of Administration" add the words "and Resources Management".

PART 9—PUBLIC RECORDS

15. The authority citation for Part 9 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 9.53 [Amended]

16. In § 9.53, paragraphs (a) and (b), after the words "Director, Office of Administration" add the words "and Resources Management".

§ 9.54 [Amended]

17. In § 9.54, paragraph (b), after the words "Director, Office of Administration," add the words "and Resources Management".

§ 9.65 [Amended]

18. In § 9.65, paragraph (a) introductory text, after the words "Director, Office of Administration," add the words "and Resources Management".

§ 9.66 [Amended]

19. In § 9.66, paragraphs (a)(1) introductory text, (a)(2), (a)(3), and (c)(2), after the words "Director, Office of Administration," add the words "and Resources Management".

§ 9.69 [Amended]

20. In § 9.69, paragraph (a), after the words "Director, Office of Administration," add the words "and Resources Management".

21. Section 9.85 is revised to read as follows:

§ 9.85 Fees.

The NRC shall charge fees for search for or review of records requested pursuant to this subpart or for making copies or extracts of records in order to make them available for review. The NRC shall charge fees established pursuant to 5 U.S.C. 552a(f)(5) according to the schedule contained in § 9.14 of this part for actual copies of records requested by individuals pursuant to the Privacy Act of 1974, unless the Director, Office of Administration and Resources Management, waives the fees because of the inability of the individual to pay or because making the records available without cost, or at a reduction in cost, is otherwise in the public interest.

PART 10—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION OR AN EMPLOYMENT CLEARANCE

22. The authority citation for Part 10 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 10.5 [Amended]

23. In § 10.5, paragraph (b), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.12 [Amended]

24. In § 10.12, paragraph (a), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.21 [Amended]

25. In § 10.21, after the words "Director, Office of Administration," add the words "and Resources Management".

§ 10.22 [Amended]

26. In § 10.22, in the introductory paragraph and in paragraphs (c), (d), and (e), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.23 [Amended]

27. In § 10.23, paragraphs (a) and (b), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.24 [Amended]

28. In § 10.24, paragraphs (a) and (b), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.27 [Amended]

29. In § 10.27, paragraph (c), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.28 [Amended]

30. In § 10.28, paragraph (m), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.29 [Amended]

31. In § 10.29, paragraph (d), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.30 [Amended]

32. In § 10.30, after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.31 [Amended]

33. In § 10.31, paragraph (a), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.32 [Amended]

34. In § 10.32, paragraph (b), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.33 [Amended]

35. In § 10.33, paragraphs (c) and (d), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.34 [Amended]

36. In § 10.34, paragraph (b), after the words "Director, Office of Administration", add the words "and Resources Management".

§ 10.35 [Amended]

37. In § 10.35, paragraph (b), after the words "Director, Office of Administration", add the words "Resources Management".

§ 10.37 [Amended]

38. In § 10.37, after the words "Director, Office of Administration", add the words "and Resources Management".

PART 11—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO OR CONTROL OVER SPECIAL NUCLEAR MATERIAL

39. The authority citation for Part 11 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 11.16 [Amended]

40. In § 11.16, after the word "Chief," remove the words "Facilities and" and leave the words "Personnel Security Branch".

PART 15—DEBT COLLECTION PROCEDURES

41. The authority citation for Part 15 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 15.3 [Amended]

42. In § 15.3, remove the word "Controller" and add in its place the words "Director, Office of Administration and Resources Management".

43. In § 15.35, the introductory text of paragraph (c) is revised to read as follows:

§ 15.35 Payments.

* * * * *

(c) To whom payment is made. Payment of a debt is made by check, electronic transfer, draft, or money order payable to the United States Nuclear Regulatory Commission and mailed or delivered to the Division of Accounting and Finance, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, unless payment is—

* * * * *

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

44. The authority citation for Part 19 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

45. Section 19.5 is revised to read as follows:

§ 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter. Communications, reports, and applications may be delivered in person at the Commission's office at 1717 H Street, NW., Washington, DC; or at 7920 Norfolk Avenue, Bethesda, Maryland.

46. In § 19.11, paragraph (c), Note is revised to read as follows:

§ 19.11 Posting of notices to workers.

* * * * *

(c) * * *

Note: Copies of Form NRC–3 may be obtained by writing to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter.

* * * * *

§ 19.16 [Amended]

47. In § 19.16, in paragraph (a), remove the words "Director of Inspection and Enforcement, to the" and "Director of Inspection and Enforcement,"; and in paragraph (b), remove the words "Director of Inspection and Enforcement or".

§ 19.17 [Amended]

48. In § 19.17, paragraphs (a) and (b), remove the words "Director of the Office of Inspection and Enforcement or the".

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

49. The authority citation for Part 20 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 20.103 [Amended]

50–51. In § 20.103, paragraphs (a)(1) footnote 5, remove the words "Standards Development" and add in their place the words "Nuclear Regulatory Research"; and in paragraph (g), remove the words "Inspection and Enforcement" from the words "Nuclear Regulatory Commission Inspection and Enforcement Regional Office".

PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

52. The authority citation for Part 21 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

53. Section 21.5 is revised to read as follows:

§ 21.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or to the Administrator of a Regional Office at the address specified in Appendix D of Part 20 of this chapter. Communications and reports also may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, DC; at 7920 Norfolk Avenue, Bethesda, MD; or at a Regional Office at the location specified in Appendix D of Part 20 of this chapter.

54. In § 21.21, paragraph (b) (2) is revised to read as follows:

§ 21.21 Notification of failure to comply or existence of a defect.

* * * * *

(b) * * *

(2) Initial notification required by this paragraph must be made within 2 days following receipt of the information. Notification must be made to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or to the Administrator of a Regional Office. If initial notification is by means other than written communication, a written report must be submitted to the appropriate Office within 5 days after the information is obtained. Three copies of each report must be submitted to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate.

* * * * *

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

55. The authority citation for Part 25 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 25.33 [Amended]

56. In § 25.33, paragraph (c), after the words "Office of Administration" add the words "and Resources Management".

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

57. The authority citation for Part 30 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 30.7 [Amended]

58. In § 30.7, paragraph (e) Note, place a period after the word "chapter" and remove the words "or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555".

§ 30.55 [Amended]

59–63. In § 30.55, paragraph (c), remove the words "Director of Inspection and Enforcement", and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards" and remove the words "Inspection and Enforcement" from the words "Office of Inspection and Enforcement" and add in their place the words "Nuclear Material Safety and Safeguards".

PART 35—MEDICAL USES OF BYPRODUCT MATERIAL

64. The authority citation for Part 35 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 35.59 [Amended]

65. In § 35.59, paragraph (e)(2), remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

66. The authority citation for Part 40 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 40.7 [Amended]

67. In § 40.7, paragraph (e) Note, place a period after the word "chapter" and remove the words "or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555."

§ 40.25 [Amended]

68. In § 40.25, in paragraph (c)(1), remove the words "Director of Inspection and Enforcement", and add in their place the words "Director, Division of Nuclear Material Safety" and add after the zip code "20555" the words "with a copy to the appropriate NRC Regional Administrator"; in paragraphs (c)(2) and (d)(4), remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Division of Nuclear Material Safety, with a copy to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter".

§ 40.26 [Amended]

69. In § 40.26, paragraph (c)(2), remove the words "Director, Office of Inspection and Enforcement" and add in their place the words "Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards".

§ 40.35 [Amended]

70. In § 40.35, paragraph (e)(1), remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

§ 40.64 [Amended]

71. In § 40.64, paragraphs (a) and (b), add after the words "Division of Safeguards" the words "and Transportation", and paragraph (c), remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

§ 40.65 [Amended]

72. In § 40.65, paragraph (a)(1), remove the title "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

Appendix A [Amended]

73. In Appendix A, Criteria 8A, the words "regional office" should be capitalized to read "Regional Office" and remove the words "Inspection and Enforcement" from the address and add in their place the words "Nuclear Material Safety and Safeguards".

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

74. The authority citation for Part 50 continues to reads as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 50.4 [Amended]

75. In § 50.4, paragraphs (c) and (f), remove the words "Division of Technical Information and Document Control" and add in their place the words "Division of Information Support Services", and remove the telephone number "492–8585" and add in its place "492–8304".

§ 50.7 [Amended]

76. In § 50.7, paragraph (e) Note, place a period after the words "chapter" and remove the word "or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555."

77. In § 50.49, paragraph (b)(3), footnote 4 is revised to read as follows:

§ 50.49 Environmental qualification of electric equipment important to safety for nuclear power plants.

* * * * *

(b) * * *

(3) * * *

[4] Specific guidance concerning the types of variables to be monitored is provided in Revision 2 of Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident." Copies of the Regulatory Guide

may be purchased through the U.S. Government Printing Office by calling 202–275–2060 or by writing to the U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082.

* * * * *

§ 50.70 [Amended]

78. In § 50.70, paragraphs (b)(1) and (b)(2), remove the words "Inspection and Enforcement" from the words "Director, Office of Inspection and Enforcement", and add in their place the words "Nuclear Reactor Regulation".

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

79. The authority citation for Part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242 (42 U.S.C. 5841).

§ 51.4 [Amended]

80. In § 51.4, under the definition of "NRC staff director", remove the words "Office of Inspection and Enforcement," and remove the words "Office of State Programs" and add in their place the words "Office of Governmental and Public Affairs".

§ 51.122 [Amended]

81. In § 51.122, after the words "NRC Office of Administration" add the words "and Resources Management".

§ 51.123 [Amended]

82. In § 51.123, paragraph (b), remove the words "Division of Technical Information and Document Control" and add in their place the words "Division of Information Support Services".

PART 60—DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

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

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 60.9 [Amended]

84. In § 60.9, paragraph (e) Note, place a period after the word "chapter" and remove the words "or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555."

§ 60.44 [Amended]

85. In § 60.44, paragraph (b), remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

§ 60.75 [Amended]

86. In § 60.75, paragraphs (c)(1) and (c)(2), remove the words "Inspection and Enforcement" from the words "Director, Office of Inspection and Enforcement" and add in their place the words "Nuclear Material Safety and Safeguards".

PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTES

87. The authority citation for Part 61 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 61.9 [Amended]

88. In § 61.9, paragraph (e) Note, place a period after the word "chapter" and remove the words "or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555."

§ 61.80 [Amended]

89. In § 61.80, paragraph (i)(1), remove the words "Director of the Office of Inspection and Enforcement and the Director of the Division of Waste Management" and add the words "Director, Division of High-Level Waste Management, Office of Nuclear Material Safety and Safeguards"; and remove the letters "USNRC" in the same address and add in their place the words "U.S. Nuclear Regulatory Commission".

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

90. The authority citation for Part 70 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 70.7 [Amended]

91. In § 70.7, paragraph (e) Note, place a period after the word "chapter" and remove the words "or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555."

§ 70.55 [Amended]

92. In § 70.55, paragraphs (c)(1) and (c)(2), remove the words "Inspection and Enforcement" from the words "Director, Office of Inspection and Enforcement" and add in their place the words "Nuclear Material Safety and Safeguards or the appropriate NRC Regional Administrator".

§ 70.59 [Amended]

93. In 70.59, paragraph (a)(1), remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

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

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§71.93 [Amended]

95. In § 71.93, paragraph (c), remove the word "Director" and add in its place the words "Regional Administrator".

§71.97 [Amended]

96. In § 71.97, paragraph (c)(1), remove the word "Director" and add in its place the words "Regional Administrator"; and in paragraph (c)(3)(iii), remove the words "Office of State Programs" and add in their place the words "Office of Governmental and Public Affairs"; and in paragraph (f), remove the word "Director" and add in its place the words "Regional Administrator".

PART 72—LICENSING REQUIREMENTS FOR THE STORAGE OF SPENT FUELS IN AN INDEPENDENT SPENT FUEL STORAGE INSTALLATION (ISFSI)

97. The authority citation for Part 72 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§72.10 [Amended]

98. In § 72.10, paragraph (e) Note, place a period after the word "chapter" and remove the words "or the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555."

§72.11 [Amended]

99. In § 72.11, paragraph (a), remove the words "Division of Fuel Cycle and Material Safety" and add in their place the words "Division of Nuclear Material Safety".

§72.56 [Amended]

100. In § 72.56, paragraphs (c)(1) and (c)(2), remove the words "Inspection and Enforcement" from the words "Director, Office of Inspection and Enforcement" and add in their place "Nuclear Material Safety and Safeguards or the appropriate NRC Regional Administrator"; and in paragraph (c)(3), remove the word "Director" from the words "Regional Director" and add in its place the word "Administrator"; and in paragraph (e), the words "regional

office" should be capitalized to read "Regional Office".

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

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

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§73.37 [Amended]

102. In § 73.37, paragraph (f)(1), remove the words "Office of State Programs" and add in their place the words "Office of Governmental and Public Affairs".

Appendix A [Amended]

103. In Appendix A, under the first entry for the NRC Operations Center, in the second column, remove the words "of Inspection and Enforcement" from the entry that reads "USNRC, Office of Inspection and Enforcement" and add in their place the words "for Analysis and Evaluation of Operational Data".

PART 74—MATERIAL CONTROL AND ACCOUNTING OF SPECIAL NUCLEAR MATERIAL

104. The authority citation for Part 74 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 State. 1242, as amended (42 U.S.C. 5841).

§ 74.13 [Amended]

105. In § 74.13, paragraph (b) introductory text, remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

§ 74.81 [Amended]

106. In § 74.81, paragraphs (c)(1) and (c)(2), remove the words "Inspection and Enforcement" from the words "Director, Office of Inspection and Enforcement" and add in their place the words "Nuclear Material Safety and Safeguards or the appropriate NRC Regional Administrator".

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

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

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 75.6 [Amended]

108. In § 75.6, paragraphs (a) Table and (d), remove the words "Office of Inspection and Enforcement".

PART 95—SECURITY FACILITY APPROVAL AND SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

109. The authority citation for Part 95 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 95.18 [Amended]

110. In § 95.18, paragraph (a) introductory text, after the words "Office of Administration" add the words "and Resources Management".

§ 95.45 [Amended]

111. In § 95.45, paragraph (a), after the words "Office of Administration" add the words "and Resources Management".

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

112. The authority citation for Part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

113. In § 150.16, paragraph (b) is revised to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

* * * * *

(b)(1) Each person who, pursuant to an Agreement State License, possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately to the Regional Administrator of the appropriate NRC Regional Office listed in Appendix A of Part 73 of this chapter, by telephone, any theft or other unlawful diversion of special nuclear material which the licensee is licensed to possess or any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material.

(2) The licensee shall follow the initial report within a period of 15 days with a written report submitted to the appropriate NRC Regional Office, shown in Appendix A of Part 73 of this chapter, which sets forth the details of the incident. The licensee shall send copies of this report to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

(3) Subsequent to the submission of the written report required by this paragraph, each licensee shall promptly inform the Regional Administrator of the appropriate NRC Regional Office by means of a written report of any substantive additional information which becomes available to the licensee concerning an attempted or apparent theft or unlawful diversion of special nuclear material.

§ 150.17 [Amended]

114. In § 150.17, paragraphs (a) and (b), add after the words "Division of Safeguards" the words "and Transportation,"; and paragraph (c), remove the words "Director Of Inspection and Enforcement", and add after the words "U.S. Nuclear Regulatory Commission" the words "Division of Safeguards and Transportation".

§ 150.19 [Amended]

115. In § 150.19, paragraph (c), remove the words "Director of Inspection and Enforcement" and add in their place the words "Director, Office of Nuclear Material Safety and Safeguards".

§ 150.20 [Amended]

116. In § 150.20, paragraph (b)(1), remove the word "Director" and add in its place the words "Regional Administrator".

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

117. The authority citation for Part 170 continues to read as follows:

Authority: 31 U.S.C. 9701, 96 Stat. 1051; sec. 301, Pub. L. 92–314, 86 Stat. 222 (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 170.12 [Amended]

118. In § 170.12, paragraph (g), remove the words "Enforcement staff,"; "Inspection and" from the words "Office of Inspection and Enforcement"; and the "," after the word "Enforcement".

119. In § 170.20, paragraph (b) is revised to read as follows:

§ 170.20 Average cost per professional staff-hour.

* * * * *

(b) Fees for inspections based on full cost under §§ 170.21 and 170.32 will be calculated using the hourly rates for NRR and NMSS, respectively, set out in paragraph (a) of this section.

Dated at Washington, DC, this 13th day of August 1987.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 87-19290 Filed 8-20-87; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-ANM-8]

Revision to Hailey, ID, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Hailey, Idaho, transition area by adding 700 foot controlled airspace to accommodate a Microwave Landing System (MLS) special instrument approach procedure for Horizon Airlines at Hailey, Idaho.

EFFECTIVE DATE: 0901 UTC, September 30, 1987.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM-535, Federal Aviation Administration, Docket No. 87-ANM-8, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

SUPPLEMENTARY INFORMATION:

History

On June 11, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the Hailey, Idaho, transition area (52 FR 22332).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes 700 foot transition airspace at Hailey, Idaho, to accommodate arrival and departure procedures to the Hailey Municipal Airport. This action will also reduce the size of the existing 1,200 foot transition area.

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

List of Subjects in CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Hailey, Idaho, Transition Area (Revised)

That airspace extending upward from 700 feet above the surface within 2 miles each side of the M-SUN MLS (lat. 43°30'31.08" N, long. 114°17'52.99" W), 328° azimuth, from 8.5 miles northwest to 5 miles southeast of the M-SUN MLS; and that airspace extending upward from 1,200 feet above the surface, within 4 miles each side of the M-SUN 328° azimuth, from 18 miles northwest to the M-SUN MLS, and that airspace from lat. 43°36'00" N, long. 114°27'00" W, thence eastbound to lat. 43°36'00" N, long. 114°00'00" W, thence southbound to lat. 43°17'30" N, long. 114°00'00" W, thence westbound to lat. 43°17'30" N, long. 114°27'00" W, thence northbound to point of beginning excluding that airspace overlying V-231 on the east side and V-500 on the south side.

Issued in Seattle, Washington, on August 3, 1987.

Temple H. Johnson,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 87-19107 Filed 8-20-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 48 and 602

[T.D. 8152]

Excise Taxes on Gasohol and Other Alcohol Mixture Fuels, Tread Rubber and Inner Tubes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the excise tax on gasohol and other alcohol mixture fuels. This document also contains final regulations relating to the rate of excise tax on tires, tread rubber, and inner tubes. Changes to the laws relating to gasohol and other alcohol mixture fuels and tires were made by the Highway Revenue Act of 1982 and the Tax Reform Act of 1984. These regulations provide necessary guidance to Internal Revenue Service personnel who administer the Internal Revenue code and members of the public who are subject to these laws.

DATES: The amendments made to §§ 48.4041-18, 48.4041-19, 48.4041-20, 48.4081-2, 48.6420-4 and 48.6427-1 of the regulations, relating to alcohol fuels, are effective for sale or uses made on and after April 1, 1983. The amendments made to §§ 48.4071-1 and 48.4071-2 of the regulations, relating to tires, are effective for sales or uses made on and after January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Margaret M. O'Connor of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention:CC:LR:T) 202-566-3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On August 22, 1985, the **Federal Register** (50 FR 33977) published proposed amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under sections 4041, 4071, 4081, 6420 and 6427 of the Internal Revenue Code of 1954 (Code). The amendments were proposed to conform the regulations to sections 511 (b), (d), (e), (f) and 514 of the Highway Revenue Act of 1982 (Pub. L. 97-424; 96 Stat. 2171) and sections 732 (a), 912 (a), (b), (d), (f) and 913 of the Tax Reform Act of 1984 (Pub. L. 98-369; 98 Stat. 976, 1007). A public hearing regarding the proposed regulations was

held on January 14, 1986. After consideration of comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Summary of Public Comments

Temperature Adjustment Requirements

Under sections 4041 and 4081 of the Code certain alcohol mixture fuels are taxed at a reduced rate if the mixture contains at least 10 percent alcohol. Certain other alcohol mixtures are either fully exempt from taxation or partially exempt under section 4041 if they consist of at least 85% alcohol. The proposed regulations required that in order to determine whether an alcohol mixture fuel contains the appropriate percentage of alcohol, the volume of each component is adjusted to its appropriate volume at 60 degrees Fahrenheit, known as its net volume.

Many commenters objected to this requirement. Most of the commenters instead favored determination of the applicable percentage based upon the actual volume of the mixture without any adjustment for temperature, known as its gross volume. In response to these comments, the final regulations have been revised to provide that the determination of whether a mixture contains the required percentage of alcohol will be based on the actual volume of each component at the time the fuel is blended. Several points raised in the comments led to this revised rule.

Most commenters stated that the actual volume of a alcohol mixture is not usually converted to its net volume by the blender. In order to make the conversion to net volume it would be necessary to make burdensome and complicated calculations. Several commenters objected that it would be necessary to purchase new metering equipment in order to make the conversions and that the cost of such equipment would be prohibitive.

Commenters also described conflicts between the temperature adjustment requirements and state laws. The commenters believed that it would be extremely difficult to meet both state and federal requirements.

Several commenters also indicated that the temperature adjustment requirement is not necessary. According to these commenters, the components of the alcohol fuel mixtures expand and contract at similar rates. As a result, even without temperature correction there would be no significant difference in the mixture ratio of fuel unless the temperatures of the components were very different when the mixture was blended.

Determination of a Fuel's Mixture Ratio

The proposed regulations required that an alcohol mixture fuel shall contain at least 10% alcohol, for purposes of taxation at the rates set out in section 4041(k) or section 4081(c), or at least 85% alcohol for purposes of section 4041(b)(2) or 4041(m). The proposed regulations did not provide guidance as to how strictly these percentage requirements would be enforced. However, The Senate Finance Committee Report to the Technical Corrections Act of 1982 (S. Rep. No. 97–592, 48) indicated that the 10 percent requirement for qualification of a mixture as gasohol should be enforced in a reasonable manner which recognizes commercial and operational practicalities.

At the January hearing, several individuals testified about the need for tolerance in determining whether a fuel contains the required percentage of alcohol. According to these individuals, deviation from the applicable percentages is due to meter inaccuracies, blender error and evaporation loss of the alcohol portion of a mixture following blending.

In response to these comments and Congressional correspondence received, the final regulations provide guidance for application of the percentage requirements. Generally, a mixture must contain at least 10% alcohol in order to qualify for a reduced rate of tax under section 4041(k) or section 4081(c), or 85% alcohol in order to qualify under section 4041(b)(2) or section 4041(m). However, a mixture which does not contain precisely the applicable percentage may qualify under these sections if the blender demonstrates to the satisfaction of the District Director the existence of facts and circumstances that establish that but for the commercial and operational realities of the blending process, the percentage requirement would have been met. However, in order to qualify under section 4041(k) or section 4081(c) the percentage of alcohol contained in a 10 percent alcohol mixture may not be less than 9.802 percent regardless of the circumstances. This percentage is based upon a tolerance of .22% in measuring the percentage of nonalcohol fuel in the mixture, as determined from tolerances specified for wholesale measuring devices in National Bureau of Standards Handbook 44, *Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices* (1986). The tolerance is determined based on the measurement of the nonalcohol portion of a mixture because, typically, industry's practice is to blend these mixtures by first putting the appropriate amount of nonalcohol fuel in a tank and then topping off the tank with alcohol. This percentage cap does not apply for purposes of qualification as an 85 percent alcohol mixture under section 4041(b)(2) or section 4041(m) because these mixtures are not generally blended in the same manner as mixtures containing 10 percent alcohol. In addition, the regulations clarify that the determination of whether a mixture contains the appropriate amount of alcohol is made at the time the mixture is blended, before any evaporation can occur. Announcement to be published shortly in the Internal Revenue Bulletin will contain guidance for blenders of alcohol mixtures to obtain a credit or refund if they paid tax at the rate applicable to nonqualified fuel mixtures with respect to a mixture which would be eligible for the reduced rate under the rules of this Treasury decision.

One individual testifying at the hearing suggested that whether a taxpayer has blended qualifying mixtures should be determined based upon the average percentage of alcohol contained in mixtures blended by the taxpayer during a three-month period. If the average percentage of alcohol contained in the mixtures met the statutory standard, then all such mixtures blended during the period would be taxed at the applicable reduced rate of tax. However, if the average percentage of alcohol contained in the mixture did not meet the statutory requirement then all mixtures blended would be taxed at the higher rate. This rule was not adopted in the Treasury decision because it can lead to unfair results. For example, all mixtures blended in a period may be disqualified if one mixture fails to meet the statutory requirement by a large amount, even if all other mixtures blended meet the statutory requirements precisely.

Failure to Qualify as an Alcohol Mixture

The proposed regulations did not specify the tax treatment of a fuel which fails to qualify as an alcohol mixture under either section 4041 or section 4081. One commenter expressed the view that if a fuel fails to qualify as an alcohol mixture fuel, only the excess nonalcohol fuel should be taxed at the higher rate. The rest of the mixture would be taxed at the reduced rate applicable for qualifying mixtures. For example, if a mixture contains 100 gallons of gasoline and 10 gallons of alcohol, 100 gallons of the mixture would be taxed at a rate of 3 cents per gallon under section 4081(c)

and 10 gallons of excess gasoline would be taxed at a rate of 9 cents per gallon under section 4081(a). The Treasury decision clarifies that if a mixture does not contain the required percentage of alcohol, none of the fuel is taxed as a qualifying mixture, but rather all of the fuel is taxed as a special motor fuel under section 4041(a)(2) or gasoline under section 4081(a). Thus, in the above example, all 110 gallons of mixture would be taxed at a rate of 9 cents per gallon.

Non-Applicability of Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required.

Regulatory Flexibility Analysis

Although a notice of proposed rulemaking that solicited public comment was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 did not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Paperwork Reduction Act

The collection of information requirements contained in these regulations have been submitted to the Office of Management and Budget in accordance with the requirements of the Paperwork Reduction Act of 1980. These requirements have been approved by OMB under control number 1545–0023.

Drafting Information

The principal author of these proposed regulations is Margaret M. O'Connor of the Legislation and Regulations Division of the 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, both on matters of substance and style.

List of Subjects

26 CFR Part 48

Agriculture, Arms and munitions, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods and Tires.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 48 and 602 are amended as follows:

PART 48—[AMENDED]

Paragraph 1. The authority for Part 48 continues to read in part:

Authority: 26 U.S.C. 7805. * * * Section 48.4041–18 also issued under 26 U.S.C. 4041(k)(1); § 48.4041–2 also issued under 26 U.S.C. 4081(c)(1). * * *

Par. 2. Section 48.4041–18 is revised to read as set forth below.

§ 48.4041–18 Fuels containing alcohol.

(a) *In general*—(1) *Sale or use after December 31, 1984 and before January 1, 1993.* Under section 4041(k) the rate of tax applicable to the sale or use after December 31, 1984 and before January 1, 1993, of any liquid fuel described in section 4041(a) (1) or (2) which consists of at least 10% alcohol by volume is:

(i) 9 cents for each gallon of alcohol mixture sold or used in the case of mixtures described in section 4041(a)(1); or

(ii) 3 cents for each gallon of alcohol mixture sold or used in the case of mixtures described in section 4041(a)(2). The amount of tax is based upon the total volume of fuel and not merely upon the volume of the nonalcohol components of such fuel. However, see section 4041(b)(2) and § 48.4041–19 for rules relating to the complete exemption from taxes imposed by section 4041(a) where at least 85% of the fuel consists of alcohol produced from certain sources.

(2) *Sale or use after March 31, 1983, and before January 1, 1985.* For rules relating to the rate of tax imposed on the sale or use after March 31, 1983, and before January 1, 1985 of any liquid fuel described in section 4041(a) (1) or (2) which consists of at least 10% alcohol by volume, see section 4041(k) prior to the enactment of the Tax Reform Act of 1984 (Pub. L. 98–369, 98 Stat. 1007).

(3) *Sale or use before April 1, 1983.* No tax is imposed upon the sale or use of any liquid fuel described in section 4041(a) (1) or (a) (2) which consists of at least 10% alcohol if the sale or use occurs after December 31, 1978 and before April 1, 1983.

(4) *Rate of tax for mixtures which fail to qualify.* If an alcohol mixture fuel fails to qualify under this section, the entire mixture is taxed at the rate of tax specified under section 4041(a)(1) if the mixture contains diesel fuel, or section 4041(a)(2) if the mixture contains special motor fuel.

(b) *Alcohol mixture fuels qualifying for special tax treatment.* In order to qualify for the reduced rates of tax described in paragraphs (a)(1) and (a)(2) of this section or the exemption from tax described in paragraph (a)(3) of this section, at least 10% of an alcohol mixture fuel must consist of alcohol as defined in section 4081(c) and § 48.4081—2(a)(4) of the regulations. The actual gallonage of each component of the mixture (without adjustment for temperature) shall be used in determining whether the 10 percent alcohol requirement has been met. Further, in determining whether a particular mixture containing less than 10 percent alcohol satisfies this percentage requirement, the District Director shall take into account the existence of any facts and circumstances that establish that but for the commercial and operational realities of the blending process, it may reasonably be concluded that the mixture would have contained at least 10 percent alcohol. A circumstance from which it might be concluded that the mixture would have contained 10 percent alcohol but for its existence is malfunctioning of the meter measuring the amount of a component pumped into a mixture. However, the necessary facts and circumstances will not be found to exist if over a period of time the mixtures blended by a blender show a consistent pattern of failing to contain 10 percent alcohol. In no case will any mixture containing less than 9.802 percent alcohol qualify for the reduced rates set forth in this section. See paragraph (f) of this section for rules relating to information required to be attached to the taxpayer's return of the tax imposed by chapter 31 relating to the alcohol content of the mixture for which tax is paid.

(c) *Later separation.* If a person separates out the alcohol from a mixture which has been taxed under the rates of section 4041(k), such separation will be treated as a sale of the liquid on the date separated and is subject to tax at the rates set forth under section 4041(a)(1) or (2). The tax liability incurred upon the separation is reduced by the amount of any tax previously imposed under section 4041. Thus, if Y buys 1000 gallons of alcohol mixture fuel taxed at the rate of 3 cents per gallon under section 4041(k) and later separates the fuel into 900 gallons of special motor fuel and 100 gallons of alcohol, the separation is treated as a sale of 900 gallons of special motor fuel, taxed at the rate of 9 cents per gallon under section 4041(a), and a sale of 100 gallons of alcohol, exempt from tax under section 4041(b)(2). The tax of $81 on the deemed sale of special motor fuel is reduced by the tax of $30 previously

paid on the sale of the alcohol mixture fuel.

(d) *Exemption from tax for alcohol mixture fuels sold or used in an aircraft in noncommercial aviation*—(1) *In general.* No tax is imposed upon the sale or use of any liquid fuel described in section 4041 (a)(1) or (a)(2) which consists of at least 10% alcohol if such fuel is sold to or used by an owner, lessee or other operator of an aircraft as fuel in such aircraft in noncommercial aviation. See section 4041(c)(4) and the regulations thereunder for the definition of noncommercial aviation.

(2) *Failure to use alcohol mixture fuel in an aircraft in noncommercial aviation.* If fuel which is exempt from tax under paragraph (d)(1) of this section is not used as fuel in an aircraft in noncommercial aviation, any other use or sale of such fuel will be considered the use or sale of an alcohol mixture fuel subject to tax according to the rules of this section.

(e) *Refunds relating to diesel, special motor and noncommercial aviation fuels.* See section 6427 for rules which relate to the allowance of a refund or credit to a person who uses tax-paid diesel, special motor or noncommercial aviation fuels to produce an alcohol mixture fuel.

(f) *Records required to be furnished by the taxpayer.* A taxpayer making a return of the tax imposed by chapter 31 indicating payment of the tax under section 4041(k) and § 48.4041–18 at the reduced rate must attach a statement to the return indicating the total number of gallons of alcohol mixture fuels containing at least 10 percent alcohol and the total number of gallons of alcohol mixture fuels containing less than 10 percent alcohol but more than 9.802 percent alcohol. However, the taxpayer does not have to specify the precise mixture ratio for every mixture blended for which tax is being paid. For example, the taxpayer pays tax for 10,000 gallons of alcohol mixture fuels. Of these mixtures, 1,000 gallons contain 9.9 percent alcohol, 1,500 gallons contain 9.91 percent alcohol and 7,500 gallons contain 10 percent alcohol. The taxpayer seeks to have all of the mixtures described above qualify for taxation at the reduced rate under the rules of paragraph (b) of this section. The blender must attach a statement to the return of tax filed for these mixtures indicating that of the 10,000 gallons, 7,500 gallons contain at least 10 percent alcohol and 2,500 gallons contain less than 10 percent alcohol.

(g) *Alcohol mixture fuel within the tank of a vehicle*—(1) *Mixtures within the tank of a vehicle before April 1, 1983.* If an alcohol mixture fuel is put into the tank of a vehicle prior to April 1, 1983, the fuel is considered used prior to that date. Thus, such fuel will not be subject to the tax described in paragraph (a)(2) of this section and will be exempt from tax according to the provision of paragraph (a)(3) of this section.

(2) *Mixture within the tank of a vehicle before January 1, 1985.* If an alcohol mixture is put into the tank of a vehicle prior to January 1, 1985, the fuel is considered used prior to that date. Thus, such fuel is subject to the tax described in paragraph (a)(2) of this section.

Par. 3. A new § 48.4041–19 is added to read as set forth below.

§ 48.4041–19 Exemption for qualified methanol and ethanol fuel.

(a) *In general.* Under section 4041(b)(2), the tax imposed upon the sale or use of motor fuels under section 4041(a) does not apply to the sale or use of qualified methanol or ethanol fuel.

(b) *Qualified methanol or ethanol fuel defined.* For purposes of section 4041(b)(2) and this section, qualified methanol or ethanol fuel is liquid motor fuel, 85% of the volume of which consists of alcohol, as defined in section 4081(c) and § 48.4081–2(a)(4) of the regulations as modified by the following sentence. For purposes of section 4041(b)(2) and this section, the alcohol contained in a qualified methanol or ethanol fuel may be produced from coal. The actual gallonage of each component of the mixture (without adjustment for temperature) shall be used in determining whether the 85 percent alcohol has been met. Further, in determining whether a particular mixture containing less than 85 percent alcohol satisfies this percentage requirement, the District Director shall take into account the existence of any facts and circumstances, that establish that but for the commercial and operational realities of the blending process, it may reasonably be concluded that the mixture would have contained at least 85 percent alcohol. The necessary facts and circumstances will not be found to exist if over a period of time the mixtures blended by a blender show a consistent pattern of failing to contain 85 percent alcohol.

(c) *Mixtures which do not qualify as qualified methanol or ethanol fuel.* If a methanol or ethanol fuel does not qualify as qualified methanol or ethanol fuel under this section, the entire mixture is taxed at the rate of tax applicable to sales of special motor fuels under section 4041(a)(2) of the Code.

(d) *Refunds relating to fuels used to produce qualified fuels.* See section 6427 for rules which relate to the allowance of a refund or credit to a person who uses tax-paid diesel, special motor or noncommercial aviation fuels to produce a qualified methanol or ethanol fuel and section 6416 for rules which relate to the allowance of a refund or credit to a person who uses tax-paid gasoline to produce a qualified methanol or ethanol fuel.

(e) *Later blending.* If a qualified methanol or ethanol fuel is blended with other motor fuel in a mixture less than 85 percent of which consists of alcohol, the subsequent sale or use of such alcohol mixture fuel is taxable under the provisions of section 4041 or section 4081 subject to the requirements, limitations and exemptions of those sections. Thus, if the alcohol mixture fuel is at least 10% alcohol by volume, sale or use of the fuel is taxed at the rates provided in section 4041(k) or section 4081(c), but if the fuel is less than 10% alcohol, sale or use of the fuel is taxed at the rates provided in section 4041(a) or section 4081(a).

(f) *Effective date.* Section 4041(b)(2) applies to sales or uses after March 31, 1983, and before October 1, 1988.

Par. 4. A new § 48.4041–20 is added to read as set forth below.

§ 48.4041–20 Partially exempt methanol and ethanol fuel.

(a) *In general.* Under section 4041(m), the sale or use of partially exempt methanol or ethanol fuel is taxed at the rate of 4½ cents per gallon of fuel sold or used. The amount of tax is based upon the total volume of fuel and not merely upon the nonalcohol portion of the fuel.

(b) *Partially exempt methanol or ethanol fuel defined.* For purposes of section 4041(m) and this section, partially exempt methanol or ethanol fuel is liquid motor fuel, 85% of which by volume consists of alcohol, as defined in section 4081 and § 48.4081–2(a)(4) of the regulations, as modified by the following sentence. For purposes of section 4041(m) and this section, the alcohol contained in partially exempt methanol or ethanol fuel must be produced from natural gas. The actual gallonage of each component of the mixture (without adjustment for temperature) shall be used in determining whether the 85 percent alcohol requirement has been met. Further, in determining whether a particular mixture containing less than 85 percent alcohol satisfies this percentage requirement, the District Director shall take into account the existence of any facts and circumstances that establish that but for the commercial and operational realities

of the blending process, it may reasonably be concluded that the mixture would have contained at least 85 percent alcohol. The necessary facts and circumstances will not be found to exist if over a period of time the mixtures blended by a blender show a consistent pattern of failing to contain 85 percent alcohol. See paragraph (f) of this section for rules relating to information required to be attached to the taxpayer's return of the tax imposed by chapter 31 relating to the alcohol content of the partially exempt methanol or ethanol fuel for which tax is paid.

(c) *Mixtures which do not qualify as partially exempt methanol or ethanol fuel.* If methanol or ethanol fuel does not qualify as partially exempt methanol or ethanol fuel under this section, the entire mixture is taxed at the rate of tax applicable under section 4041(a)(2) of the Code.

(d) *Refunds relating to fuels.* See section 6427 for rules which relate to the allowance of a refund or credit to a person who uses tax-paid diesel, special motor or noncommercial aviation fuel to produce a partially exempt methanol or ethanol fuel and section 6416 for rules which relate to the allowance of a refund or credit to a person who uses tax-paid gasoline to produce a partially exempt methanol or ethanol fuel.

(e) *Later blending.* If a partially exempt methanol or ethanol fuel is blended with other motor fuel in a mixture less than 85 percent of which consists of alcohol, the subsequent sale or use of such blended motor fuel is taxable under the provisions of section 4041(a) or section 4081(a), subject to the requirements, limitations and exemptions of those sections.

(f) *Records required to be furnished by the taxpayer.* A taxpayer making a return of the tax imposed by chapter 31 indicating payment of the tax under section 4041(m) and § 48.4041–20 at the reduced rate must attach a statement to the return indicating the total number of gallons of partially exempt methanol or ethanol fuel containing at least 85 percent alcohol and the total number of gallons of partially exempt methanol or ethanol fuel containing less than 85 percent alcohol, but qualifying for taxation at the reduced rate under the rules of paragraph (b) of this section. However, the taxpayer does not have to specify the precise mixture ratio of every mixture blended for which tax is being paid.

(g) *Effective date.* Section 4041(m) applies to sales and uses after July 31, 1984. If methanol or ethanol fuel meeting the requirements of paragraph (b) of this section was put into the tank of a vehicle prior to August 1, 1984, the fuel is considered used prior to that date and is subject to the tax described in paragraph (a) of section 4041.

Par. 5. Section 48.4071–1 is amended as follows:

(a) Paragraph (a) is revised to read as set forth below.

(b) Paragraph (b)(1) is revised to read as set forth below.

(c) Paragraph (b)(2) is redesignated paragraph (b)(3).

(d) A new paragraph (b)(2) is added to read as set forth below.

§ 48.4071–1 Imposition and rate of tax.

(a) *Imposition of tax*—(1) *Imposition of tax before January 1, 1984.* Section 4071 imposes a tax at the rates set forth in paragraph (b)(1) of this section on tires made wholly or in part of rubber, inner tubes (for tires) made wholly or in part of rubber and tread rubber which are sold by the manufacturer thereof before January 1, 1984.

(2) *Imposition of tax after December 31, 1983.* Section 4071 imposes a tax at the rates set forth in paragraph (b)(2) of this section on tires of the type used on highway vehicles and made wholly or in part of rubber which are sold by the manufacturer thereof after December 31, 1983.

(3) *Definitions.* For definitions of the terms "tires," "inner tubes," "tread rubber," "rubber" and "manufacturer," see § 48.4072–1 of the regulations.

(b) *Rates and computation of tax*—(1) *Rates of tax before January 1, 1984.*

(i) *Tires*:

(A) Of the type used on highway vehicles:

(*1*) For the period July 1, 1965 to December 31, 1980, inclusive—10 cents per pound.

(*2*) For the period January 1, 1981 to December 31, 1983, inclusive—9.75 cents per pound.

(B) Of the type used on other than highway vehicles:

(*1*) For the period July 1, 1965, to December 31, 1980, inclusive—5 cents per pound.

(*2*) For the period January 1, 1981 to December 31, 1983, inclusive—4.875 cents per pound.

(C) Laminated tires for the period July 1, 1965 to December 31, 1983, inclusive—1 cent per pound.

(ii) *Inner tubes:*

For the period July 1, 1965 to December 31, 1983, inclusive—10 cents per pound.

(iii) *Tread Rubber:*

For the period July 1, 1965 to December 31, 1983, inclusive—5 cents per pound.

(2) *Rates of tax on or after January 1, 1984.* Tires of the type used on highway vehicles:

(i) Tires weighing not more than 40 pounds—0 cents.

(ii) Tires weighing more than 40 pounds but not more than 70 pounds—15 cents for each pound in excess of 40 pounds.

(iii) Tires weighing more than 70 pounds but not more than 90 pounds—$4.50 plus 30 cents for each pound in excess of 70 pounds.

(iv) Tires weighing more than 90 pounds—$10.50 plus 50 cents for each pound in excess of 90 pounds.

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§ 48.4071–2 [Amended]

Par. 6. Paragraph (b) of § 48.4071–2 is retitled *"Alternative method of determining the weight of tires after December 31, 1983"* and is amended by removing "and inner tubes" wherever it appears and by removing in the first sentence the phrase "shown in schedules published by the tire industry".

Par. 7. Section 48.4081–2 is amended as follows:

(a) Paragraph (a) is revised to read as set forth below.

(b) Paragraph (b) is revised to read as set forth below.

(c) The heading of paragraph (c) is revised to read as set forth below.

(d) Paragraph (c)(1) is amended by removing the first sentence of the paragraph and inserting in lieu thereof the sentence set forth below and by removing the word "exempt" in the fifth sentence.

(e) Paragraph (c)(2) is amended by removing "tax free" wherever it appears and inserting in lieu thereof "at the reduced rate (or tax free for sales before April 1, 1983)".

(f) Paragraph (e)(1) is revised to read as set forth below.

(g) Paragraph (e)(2) is retitled to read as set forth below and is amended by removing the last sentence of the paragraph and inserting in lieu thereof the two sentences set forth below.

(h) A new paragraph (e)(3) is added to read as set forth below.

(i) Paragraph (f)(1) is retitled and is revised to read as set forth below.

(j) The heading and text of paragraph (f)(2) are amended by inserting "and less than 85 percent alcohol" after "40 percent alcohol" whenever it appears.

(k) A new paragraph (f)(3) is added to read as set forth below.

(l) Paragraph (g) is revised to read as set forth below.

(m) Paragraph (h) is amended by removing "tax free" wherever it appears and inserting in lieu thereof "at the reduced rate (or tax free for sales before April 1, 1983)".

(n) A new paragraph (h)(4) is added to read as set forth below.

(o) Paragraph (i) is removed.

§ 48.4081-2 Gasoline mixed with alcohol.

(a) *In general*—(1) *Sale after March 31, 1983, and before October 1, 1988.* Under section 4081(c), the rate of tax applicable to the sale of qualifying gasohol (as defined in paragraph (a)(5) of this section) and on the sale of gasoline for the purpose of producing qualifying gasohol is:

(i) For sales occurring after December 31, 1984, and before October 1, 1988, 3 cents per gallon of fuel in the case of the sale of qualifying gasohol and 3⅓ cents per gallon of fuel in the case of the sale of gasoline purchased for the purpose of producing qualifying gasohol.

(ii) For sales occurring after March 31, 1983, and before Jaunary 1, 1985, 4 cents per gallon of fuel in the case of the sale of qualifying gasohol and 4⅔ cents per gallon of fuel in the case of the sale of gasoline purchased for the purpose of producing qualifying gasohol.

(2) *Sale before April, 1, 1983.* For sales before April 1, 1983 no tax is imposed upon the sale of qualifying gasohol or on the sale of gasoline to produce qualifying gasohol.

(3) *Mixtures which do not qualify as gasohol.* If a mixture of gasoline and alcohol does not qualify as gasohol under this section, the entire mixture is taxed at the rate of tax applicable to sales of gasoline under section 4081(a) of the Code.

(4) *Alcohol defined.* For purposes of this section and section 4081(c), the term "alcohol" generally includes methanol, ethanol, and any other alcohol, whether produced domestically or imported, which is not produced from petroleum, natural gas, or coal. In the case of alcohol mixture fuels sold after December 31, 1984, alcohol produced from peat is considered alcohol produced from coal. The term alcohol, for purposes of this section and section 4081(c), does not include alcohol with a proof of less than 190° of proof (determined without regard to added denaturants). Thus, in determining what percentage of any mixture consists of alcohol, the volume of alcohol includes the volume of any impurities that reduce the purity of the alcohol to not less than 95% (190 degrees of proof), determined without regard to denaturants, unless such impurities consist of gasoline or the other non-alcohol fuel with which the alcohol is mixed. In addition, the volume of alcohol includes the volume of any denaturants (including gasoline or other non-alcohol fuel denaturants) which are added under any formula approved by the Secretary to the extent that the volume of such denaturants does not exceed 5% of the volume of the alcohol (including the denaturants). If the volume of such denaturants exceeds 5% of the volume of the alcohol, the excess over 5% is considered part of the non-alcohol content of the fuel. For certain requirements imposed on producers of alcohol (ethanol) under chapter 51 of the Code relating to distilled spirits, see 27 CFR Part 201. For certain requirements imposed on purchasers of specially denatured alcohol (ethanol), see 27 CFR Part 211.

(5) *Qualifying gasohol*—(1) *Qualifying gasohol defined.* Qualifying gasohol (hereinafter referred to as gasohol) is a blend of gasoline and alcohol in a mixture at least 10 percent of which is alcohol immediately after the mixture is blended. The actual gallonage of each component of the gasohol (without adjustment for temperature) shall be used in determining whether the 10 percent alcohol requirement has been met. Further, in determining whether a particular mixture containing less than 10 percent alcohol satisfies this percentage requirement, the District Director shall take into account the existence of any facts and circumstances that establish that but for the commercial and operational realities of the blending process, it may reasonably be concluded that the mixture would have contained at least 10 percent alcohol. A circumstance from which it might be concluded that the mixture would have contained 10 percent alcohol but for its existence is malfunctioning of the meter measuring the amount of a component pumped into a mixture. However, the necessary facts and circumstances will not be found to exist if over a period of time the mixtures blended by a blender show a consistent pattern of failing to contain 10 percent alcohol. In no case will any mixture containing less than 9.802 percent alcohol qualify as gasohol. See paragraph (h)(4) of this section for rules relating to information required to be attached to the taxpayer's return of the tax imposed by chapter 32 relating to the alcohol content of gasohol for which tax is paid.

(ii) *Examples.* The provisions of this paragraph are illustrated by the following examples.

Example (1). A gasohol blender blends 100 tanks of gasohol during a period from January 1, 1985, to March 31, 1985. Each tank holds 1,000 gallons of mixture. The mixture is blended by first pumping 900 gallons of gasoline into the empty tank, and then filling the tank with alcohol. Thus, the resulting blend should contain 90 percent gasoline and 10 percent alcohol. According to the pump meter readings, 99 of the 100 tanks contain 900 gallons gasoline and 100 gallons of alcohol. However, in the case of one tank, 901 gallons of gasoline are mistakenly pumped into the tank, and only 99 gallons of alcohol are added. Thus, the mixture consists of 90.1 percent gasoline and 9.9 percent alcohol. The District Director determines that there are facts and circumstances reflecting that but for the realities of the blending process, it may reasonably be concluded that the one tank containing 99 gallons of alcohol would have also contained 10 percent alcohol. As a result, all 100 tanks of gasohol are taxed at a rate of 3 cents per gallon of mixture blended.

Example (2). Assume the same facts as in example (1) except that one of the 100 tanks contains 910 gallons of gasoline and 90 gallons of alcohol so that the mixture contains 91 percent gasoline and 9 percent alcohol. The 99 tanks containing 10 percent alcohol will be taxed at a rate of 3 cents per gallon or $30 per tank. Since the one tank contains less than 9.802 percent alcohol, this mixture cannot qualify for taxation at the reduced rate and is taxed at a rate of 9 cents per gallon.

Example (3). Assume the same facts as in example (1) except that all 100 tanks blended contain 9.802 percent alcohol. In this case the District Director determines that there are no facts and circumstances reflecting that but for the realities of the blending process, it may reasonably be concluded that all of the tanks would have contained mixtures consisting of 10 percent alcohol. As a result, all 100 tanks are taxed at a rate of 9 cents per gallon or $90 per tank.

(b) *Sale of gasoline to produce gasohol.* The sale of gasoline for use in producing gasohol is subject to the provisions of section 4081(c) rather than section 4081(a) only if the sale is in bulk quantities for delivery into a bulk storage tank of a gasohol producer as defined in this paragraph (b). For purposes of this section, the term "gasohol producer" means any person who, in the ordinary course of his or her trade or business, regularly buys gasoline and alcohol in bulk quantities for blending into gasohol for the use in the trade or business or for resale. Thus, an isolated purchase of gasoline for blending into gasohol does not qualify the seller of such gasoline for taxation under section 4081(c) and this section. A person who qualifies as a gasohol producer for purposes of this section will also qualify as a "producer" for purposes of section 4082. Accordingly, the sale of gasoline to a gasohol producer, whether or not for use in producing gasohol, may be exempt from tax under section 4083 (relating to certain exempt sales to producers). If the sale of gasoline for use in producing gasohol is taxed at the rate provided in section 4081(c), no tax will be imposed upon the sale of the gasohol produced with such gasoline. In addition, if the sale of gasoline for use in producing

gasohol is taxed at the rate provided in section 4081(c) applicable to sales before January 1, 1985, and such gasoline is blended into gasohol after December 31, 1984, no refund or credit is allowed for the difference between the tax imposed and the lower tax which would have been imposed if such gasoline had been taxed at the rate applicable to sales after December 31, 1984.

(c) *Requirements for gasohol producers purchasing at lower rates or tax free*—(1) *Certificate of Registry.* A person qualifying as a gasohol producer under paragraph (b) of this section who wishes to purchase gasoline taxed at a reduced rate (or exempt from tax in the case of sales prior to April 1, 1983) under section 4081(c)(1)(B) must be registered with the district director for the district in which his principal place of business is located, unless the person is exempt from registration requirements under section 4222(b). * * *

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(e) *Special rules*—(1) *Limitation on sales taxed at lower rates.* The reduced rate of tax (or the exemption from tax in the case of sales prior to April 1, 1983) under section 4061(c)(1)(B) only applies to the sale of gasoline for use in producing gasohol. Therefore, unless the sale is exempt from tax or is taxed at a reduced rate under another provision of the Code, the producer of the gasoline may sell at the reduced rate of tax provided in section 4081(c), only that portion of the gasoline that is intended for use in producing gasohol.

(2) *Sales to exempt users.* * * * Therefore, where the ultimate vendor sells both tax-paid gasoline and tax-paid gasohol and the sales of the two types of fuel are not clearly distinguished, the producer of the gasoline and gasohol will not be entitled to a full credit or refund with respect to these fuels, if the amounts of each type sold by the ultimate vendor to tax-exempt users cannot be established. If the producer cannot distinguish the amount of each type sold, the credit allowed will be equal to the credit that would have been allowed if all the fuel sold had been tax-paid gasohol.

(3) *Later blending.* If gasohol is blended with other motor fuel, the subsequent sale or use of such blended motor fuel is taxable under the provisions of section 4041(a) or 4081(a) if the resulting blend is less than 10% alcohol by volume.

(f) *Refunds and credits*—(1) *Tax-paid gasoline under section 4081(a) used to produce gasohol.* See section 6427(f) for rules which relate to the allowance of a refund or credit to a blender of gasohol where the blender uses tax-paid gasoline to produce the gasohol.

* * * * *

(3) *Mixture of gasoline and alcohol containing at least 85% alcohol.* If a person uses tax-paid gasoline in blending a mixture of gasoline and alcohol containing at least 85% alcohol by volume that qualifies for the exemption from tax under section 4041(b)(2) for qualified methanol or ethanol fuels, the refund provisions under section 6416 apply.

(g) *Later separation and failure to blend*—(1) *In general.* Any person who fails to use gasoline which was taxed at a reduced rate (or was exempt from tax in the case of sales prior to April 1, 1983) under section 4081(c) to make gasohol or who separates gasoline from gasohol which was taxed, if at all, under section 4081(c), is treated as a producer of gasoline (as defined under section 4082), and is subject to tax upon the subsequent sale of such gasoline. If gasoline is purchased under section 4081(c) for use in producing gasohol, and the amount purchased is in excess of the amount of gasohol that the purchaser is able to establish has actually been used to produce gasohol by the records required under paragraph (h)(3) of this section, then the purchaser is treated as having failed to use the excess gasoline to produce gasohol. In such a case, any of the excess gasoline that is not in the purchaser's possession is treated as having been disposed of by sale or by a use considered a sale. See section 7201 for criminal penalties relating to a willful attempt to evade or defeat tax, and section 6651 for additions to tax for failure to file a return or pay tax.

(2) *Rates of tax.* If gasoline or gasohol described in the preceding paragraph was purchased tax free prior to April 1, 1983, the person who is treated as separating the gasohol or failing to use the gasoline to produce gasohol is taxed as a producer at the applicable rate of tax in effect under section 4081(a) at the time of the sale of the gasoline by such person. If the gasoline or gasohol was purchased at the rate of tax applicable to sales after March 31, 1983, and before January 1, 1985, the rate of tax imposed upon the person treated as separating the gasohol or failing to use the gasoline to produce gasohol is 4⅝ cents per gallon. If the gasoline or gasohol was purchased at the reduced rate of tax applicable to sales after December 31, 1984, the rate of tax imposed upon the person treated as separating the gasohol or failing to use the gasoline to produce gasohol is 5⅜ cents per gallon.

(3) *Examples.* The requirements of this paragraph are illustrated by the following examples.

Example (1). A gasohol blender *X* produces 10,000 gallons of gasohol using 9,000 gallons of gasoline and 1,000 gallons of alcohol. Because of a lack of demand for the gasohol, *X* separates the gasoline and sells it. *X* will be treated as the producer of the gasoline.

(i) If the gasoline was previously subject to a 9 cents per gallon tax under section 4081(a), or $810, the sale of the separated gasoline is not subject to any additional tax.

(ii) If the gasoline was previously subject to a 4⅝ cents per gallon tax under section 4081(c), or $400, X will be subject to a 4⅝ cents per gallon tax upon the sale of gasoline, or $510.

(iii) If the gasoline was previously subject to a 3⅛ cents per gallon tax under section 4081(c), or $300, X will be subject to a 5⅜ cents per gallon tax upon the sale of gasoline, or $510.

(iv) Assume that X never blended the 9,000 gallons into gasohol but instead sold the gasoline. X will be treated as the producer of the gasoline. If the gasoline had been subject to a 9 cents per gallon tax, X will not be subject to any additional tax. If the gasoline had been taxed at a rate of 4⅝ cents per gallon, or $400, X will be subject to a 4⅝ cents per gallon tax upon the sale of the gasoline, or $410. If the gasoline had been taxed at a rate of 3⅛ cents per gallon, or $300, X will be subject to a 5⅜ cents per gallon tax upon the sale of the gasoline, or $510.

* * * * *

(h) * * *

(4) *Records required to be furnished by the taxpayer.*

A taxpayer making a return of the tax imposed by chapter 32 indicating payment of the tax under section 4081(c) and § 48.4081–2 at the reduced rate must attach a statement to the return indicating the total number of gallons of gasohol containing less than 10 percent alcohol but not less than 9.802 percent alcohol. However, the taxpayer does not have to specify the precise mixture ratio of every mixture blended for which tax is being paid. For example, a gasohol blender pays tax for 10,000 gallons of gasohol. Of this gasohol, 1,000 gallons contain 9.98 percent alcohol and 1,500 gallons contain 9.9 percent alcohol. The blender seeks to have all of the mixtures described above qualify for taxation at the reduced rate under the rules of paragraph (a)(2) of this section. The blender must attach a statement to the return of tax filed for these mixtures indicating that of the 10,000 gallons, 7,500 gallons contain at least 10 percent alcohol, and 2,500 gallons contain less than 10 percent alcohol.

§ 48.6420–4 [Amended]

Par. 8. Section 48.6420–4(l) is amended by inserting "or other applicator" after "an aerial applicator" wherever it appears.

§ 48.6427–1 [Amended]

Par. 9. Section 48.6427–1(a)(2)(iv) is amended by inserting "or other applicator" after "an aerial applicator" wherever it appears.

PART 602—[AMENDED]

Par. 10. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 11. Section 602.101(c) is amended by inserting in the appropriate place in the table.

§ 48.4041–18	1545–0023
§ 48.4041–19	1545–0023
§ 48.4041–20	1545–0023

James I. Owens,
Acting Commissioner of Internal Revenue.

Approved: July 30, 1987.

J. Roger Mentz,
Assistant Secretary of the Treasury.

[FR Doc. 87–18851 Filed 8–20–87; 8:45 am]
BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 750

Surface Coal Mining and Reclamation Operations; Federal Program for Indian Lands; Compliance With Settlement Agreement

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

ACTION: Notice of suspension.

SUMMARY: The Secretary of the Interior (the Secretary) is suspending the regulation that unilaterally amends all leases of coal on Indian lands to require compliance with the Surface Mining Control and Reclamation Act of 1977 to the extent the regulation requires amendment of existing leases prior to lease renewal, renegotiation, or readjustment. The Secretary is taking this action as a result of a settlement agreement reached in United States District Court in response to litigation on the final rules establishing the regulatory requirements for surface coal mining and reclamation operations under the Federal program for Indian lands. This action will not affect the requirement that, at the time of future lease issuance, renewal, renegotiation, or readjustment, all such leases must include such a provision. By separate rulemaking, the Secretary intends to propose an amendment to the regulation to require that the lease provision will be added only at the time of lease issuance, renewal, renegotiation, or readjustment, as applicable.

EFFECTIVE DATE: September 21, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Hudak, Division of Regulatory Programs, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: (202) 343–4540 (Commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Background

The Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, provides statutory authority for the development of regulations for surface coal mining operations. Section 710(d) requires compliance "[O]n and after thirty months from the enactment of this Act", with requirements at least as stringent as those imposed by sections 507, 508, 509, 510, 515, 516, 517, and 519 of SMCRA, for all surface coal mining operations on Indian lands. It also requires the Secretary to incorporate the requirements of such provisions in all existing and new leases issued for coal on Indian lands. Section 710(e) further requires the Secretary to include and enforce in all post-SMCRA leases of coal on Indian lands, such terms and conditions as may be requested by the Indian tribe in such leases.

On September 28, 1984, the Secretary issued the final rules implementing the requirements of sections 710(d) and 710(e) of SMCRA (49 FR 38462). A new subchapter, Subchapter E—Indian Lands Program, was added to 30 CFR Chapter VII, and included Part 750—*Requirements For Surface Coal Mining And Reclamation Operations On Indian Lands,* and Part 755—*Tribal-Federal Intergovernmental Agreements.*

The final Indian lands rules were subsequently challenged by the National, Coal Association/American Mining Congress (NCA/AMC) in *NCA* v. *U.S.*, No. 84–3586 (D.D.C.). One of the provisions to which NCA/AMC objected was the requirement for unilateral amendment of existing leases issued for coal on Indian lands.

The NCA/AMC challenge was settled in July 1985 in United States District Court by an agreement in which, among other actions, the Secretary consented to suspend § 750.20(a) and propose a new rule providing for alternative measures to satisfy the obligation under section 710(d) of SMCRA to include in all existing and new leases for coal on Indian lands, the required provisions of SMCRA. By separate rulemaking, the Secretary intends to propose a revision to the suspended rule, as necessary, consistent with SMCRA.

An explanation of the regulation to be suspended and the effect of the suspension is provided below.

II. Discussion of Rule Suspended

Section 750.20—Adoption of Indian Coal Lease Terms

Section 750.20(a). The rule at 30 CFR 750.20(a) is intended to satisfy the Secretary's obligation, under section 710(d) of SMCRA, to incorporate in all existing and new leases issued for coal on Indian lands, the applicable provisions of SMCRA. The Secretary is suspending the final rule at 30 CFR 750.20(a) as required by the NCA/AMC settlement agreement. The effect of the suspension is that the Secretary will use alternative measures to satisfy the obligation under section 710(d) of SMCRA to include in all existing and new leases issued for coal on Indian lands, the required provisions of SMCRA.

The suspension eliminates the requirement for automatic, unilateral inclusion of the provision in existing leases. The regulation remains in effect to the extent it requires the provision to be incorporated at the time of future lease issuance, renewal, renegotiation, or readjustment, as applicable.

The Secretary's legal authority to require compliance with SMCRA is not affected by this suspension. Regardless of the inclusion of a specific provision in existing or future leases, all persons conducting surface coal mining operations on Indian lands are subject to the requirements of 30 CFR Part 750 as a matter of law.

III. Procedural Matters

Federal Paperwork Reduction Act

The rule suspension does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3507.

Executive Order 12291 and Regulatory Flexibility Act

The Department of the Interior (DOI) has determined that this notice is not a major rule under the criteria of Executive Order 12291 (February 17, 1981) and certifies that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The rule suspension would affect a relatively small number of surface coal mining operations. The rule suspension does not distinguish between small and large entities. The economic effects of the rule suspension are estimated to be minor and no incremental economic effects are anticipated as a result of the suspension.

National Environmental Policy Act

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has prepared an environmental assessment (EA), and has made a finding that this suspension would not have a significant impact on the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The EA and finding of no significant impact are on file in the OSMRE Administrative Record at the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1100 L Street, NW., Room 5131, Washington, DC 20240.

List of Subjects in 30 CFR Part 750

Indians—lands, Reporting and recordkeeping requirements, Surface mining.

Accordingly, 30 CFR Part 750 is amended as set forth below.

Dated: August 10, 1987.

James E. Cason,

Deputy Assistant Secretary-Land and Minerals Management.

PART 750—REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS ON INDIAN LANDS

1. The authority citation for Part 750 is revised to read as follows:

Authority: Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*; and Pub. L. 100–34.

§ 750.20 [Amended]

2. Paragraph (a) of § 750.20 is suspended insofar as it requires unilateral amendment of existing leases prior to renewal, renegotiation, or readjustment of such leases, as applicable.

[FR Doc. 87–18898 Filed 8–20–87; 8:45 am]
BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05–87–068]

Special Local Regulations; Hampton Bay Days—1987, Hampton River, Hampton, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the Hampton Bay Days—1987 Festival. This event will be held in the Hampton River on September 11, 12 and 13, 1987, in and around downtown Hampton, Virginia. These special local regulations are considered necessary to control vessel traffic due to the confined nature of the waterway and the expected congestion at the time of the event.

EFFECTIVE DATES: These regulations are effective as follows:

a. 4:00 p.m. to 8:00 p.m., September 11, 1987
b. 9:30 a.m. to 10:30 p.m., September 12, 1987
c. 12:30 p.m. to 2:30 p.m., September 13, 1987

FOR FURTHER INFORMATION CONTACT: Mr. Billy J. Stephenson, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23705–5004 (804–398–6204).

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rule making has not been published for these regulations. Adherence to normal rule making procedures would not have been possible. The sponsor's application to hold the event was not received until July 30, 1987 leaving insufficient time to publish a notice of proposed rule making, receive comments, and then publish a final rule.

Drafting Information

The drafters of this notice are Mr. Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and Commander Robert J. Reining, project attorney, Fifth Coast Guard District Legal Office.

Discussion of Regulation

Bay Days, Inc. is the sponsor of the festival. The event will consist of a parade of sails and blessing of the fleet, executive boat race, water ski shows, raft race, Coast Guard air sea rescue demonstration, and fireworks display. Closure of the waterway for any extended period is not anticipated, and marine traffic should not be severely disrupted at any given time.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulation

In consideration of the foregoing, the Coast Guard amends Part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.35–05068 is added to read as follows:

§ 100.35–05068 Hampton Roads, Norfolk, Virginia.

(a) *Definitions*— (1) *Regulated area.* The waters of Sunset Creek and Hampton River shore to shore bounded to the north by a line drawn from the western shore at latitude 37°01'48.0" North, longitude 76°20'22.0" West across the river to the eastern shore at latitude 37°01'44.0" North, longitude 76°20'13.0" West and to the south by a line drawn from Hampton River Channel Light 16 (LL 5715) located at latitude 37°01'03.0" North, longitude 76°20'26.0" West and the finger pier across the river at Fisherman's Wharf located at latitude 37°01'01.5" North, longitude 76°20'32.0" West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a Coast Guard commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, U.S. Coast Guard Group, Hampton Roads.

(3) *Spectator Vessel Anchorage Areas*— (i) *Anchorage Area A.* Located in the upper reaches of the Hampton River, bounded to the south by a line drawn from the western shore at latitude 37°01'48.0" North, longitude 76°20'22.0" West across the river to the eastern shore at latitude 37°01'44.0" North, longitude 76°20'13.0" West, and to the north by the C & O Railroad Bridge located at latitude 37°01'48.0" North, longitude 76°20'15.0" West. The anchorage area will be marked by orange buoys.

(ii) *Anchorage Area B.* Located on the eastern side of the channel, in the Hampton River, south of the Queen Street Bridge, near the Bayberry Psychiatric Hospital. Bounded by the shoreline and a line drawn between the following points: Latitude 37°01'26.0" North, longitude 76°20'24.0" West,

latitude 37°01'22.0" North, longitude 76°20'26.0" West, and latitude 37°01'22.0" North, longitude 76°20'23.0" West. 76°16'57.0" West, latitude 36°57'39.0" North, longitude 76°16'30.0" West, latitude 36°57'27.0" North, longitude 76°16'34.0" West, latitude 36°57'36.0" North, longitude 76°17'02.0" West. The anchorage area will be marked by orange buoys.

(b) *Special local regulations.* (1) Except for vessels operated by the Bay Days Inc., participants in the Hampton Bay Days Festival, and as provided in paragraph (b)(2) of this section; no person or vessel may enter or remain in the regulated area without the permission of the Coast Guard Patrol Commander.

(2) Spectator vessels may enter and anchor in the designated anchorage areas if they:

(i) Proceed at a slow no wake speed while in the regulated area.

(ii) Anchor where directed by a Coast Guard commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(3) The operator of any vessel in the immediate vicinity of the regulated area shall:

(i) Stop his vessel immediately when directed to do so by any Coast Guard commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign, and

(ii) Proceed as directed by any Coast Guard commissioned, warrant, or petty officer.

(c) *Effective Dates.* These regulations are effective as follows:

a. 4:00 p.m. to 8:00 p.m., September 11, 1987
b. 9:30 a.m. to 10:30 p.m., September 12, 1987
c. 12:30 p.m. to 2:30 p.m., September 13, 1987

Dated: August 12, 1987.

R.M. Polant,

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

[FR Doc. 87-19076 Filed 8-20-87; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6655

[AK-932-07-4220-10; A-025744]

Public Land Order No. 6651, Correction; Partial Revocation of Public Land Order No. 1231 for Selection of Lands by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct an error in the land description in Public Land Order No. 6651 of June 23, 1987.

EFFECTIVE DATE: August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Sandra Thomas, BLM Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

The land description in Public Land Order No. 6651 of June 23, 1987, in FR Doc. 87-14773, published on pages 24293 and 24294 in the issue of Tuesday, June 30, 1987, is hereby corrected as follows:

In the land description on page 24294, first column, line 21, which reads "SW¼, E½SE¼" is hereby corrected to read "W½E½NW¼, SW¼, E½SE¼."

J. Steven Griles,

Secretary of the Interior.

August 12, 1987.

[FR Doc. 87-19158 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-JA-M

43 CFR Public Land Order 6656

[AK-932-07-4220-10; AA-655]

Partial Revocation of Executive Order 6039 for Selection of Land by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes an executive order insofar as it affects 0.93 acre of public land withdrawn for the Alaska Communications System at Kodiak. This action will also classify the land as suitable for selection by the State of Alaska, if such land is otherwise available. The land will remain closed to all other forms of appropriation and disposition under the public land laws, including the mining and mineral leasing laws, pursuant to Public Land Order No. 5187, as amended.

EFFECTIVE DATE: August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and by section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 708 and 709; 43 U.S.C. 1616(d)(1), it is ordered as follows:

1. Executive Order 6039 of February 20, 1933, which withdrew land on Kodiak Island for the Alaska Communications System, is hereby revoked as to the following described lands:

Kodiak, AK

Lot 6A, U.S. Survey No. 2538-A, Alaska

The area described contains 0.93 acre.

2. Subject to valid existing rights, the land described above is hereby classified as suitable for and opened to selection by the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, *et seq.;* 48 U.S.C. prec. 21, or section 906(b) of the Alaska National Interest Lands Conservation Act of December 2, 1980, 94 Stat. 2437-2438; 43 U.S.C. 1635.

3. As provided by section 6(g) of the Alaska Statehood Act, the State of Alaska is provided a preference right of selection for the land described above for a period of ninety-one (91) days from the date of publication of this order, if the land is otherwise available. Any of the land described herein that is not selected by the State of Alaska will continue to be subject to the terms and conditions of Public Land Order No. 5187, as amended, and other withdrawals of record.

August 12, 1987.

J. Steven Griles,

Assistant Secretary of the Interior.

[FR Doc. 87-19155 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-JA-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 54, 111, 150 and 154

[CGD 77-069]

Safety Standards for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule revises U.S. regulations for existing gas ships carrying bulk liquefied gases in U.S. waters by adopting certain standards of the International Maritime Organization (IMO) Code for Existing Ships Carrying Liquefied Gases in Bulk (also called the IMO Existing Gas Ship Code) that are not currently in U.S. regulations. The

rule makes U.S. regulations for existing gas ships compatible with the internationally accepted standard. The rule will make the transportation of liquefied gases safer than its current level and streamline the certification procedures by reducing plan review for vessels carrying these cargoes.

EFFECTIVE DATE: This regulation is effective November 1, 1987. The incorporation by reference of certain publications listed in the regulations is approved by Director of the Federal Register as of November 1, 1987.

ADDRESSES: The final evaluation and environmental assessment may be inspected or copied at the Marine Safety Council (G–CMC), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, between the hours of 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR. R.H. Fitch, Office of Marine Safety, Security and Environmental Protection (G–MTH–1), Room 1214, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001 (202–267–1217) between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: In the March 14, 1985 issue of the **Federal Register** (50 FR 10264), the Coast Guard published in CGD 77–069 a Notice of Proposed Rulemaking (NPRM) that would incorporate certain standards of the IMO Existing Gas Ship Code into 46 CFR Part 154. The NPRM proposed consolidating regulations for new and existing gas ships under Part 154. Four commenters responded, and their comments are discussed in Discussion of Comments below.

In the April 2, 1987 issue of the **Federal Register** (52 FR 10598), the Coast Guard published in CGD 77–069 a Notice of Availability of the Finding of No Significant Impact (FONSI). A draft environmental evaluation was made available and placed in the docket for comments. No comments were received.

The Coast Guard is in the process of drafting a future NPRM that would add requirements for new gas ships carrying bulk liquefied gases in U.S. waters by incorporating Amendments 1 through 4 of the Code for Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (also called the IMO Gas Code), done in London, 1975 by the Inter-Governmental Maritime Consultative Organization, which was subsequently renamed the International Maritime Organization, and making corrections to the present regulations in Part 154 that are inconsistent with the IMO Gas Code. Several comments on the NPRM for CGD 77–069 that concerned Subpart C of Part 154 will be addressed in the future NPRM.

In the March 5, 1985 issue of the **Federal Register** (50 FR 8730), the Coast Guard published a final rule which revised the regulations for self-propelled foreign flag vessels carrying bulk hazardous liquids and liquefied gases. In order to meet the mandate of 46 U.S.C. 3711, the amendment changed the name of the document authorizing a foreign flag vessel to carry Subchapter O cargo in U.S. waters from "Letter of Compliance" to "Certificate of Compliance." That change is maintained in this final rule. Further rulemaking is unnecessary because the change is merely editorial.

Additionally, the Coast Guard has identified several cross references in Parts 54, 111, and 150 to "§ 154.3", which are made incorrect by amendments in this document. This document has corrections to those cross references, which are also editorial changes.

Drafting Information

The principal persons involved in drafting this rule are: Ms. K.A. Barylski, Project Manager, Office of Marine Safety, Security and Environmental Protection, and Mr. Stanley Colby, Project Attorney, Office of Chief Counsel.

Miscellaneous Changes

The following non-substantive changes are made:

The information concerning the OMB approval numbers assigned pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*) in proposed § 154.2 is moved to § 150.105(b) which is the repository for this information. The OMB approval number has been consolidated to cover all of Part 154.

The proposed definitions of "Flammable range", "Permeability of a space", and "Public spaces" in § 154.7 are omitted because they are not used in the text of any regulation in Part 154.

The cross references to § 154.215 in proposed §§ 154.15(b)(1) and 154.24(a)(1)(iii) are corrected. Section 154.215 was removed from Part 154 (see 48 FR 51009) in 1983. The stability requirements are now contained in Subchapter S of Chapter I and § 172.175 now contains the requirements that were formerly in § 154.215, necessitating the correction of the cross references.

Proposed § 154.24(a) is reorganized to comply with **Federal Register** requirements.

Many sections in Part 154 refer to publications which are now included in the "Incorporation by Reference" section (§ 154.1). Several of these existing sections were inadvertently not updated in the NPRM, although it was obvious that the editions in § 154.1 were meant to be used throughout Part 154. To correct the discrepancy and clarify the regulations, publication dates of the items referenced in § 154.1 and in the text are updated in the text. This is merely an editorial change and does not affect the intent of the regulations.

Discussion of Comments

General

One commenter requested that the IMO Certificate of Fitness issued by the Coast Guard be valid for five years, to correspond with the limit of validity for IMO Certificates of Fitness issued by other countries. The validity of the Certificate of Fitness issued by the Coast Guard is contingent upon the validity of the Certificate of Inspection, which is two years. If the period of validity for the Certificate of Fitness is five years, there could be times during the Certificate's period of validity when the Certificate of Inspection is invalid. The Coast Guard considers it inappropriate to allow the Certificate of Fitness to be valid when the basis for its validity, the Certificate of Inspection, is invalid. The two-year limit of validity prevents this situation, and the Coast Guard rejects this comment.

Section 154.7

One commenter suggested that the definition for "Accommodation spaces" in proposed § 154.7 should be a generic description rather than a "list of labels." This definition is very similar to the definitions of "accommodation spaces" provided by the IMO Gas Code, and by 46 CFR 30.10–2 and 153.2. It is the Coast Guard opinion that in providing examples which are considered accommodation spaces, a generic definition is provided. Therefore, the comment is not accepted.

One commenter requested that a note be added to indicate that the definition for "Boiling point" in proposed § 154.7 is only applicable for single component cargoes. The comment is not accepted. The term "boiling point" is used only in § 154.903(b) in referring to inert gases. The definition as proposed is technically correct for all pure materials and for mixtures, but the Coast Guard substitutes the word "substance" for the word "cargo" for clarification.

One commenter stated that the definition in proposed § 154.7 of "Cargo area" should exclude all ballast tanks, not just those fore and aft. A similar comment was addressed in the

preamble to the NPRM. The proposed definition is the same as the definition in the IMO Existing Gas Ship Code. To maintain consistency and avoid confusion and compliance problems, the comment is not accepted.

One commenter requested that the definition in paragraph (a) under "Gas-dangerous space" in proposed § 154.7 be clarified or removed. The commenter stated that the proposed definition is not meaningful and may be open to a wide variety of interpretations. The Coast Guard rejects this comment. The proposed definition is a paraphrase from the definition of gas-dangerous space provided by the IMO Gas Code and IMO Existing Gas Ship Code. That definition was clarified in the paraphrasing to the extent possible without completely changing its effect.

Another commenter stated that paragraph (b) under "Gas-dangerous space" should clarify that ballast tanks and voids are excepted from paragraph (b). A similar comment was addressed in the preamble to the NPRM. Contrary to the assertions made by the commenter, ballast tanks and voids are clearly within paragraph (b) of the definition of "gas-dangerous space." Specific approval of these spaces as gas-safe could be given only after a detailed review of the specific containment system design and a finding of equivalence made under "Equivalents" in proposed § 154.32. Accordingly, this comment is not accepted.

One commenter suggested that paragraph (i) under "Gas-dangerous space" in proposed § 154.7 should not encompass existing gas ships because it represents a substantial increase in the gas-dangerous area for existing ships. The Coast Guard agrees with the commenter. The Coast Guard did not intend to increase the boundaries of a gas-dangerous space for existing gas vessels by its definition in paragraph (i), which would be obviously impractical. In addition, existing gas vessels already plan reviewed by the Coast Guard are excepted from paragraph (i) of the definition of gas-dangerous space in § 154.7. Therefore, this paragraph is clarified by adding the words, "Except for existing gas ships, * * *."

One commenter recommended that the definition of "interbarrier space" in proposed § 154.7 be modified to indicate that an interbarrier space exists only when there is a *complete* secondary barrier. A similar comment was addressed in the preamble to the NPRM. The Coast Guard under its "Concept Approval" review procedure has examined containment system designs with partial secondary barriers extending to the top of the cargo tank. In these designs, interbarrier spaces did exist even though secondary barriers were not complete. Therefore, the Coast Guard does not accept the comment.

One commenter suggested rewording the definition of "Remote group alarm" in proposed § 154.7. The comment did not provide any reason as to why the present definition is unsatisfactory or why the rewording is better. The rewording requested does not provide any additional clarity to the definition, and the Coast Guard rejects the comment. One commenter suggested that the term "vapor density" that is defined in proposed § 154.7 be changed to "design specific gravity". A similar comment was addressed in the preamble to the NPRM. Since publication of the NPRM, it was noted that the term "vapor density" does not appear in the text of Part 154, except as a definition. Therefore, the definition is omitted.

Section 154.12

One commenter suggested re-wording § 154.12(e) to clarify the intent that the listed cross references have to be met when the vessel's Certificate of Inspection or Certificate of Compliance is renewed, which could be up to 2 years after the publication of the final rule. The Coast Guard agrees with the commenter that the unwary could find the introductory wording in proposed paragraph (e) confusing in relation to the requirements of proposed paragraphs (b), (c), and (d) of § 154.12 and could misinterpret these paragraphs as requiring immediate compliance. Section 154.12(e) is reworded to clarify the intent that the requirements in paragraph (e) have to be met when a document is reissued or a different endorsement is needed on an existing document after the effective date of the final rule.

Section 154.32

One commenter requested that existing installations on board ships be considered equivalent to the corresponding standards of the IMO Existing Gas Ship Code. A similar comment was addressed in the preamble to the NPRM. Equivalence is determined on a case-by-case basis. The procedures to be followed and standards to be met for equivalence are contained in § 154.32. A general equivalence or "grandfathering" of existing installations is not deemed appropriate for this rule, so this comment is rejected.

Section 154.1350

One commenter mentioned that LNG ships with membrane tanks have been permitted to operate with gas concentrations in the interbarrier spaces far in excess of the lower flammable limit (LFL). These vessels have been given special approval. Subpart C, in which § 154.1350(e) is published, is not being revised by this rulemaking, but is being considered for a future regulatory project.

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order 12291 and non-significant under "Department of Transportation Policies and Procedures for Simplification, Analysis, and Review of Regulations", (DOT Order 2100.5 of May 22, 1980).

The final evaluation estimates a cost of approximately $681,000 to completely upgrade an affected vessel, assuming that none of the design features required by these standards have been previously installed. A review of the plans of 10 affected U.S. vessels which are of similar design indicates that actual costs for each of these vessels should be under $20,000. For the remaining two affected U.S. vessels, it is assumed that the cost would not exceed 50% of the cost of complete conversion, or $340,500 per vessel. Therefore, the total estimated cost for upgrading U.S. vessels is $881,000.

There are 202 foreign flag liquefied gas vessels that have been in correspondence with the Coast Guard in the last five years. Of these, 163 have submitted IMO Certificates of Fitness. We expect the remaining 39 vessels are in various stages of compliance with the standards of this rulemaking. We have assumed that these 39 vessels would incur approximately 50% of the total cost of modification, or $340,500 per vessel. The actual costs could be considerably less, depending on the degree to which these vessels already meet these standards.

The results of the final evaluation differ considerably from the draft evaluation due to major changes in the foreign flag fleet over the four years since the draft evaluation was done. Foreign flag vessels trading in the U.S. presently are considerably newer than those trading four years ago. Also, far fewer vessels are active in liquefied gas trade due to world-wide economic conditions.

The economic evaluation for this rule shows that over a 10 year period the rule would result in the following:

1. A decreased expenditure of approximately $32,200 per year by the federal government, and no significant impact on State and local governments.

2. An expenditure of up to $13.3 million in the two years following the effective date of the regulations by the maritime industry, resulting from the need for ship modifications to meet the internationally accepted safety standards. These costs would be amortized over the remaining useful life of the vessels and would be eventually passed on to the consumer.

3. No significant impact on energy consumption, important materials, or employment.

The environmental evaluation for this rule shows that it will not significantly impact the environment.

The benefits to the public by this rule include:

1. A consolidation in one part of the design and equipment standards for all liquefied gas ships.

2. The implementation of internationally agreed upon design and equipment safety standards for existing gas ships, which will facilitate vessel movement. Without these regulations, U.S. flag liquefied gas vessels may be denied entry into ports of nations that have implemented the IMO Existing Gas Ship Code.

3. A consolidation into one part of the certification procedures for all liquefied gas ships.

4. Improved safety of existing liquefied gas ships.

Regulatory Flexibility Evaluation

The liquefied gas shipping industry is characterized by single ship companies, with no dominant companies in the field. The Coast Guard found that the smallest U.S. flag liquefied gas vessel has a crew of at least 15 and has an annual revenue of approximately $17 million.

Therefore, the Coast Guard determined that there are no small entities affected by these rules. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is certified that these rules will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rulemaking contains information collection and recordkeeping requirements. These items have been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act (Pub. L. 96–511, 44 U.S.C. 3501 *et seq*) and have been approved by OMB. The section numbers and the corresponding OMB approval number are as follows: Section Numbers—§§ 154.15, 154.22, and 154.34; OMB Approval Number—2115–0113.

List of Subjects

46 CFR Part 54

Reporting and recordkeeping requirements, Vessels.

46 CFR Part 111

Vessels.

46 CFR Part 150

Hazardous material transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 154

Cargo vessels, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements, Incorporation by reference.

In accordance with the preceding, Chapter I of Title 46, Code of Federal Regulations is amended as follows:

PART 54—[AMENDED]

1. The authority citation for Part 54 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46 (b).

§ 54.25–10 [Amended]

2. Section 54.25–10(a)(1) is amended by changing the reference that reads "§ 154.3" to "§ 154.7."

PART 111—[AMENDED]

3. The authority citation for Part 111 is revised to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4104; 49 CFR 1.46(b) and (n).

§ 111.105–32 [Amended]

4. Section 111.105–32(b)(1) is amended by changing the reference that reads "§ 154.3" to "§ 154.7."

PART 150—CERTAIN BULK DANGEROUS CARGOES

5. The authority citation for Part 150 is revised to read as follows and all other authority citations in the part are removed:

Authority: 46 U.S.C. 3703; 49 CFR 1.46, except § 150.160 which is issued under 46 U.S.C. 3306; 49 CFR 1.46.

6. Section 150.105(b) is amended by adding the following entries to follow the last entries in the table:

§ 150.105 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

* * * * *

(b) Display.

46 CFR part or section where identified or described	Current OMB control No.
* * * * *	
Part 154	2115–0113

PART 154—[AMENDED]

7. The authority citation for Part 154 is revised to read as follows:

Authority: 46 U.S.C. 3703; E.O. 12234, 3 CFR, 1980 Comp. p. 277, 49 CFR 1.46 (b) and (n)(4).

8. Subpart A is revised to read as follows:

Subpart A—General

Sec.

Subpart A—General

§ 154.1 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). The Office of the Federal Register publishes a list "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the **Federal Register** and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408, and at the U.S Coast Guard, Marine Technical and Hazardous Materials Division, Washington, DC 20593–0001.

(b) The materials approved for incorporation by reference in this part are:

American Bureau of Shipping

45 Eisenhower Drive, Paramus, NJ 07652
Rules for Building and Classing Steel Vessels, 1981

American National Standards Institute

1430 Broadway, New York, NY, 10018
ANSI Z89.1–69 Safety Requirements for Industrial Head Protection, 1969
ANSI Z87.1–79 Practice for Occupational and Educational Eye and Face Protection, 1979

American Society for Testing and Materials

1916 Race Street, Philadelphia, PA, 19103
ASTM A20–78 General Requirements for Steel Plates for Pressure Vessels, 1978

International Maritime Organization

4 Albert Embankment, London SE1 75R, U.K.
Resolution A.328(IX), Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1976
Code For Existing Ships Carrying Liquefied Gases in Bulk, 1976
Medical First Aid Guide for Use in Accidents Involving Dangerous Goods

Underwriters Laboratories, Inc.

333 Pfingsten Rd., Northbrook, IL, 60062
UL No. 783–79 Standard for Safety, Electric Flashlights for Use in Hazardous Locations, Class 1, Groups C and D, 1979

§ 154.3 Purpose.

The purpose of this part is to prescribe rules for new and existing gas vessels.

§ 154.5 Applicability.

This part applies to each self-propelled vessel that has on board bulk liquefied gases as cargo, cargo residue or vapor, except Subpart C does not apply if the vessel meets § 154.12 (b), (c), or (d).

§ 154.7 Definitions, acronyms, and terms.

As used in this part:

" 'A' Class Division" means a division as defined in Regulation 3 of Chapter II–2 of the 1974 Safety Convention.

"Accommodation spaces" means public spaces, corridors, lavatories, cabins, offices, hospitals, cinemas, game and hobby rooms, pantries containing no cooking appliances, and spaces used in a similar fashion.

"Boiling point" means the temperature at which a substance's vapor pressure is equal to the atmospheric barometric pressure.

"Breadth" (B) means the maximum width of the vessel in meters measured amidships to the moulded line of the frame in a ship with a metal shell and to the outer surface of the hull in a ship with a shell of any other material.

"Cargo area" means that part of the vessel that contains the cargo containment system, cargo pump rooms, cargo compressor rooms, and the deck areas over the full beam and the length of the vessel above them, but does not include the cofferdams, ballast spaces, or void spaces at the after end of the aftermost hold space or the forward end of the forwardmost hold space.

"Cargo containment system" means the arrangement for containment of the cargo including a primary and secondary barrier, associated insulation and any intervening spaces, and adjacent structure that is necessary for the support of these elements.

"Cargo service space" means space within the cargo area that is more than 2 m^2 (21.5 $ft.^2$) in deck area and used for work shops, lockers, or store rooms.

"Cargo tank" means the liquid tight shell that is the primary container of the cargo.

"Certificate of Compliance" means a certificate issued by the Coast Guard to a foreign flag vessel after it is examined and found to comply with regulations in this chapter.

"Cofferdam" means the isolating space between two adjacent steel bulkheads or decks, which could be a void space or a ballast space.

"Contiguous hull structure" includes the inner deck, the inner bottom plating, longitudinal bulkhead plating, transverse bulkhead plating, floors, webs, stringers, and attached stiffeners.

"Control space" means those spaces in which the vessel's radio, main navigating equipment, or the emergency source of power is located or in which the fire control equipment, other than firefighting control equipment under § 154.1140 to § 154.1170, is centralized.

"Design temperature" means the minimum cargo temperature the Coast Guard allows for loading, unloading, or carriage.

"Design vapor pressure" (P_o) means the maximum gauge pressure at the top of the cargo tank for the design of the cargo tank.

"Document" means a Certificate of Inspection for a U.S. flag vessel or a Certificate of Compliance for a foreign flag vessel.

"Existing gas vessel" means a self-propelled vessel that—

(a) Is delivered on or before October 31, 1976; or

(b) Is delivered between October 31, 1976 and June 30, 1980, and is not a new gas vessel.

"Flammable cargoes" includes the following liquefied gases from Table 4 (follows § 154.1872):

Acetaldehyde
Butadiene
Butane
Butylene
Dimethylamine
Ethane
Ethylamine
Ethyl chloride
Ethylene
Ethylene oxide
Methane (LNG)
Methyl acetylene-propadiene mixture
Methyl bromide
Methyl chloride
Propane
Propylene
Vinyl chloride

"Gas-dangerous space" includes the following spaces:

(a) A space in the cargo area without arrangements to provide a safe atmosphere at all times.

(b) An enclosed space outside the cargo area through which any piping that may contain liquid or gaseous cargo passes, or within which that piping terminates, without arrangements to prevent gas from escaping into the space.

(c) A cargo containment system and cargo piping.

(d) A hold space where cargo is carried in a cargo containment system:

(1) With a secondary barrier; or

(2) Without a secondary barrier.

(e) A space separated from a hold space under paragraph (d)(1) of this definition by a single gastight boundary.

(f) A cargo pumproom and a cargo compressor room.

(g) A zone on the weather deck or a semi-enclosed space on the weather deck within 3.05 m (10 ft) of any cargo tank outlet, gas or vapor outlet, cargo pipe flange, cargo valve, or of entrances and ventilation openings to a cargo pump room or a cargo compressor room.

(h) Except for existing gas vessels, the weather deck over the cargo area and 3.05 m (10 ft) forward and aft of the cargo area on the weather deck to 2.4 m (8 ft) above the weather deck.

(i) A zone within 2.4 m (8 ft) of the outer surface of a cargo containment system where the surface is exposed to the weather.

(j) An enclosed or semi-enclosed space in which there is piping containing cargo, except those—

(1) With gas sampling lines for gas detection equipment under § 154.1350(n); or

(2) In which boil-off gas is used as fuel under § 154.703.

(k) A space for storage of cargo hoses.

(l) An enclosed or semi-enclosed space having an opening into any gas-dangerous space or zone.

"Gas-safe space" means a space that is not a gas-dangerous space.

"Hold space" means the space enclosed by the vessel's structure in which there is a cargo containment system.

"IMO" stands for the International Maritime Organization.

"IMO Certificate" means a Certificate of Fitness for the Carriage of Liquefied Gases in Bulk issued under the IMO—

(a) "Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk", adopted November 12, 1975 by Assembly Resolution A.328(IX), as amended;

(b) "Code for Existing Ships Carrying Liquefied Gases in Bulk", adopted November 12, 1975, as amended; or

(c) "Recommendations Concerning Ships Not Covered by the Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk", (Resolution A.328(IX)), adopted November 12, 1975 by Assembly Resolution A.329(IX).

"Independent tank" is a cargo tank that is permanently affixed to the vessel, is self-supporting, and is not part of the hull or essential to the strength or integrity of the hull.

"Independent tank type A" is an independent cargo tank designed primarily using classification society classical ship structural analysis procedures.

"Independent tank type B" is an independent cargo tank designed from model tests, refined analytical tools, and analysis methods to determine stress levels, fatigue life, and crack propagation characteristics.

"Independent tank type C" (pressure tank) is an independent cargo tank meeting pressure vessel criteria where the dominant stress producing load is design vapor pressure.

"Insulation space" means a space, that could be an interbarrier space, occupied wholly or in part by insulation.

"Integral tank" means a cargo tank that is a structural part of the vessel's hull and is influenced in the same manner and by the same loads that stress the adjacent hull structure.

"Interbarrier space" means the space between a primary and a secondary barrier, with or without insulation or other material.

"Length (L)" is ninety-six percent of the total length in meters on a waterline at eighty-five percent of the least molded depth measured from the top of the keel or the length from the foreside of the stem to the axis of the rudder stock on the waterline, whichever is greater. In vessels having a rake of keel, the waterline is parallel to the design waterline.

"Liquefied gas" means a cargo having a vapor pressure of 172 kPa (25 psia) or more at 37.8 °C (100 °F).

"MARVS" stands for the Maximum Allowable Relief Valve Setting.

"Membrane tank" is a cargo tank that is not self-supporting and consists of a thin layer (membrane) supported through insulation by the adjacent hull structure.

"New gas vessel" means a self-propelled vessel that—

(a) Is constructed under a building contract awarded after October 31, 1976;

(b) In the absence of a building contract, has a keel laid or is at a similar stage of construction after December 31, 1976;

(c) Is delivered after June 30, 1980; or

(d) Has undergone a major conversion for which—

(1) The building contract is awarded after October 31, 1976;

(2) In the absence of a building contract, conversion is begun after December 31, 1976; or

(3) Conversion is completed after June 30, 1980.

"Primary barrier" means the inner boundary that contains the cargo when the cargo containment system includes two boundaries.

"Process pressure vessel" means a pressure vessel that is used in a reliquefaction, cargo heating, or other system that processes cargo.

"Remote group alarm" means an audible and visual alarm that alerts when an alarm condition exists but does not identify that condition.

"Secondary barrier" means the liquid resisting outer boundary of a cargo containment system when the cargo containment system includes two boundaries.

"Semi-membrane tank" is a cargo tank that is not self-supporting and that can expand and contract due to thermal, hydrostatic, and pressure loadings. It consists of flat surfaces, supported through insulation by the adjacent hull structure, and shaped corners that connect the flat surfaces.

"Service space" means a space outside the cargo area that is used for a galley, pantry containing cooking appliances, locker or store room, workshop except those in machinery spaces, and similar spaces and trunks to those spaces.

"Shut-off valve" is a valve that closes a pipeline and provides nominal metal to metal contact between the valve operating parts, including the disc and gate, and the valve body.

"Specific gravity" (p) means the ratio of the density of the cargo at the design temperature to the density of water at 4 °C (39 °F).

"Tank cover" is the structure protecting those parts of the cargo containment system that protrude through the weather deck and providing continuity to the deck structure.

"Tank dome" means the uppermost portion of the cargo tank. For below deck cargo containment systems, it means the uppermost portion of the cargo tank that protrudes through the weather deck or through the tank cover.

"Toxic cargoes" includes the following liquefied gases from Table 4 (follows § 154.1872):

Acetaldehyde
Ammonia, anhydrous
Dimethylamine
Ethylamine
Ethyl chloride
Ethylene oxide
Methyl bromide
Methyl chloride
Sulfur dioxide
Vinyl chloride

"Vapor pressure" means the absolute equilibrium pressure of the saturated vapor above the liquid, expressed in kPa (psia), at a specific temperature.

"Void space" means an enclosed space in the cargo area outside of the cargo containment system, except a hold space, ballast space, fuel oil tank, cargo pump or compressor room, or any space used by personnel.

"1974 Safety Convention" stands for the International Convention on Safety of Life at Sea, 1974, done at London, November 1, 1974.

§ 154.9 Issuance of documents.

The Coast Guard issues an endorsed Certificate of Inspection to a U.S. flag vessel or an endorsed Certificate of Compliance to a foreign flag vessel that meets this part.

§ 154.12 Existing gas vessel: Endorsements and requirements.

(a) Except an existing gas vessel under paragraph (b), (c), or (d) of this section, an existing gas vessel must meet Subpart C of this part if the owner desires a document endorsed for the carriage of a cargo listed in Table 4 (follows § 154.1872).

(b) If an existing gas vessel is issued a document by the Coast Guard before November 1, 1987 that is endorsed for the carriage of a cargo listed in Table 4 (follows § 154.1872), and the owner desires the same endorsement on a reissued document, the vessel must—

(1) Continue to meet the same design and construction standards under which the Coast Guard issued the original document; and

(2) Meet paragraph (e) of this section.

(c) If an existing gas vessel is issued a document by the Coast Guard before November 1, 1987 that is endorsed for the carriage of a cargo listed in Table 4 (follows § 154.1872), and the owner desires an endorsement for a different cargo listed in that table, the vessel must—

(1) Continue to meet the same design and construction standards under which

the Coast Guard issued the original document;

(2) Meet paragraph (e) of this section;

(3) Meet Subpart D for the different cargo; and

(4) Meet any additional requirements of this part that the Commandant (G-MTH) determines to be necessary for safety.

(d) If an existing gas vessel does not meet paragraph (b) or (c) of this section and the owner desires a document endorsed for the carriage of a cargo listed in Table 4 (follows § 154.1872), the vessel must—

(1) Have a letter from the Coast Guard dated before November 1, 1987 stating that—

(i) Review of the vessel's plans for the carriage of that cargo is completed; or

(ii) The vessel's IMO Certificate endorsed for the carriage of that cargo is accepted;

(2) Meet the plans that were reviewed and marked "Examined" or "Approved" by the Coast Guard, or meet the standards under which the IMO Certificate was issued;

(3) Meet paragraph (e) of this section; and

(4) Meet any additional requirements of this part that the Commandant (G-MTH) determines to be necessary for safety.

(e) If the owner of a vessel desires any document endorsement described in paragraph (b), (c), or (d) of this section, the existing gas vessel must meet the requirements in each of the following:

(1) Section 154.310 (d) and (e).

(2) Section 154.320 (b) and (c).

(3) Section 154.330 (a) through (e).

(4) Section 154.340(d).

(5) Section 154.345 (a), (b)(1) through (b)(5), (b)(7) and (c).

(6) Section 154.476(a).

(7) Section 154.519(a)(2).

(8) Section 154.534.

(9) Section 154.538.

(10) Section 154.540 (c) and (d).

(11) Section 154.556.

(12) Section 154.558.

(13) Section 154.560.

(14) Section 154.562.

(15) Section 154.703.

(16) Section 154.705.

(17) Section 154.706.

(18) Section 154.707.

(19) Section 154.708.

(20) Section 154.709.

(21) Section 154.904.

(22) Section 154.906.

(23) Section 154.908(a), unless the space is separated from the accommodation, service, or control space by a steel door that—

(i) Is watertight when tested with a firehose at not less than 207 kPa gauge (30 psig);

(ii) Has a means to self-close and does not have latches or other devices designed to hold it open; and

(iii) Has an audible and visual alarm on both sides of the door which is actuated when the door is open.

(24) Section 154.910.

(25) Section 154.912.

(26) Sections 154.1110 through 154.1130, except §§ 154.1115(b), 154.1120(b), and 154.1125 (c) and (f).

(27) Section 154.1145, except an existing gas vessel with a cargo carrying capacity of less than 2500 m^3 (88,200 ft^3) may have only one self-contained dry chemical storage unit if that unit—

(i) is installed before November 1, 1987; and

(ii) Has the capacity to meet § 154.1145 (d) and (e), and § 154.1170(e).

(28) Section 154.1150 (a) and (b).

(29) Section 154.1155.

(30) Section 154.1160.

(31) Section 154.1165 (a), (b), (d), and (f).

(32) Section 154.1170 (b) through (f).

(33) Section 154.1200 (a), (b)(1), and (b)(2).

(34) Section 154.1205(f).

(35) Section 154.1325.

(36) Section 154.1335(e).

(37) Section 154.1350 (e), (f), (i), (o), and (u).

§ 154.15 U.S. flag vessel: Endorsement application.

(a) A person who desires the endorsement required under § 154.1801 for a U.S. flag vessel must submit an application for an endorsement of the vessel's Subchapter D Certificate of Inspection under the procedures in § 91.55-15 of this chapter.

(b) The person requesting an endorsement under paragraph (a) of this section must submit to the Coast Guard, if requested—

(1) Calculations for hull design required by § 172.175 of this chapter;

(2) The plans and information listed in §§ 54.01-18, 56.01-10, 91.55-5 (a), (b), (d), (g), and (h), and 110.25-1 of this chapter;

(3) Plans for the dry chemical supply and distribution systems, including the controls; and

(4) Any other vessel information, including, but not limited to plans, design calculations, test results, certificates, and manufacturer's data, needed to determine whether or not the vessel meets the standards of this part.

§ 154.17 U.S. flag vessel: Certificate of Inspection endorsement.

The Certificate of Inspection for a U.S. flag vessel allowed to carry a liquefied gas listed in Table 4 has the following endorsement for each cargo, with the corresponding carriage requirement data inserted:

Inspected and approved for the carriage of _____ at a maximum allowable relief valve setting of _____ kPa gauge (_____ psig) with an F factor of _____, a maximum external pressure of _____ kPa gauge (_____ psig), a minimum service temperature of _____ °C (_____ °F), and a maximum specific gravity of _____. Hull type _____.

§ 154.19 U.S. flag vessel: IMO certificate issuance.

(a) The Coast Guard Officer in Charge, Marine Inspection, issues an IMO Certificate to a U.S. flag vessel when requested by the owner or representative, if—

(1) The vessel meets the requirements of this part; and

(2) It is a new gas vessel, it meets the IMO Resolution A.328(IX), "Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1975"; or

(3) It is an existing gas vessel, it meets the IMO "Code for Existing Ships Carrying Liquefied Gases in Bulk, 1975".

(b) The IMO Certificate expires on the same date that the vessel's Certificate of Inspection expires.

§ 154.22 Foreign flag vessel: Certificate of Compliance endorsement application.

(a) A person who desires an endorsed Certificate of Compliance to meet § 154.1802(a) for a foreign flag vessel, whose flag administration issues IMO Certificates, must submit to the Commandant (G-MTH), U.S. Coast Guard, Washington, DC 20593-0001, an application that includes the following:

(1) The vessel's valid IMO Certificate.

(2) A description of the vessel.

(3) Specifications for the cargo containment system.

(4) A general arrangement plan of the vessel.

(5) A midship section plan of the vessel.

(6) Schematic plans of the liquid and vapor cargo piping.

(7) A firefighting and safety plan.

(8) If the applicant is requesting an endorsement for the carriage of ethylene oxide, a classification society certification that the vessel meets § 154.1725(a) (4), (5), and (7).

(9) If the vessel is a new gas vessel, or an existing vessel that does not meet § 154.12 (b), (c), or (d)—

(i) A certification from a classification society that the vessel—

(A) Has enhanced grades of steel meeting § 154.170 (b)(1) and (b)(2) for crack arresting purposes in the deck stringer, sheer strake, and bilge strake; and

(B) Meets § 154.701, or if the vessel carries methane, meets § 154.703, by having the capability of cargo tank

pressure and temperature control without venting; and

(ii) The vessel's valid SOLAS Cargo Ship Safety Construction Certificate and Cargo Ship Safety Equipment Certificate.

(10) Any additional plans, certificates, and information needed by the Commandant (G–MTH) to determine whether or not the vessel meets this part.

(b) A person who desires an endorsed Certificate of Compliance to meet § 154.1802(b) for a foreign flag vessel, whose flag administration does not issue IMO Certificates, must submit to the Commandant (G–MTH) the plans, calculations, and information under § 154.15(b).

§ 154.24 Foreign flag vessel: IMO Certificate.

(a) An IMO Certificate issued under the IMO Resolution A.328(IX),"Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, 1975" is usually sufficient evidence of compliance with this part for the Coast Guard to endorse a foreign flag vessel's Certificate of Compliance with the name of each cargo in Table 4 (follows § 154.1872) that is listed on the IMO Certificate, if the information listed in item 3 of the IMO Certificate shows that—

(1) The design ambient temperatures meet § 154.174 and § 154.176;

(2) The cargo tank design stress factors and resulting MARVS of independent tanks type B or C meet § 154.447 or § 154.450; and

(3) The cargo tank MARVS of a type IIPG ship meets § 172.175(c) of this chapter.

(b) If a foreign flag existing gas vessel meets § 154.12 (b), (c), or (d), the vessel's IMO Certificate issued under the IMO "Code for Existing Ships Carrying Liquefied Gases in Bulk, 1975" is usually sufficient evidence of compliance with the requirements of § 154.12(e) for the Coast Guard to endorse the Certificate of Compliance with the name of each cargo in Table 4 (follows § 154.1872) that is listed on the IMO Certificate; however if a foreign flag existing gas vessel does not meet § 154.12 (b), (c), or (d), an IMO Certificate issued under the IMO "Code for Existing Ships Carrying Liquefied Gases in Bulk, 1975" is not acceptable evidence of compliance with the requirements of this part for the endorsement of a Certificate of Compliance.

§ 154.30 Liquefied gases not included in Table 4.

(a) A liquefied gas not appearing in Table 4 (follows § 154.1872) must be specially approved by the Commandant (G–MTH) to be carried in bulk in U.S. waters.

(b) A person who desires to ship a liquefied gas in bulk that is not listed in Table 4 must submit to the Commandant (G–MTH) a completed form CG–4355. This form may be obtained from the Commandant (G–MTH) or any Officer in Charge, Marine Inspection (OCMI).

(c) The Commandant (G–MTH) notifies the submitter by letter whether or not the liquefied gas is specially approved for carriage in bulk in U.S. waters and the minimum requirements for that carriage. If the liquefied gas is not specially approved, the reasons why the special approval is not granted are included.

§ 154.32 Equivalents.

(a) A vessel that fails to meet the standards in this part for an endorsement on a Certificate of Inspection or a Certificate of Compliance may meet an alternate standard if the Commandant (G–MTH) finds that the alternate standard provides an equivalent or greater level of protection for the purpose of safety.

(b) The Commandant (G–MTH) considers issuance of a finding of equivalence to the standard required by this part if the person requesting the finding submits a written application to the Commandant (G–MTH) that includes—

(1) A detailed explanation of the vessel's characteristics that do not meet the requirements in this part; and

(2) An explanation of how each substituted standard would enable the vessel to meet a level of safety that would be equivalent to or greater than the standard in this part.

(c) Operational methods or procedures may not be substituted for a particular fitting, material, appliance, apparatus, item, or type of equipment required in this part.

§ 154.34 Special approval: Requests.

Each request for special approval must be in writing and submitted to the Commandant (G–MTH), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001.

§ 154.36 Correspondence and vessel information: Submission.

Correspondence to the Coast Guard and all vessel information submitted to the Coast Guard must be in English, except—

(a) IMO Certificates may be in French; and

(b) SOLAS Certificates may be in the official language of the flag administration.

§ 154.151 [Amended]

9. Section 154.151(a) is amended by changing the reference that reads "§ 154.5" to "§ 154.22".

§§ 154.170, 154.172, 154.174, 154.176, 154.188, 154.195, 154.420, 154.421, 154.439, and 154.440 [Amended]

10. In the following sections, change the date "1976" following the words "Rules for Building and Classing Steel Vessels" to the date "1981:"

(a) Section 154.170(a).

(b) Table 1 and Footnote 1 of Table 1 of Section 154.172.

(c) Section 154.174(a).

(d) Section 154.176(a).

(e) Section 154.188.

(f) Section 154.195(b).

(g) Section 154.420(a).

(h) Section 154.421.

(i) Section 154.439.

(j) Section 154.440(c).

11. The introductory text of § 154.340(b) is revised to read as follows:

§ 154.340 Access to tanks and spaces in the cargo area.

* * * * *

(b) Each access into and through a void space or other gas-dangerous space in the cargo area, except spaces described in paragraph (e) of the definition for "gas-dangerous space" in § 154.7, must—

* * * * *

12. The introductory text of § 154.530(a) is revised to read as follows:

§ 154.530 Valves: Cargo tank MARVS 69 kPa gauge (10 psig) or lower.

(a) Except those connections for tank safety relief valves and for liquid level gauging devices other than those under §§ 154.536 and 154.1310, liquid and vapor connections on a cargo tank with a MARVS of 69 kPa gauge (10 psig) or lower must have shut-off valves that—

* * * * *

13. Section 154.544(a) is revised to read as follows:

§ 154.544 Quick closing shut-off valves.

* * * * *

(a) Be a shut-off valve;

* * * * *

§ 154.1400 [Amended]

14. In the following section, change the date "(1968)" which follows ANSI standard Z–87.1 to the date "(1979):"

(a) Section 154.1400(a)(8).

(b) Section 154.1400(b)(8).

(c) Section 154.1400(c)(7).

15. Sections 154.1802 (a)(2) and (b)(2) are revised to read as follows:

§ 154.1802 Certificates, letters, and endorsements: Foreign flag vessels.

(a) * * *

(2) Special approval under § 154.30.

(b) * * *

(2) Special approval under § 154.30.

* * * * *

J.W. Kime,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

July 8, 1987.

[FR Doc. 87-19075 Filed 8-20-87; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 662

[Docket No. 70749-7167]

Northern Anchovy Fishery; Foreign Fishing

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

ACTION: Notice of final harvest quotas.

SUMMARY: NOAA issues this notice announcing the final determination of estimated spawning biomass and harvest quotas for the northern anchovy fishery in the exclusive economic zone (EEZ) for the 1987–88 fishing season. The harvest quotas have been determined by application of the formulas in the Northern Anchovy Fishery Management Plan (FMP) and its implementing regulations. This action is intended to notify users of the final harvest quotas and to promote the orderly management of the fishery.

EFFECTIVE DATE: This notice is effective August 18, 1987.

FOR FURTHER INFORMATION CONTACT: William L. Craig, Fishery Biologist, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731, 213-514-6662.

SUPPLEMENTARY INFORMATION: In consultation with the California Department of Fish and Game and the Southwest Fisheries Center, NMFS, the Director, Southwest Region, NMFS (Regional Director), has estimated the spawning biomass of the central subpopulation of the northern anchovy (*Engraulis mordax*). From this estimate, the Regional Director calculated preliminary determinations of harvest quotas and special allocations for the 1987–88 anchovy fishing season by applying formulas in the FMP. These preliminary determinations were announced in the **Federal Register** on July 27, 1987 (52 FR 28027). Regulations at § 662.20 require the publication of final determinations of harvest quotas by notice in the **Federal Register** on or about August 1 of each year. Regulations at 50 CFR 611.20(c) require that the estimated total allowable level of foreign fishing (TALFF) for this fishery also be published at the beginning of the fishing year.

The preliminary determinations were discussed and agreed to at a public meeting of the Pacific Fishery Management Council on July 8, 1987 in Millbrae, California. Public comments were invited in the announcement and at the Council meeting; no public comments were received.

By applying the formulas in the FMP and in § 662.20, the Regional Director has made the following final determinations of harvest quotas, special allocations, and expected processing levels based upon an estimated spawning biomass of 1,212,000 metric tons (mt).

1. The total U.S. harvest quota is 144,900 mt plus an unspecified amount for use as live bait.

2. The total U.S. harvest quota for reduction purposes is 140,000 mt.

a. Of the total reduction harvest quota, 9,072 mt is reserved for the reduction fishery in subarea A (north of Pt. Buchon).

b. The reduction quota for subarea B (south of Pt. Buchon) is 130,928 mt.

3. The U.S. harvest allocation for non-reduction fishing (i.e., fishing for anchovy for use as deadbait and direct human consumption) is 4,900 mt. However, non-reduction fishing is not limited until the total catch in the reduction and non-reduction fisheries reaches the total harvest quota of 144,900 mt.

4. There is no U.S. harvest limit for the live bait fishery.

5. The domestic annual processing (DAP) capacity for the reduction and non-reduction industry is 2,950 mt.

6. The domestic annual harvest (DAH) capacity for the reduction fishery is 2,950 mt.

7. The amount allocated to joint venture processing is zero because there is no history of, nor are there applications for, joint ventures.

8. The total allowable level of foreign fishing (TALFF) is 67,050 mt. The FMP states the TALFF in the EEZ will be based upon the U.S. portion of the optimum yield minus the DAH and minus that amount of expected harvest in the Mexican fishery zone which is in excess of that allocated by the FMP. The excess Mexican harvest in 1987–88 is expected to be 74,900 mt. Applying the formula in the FMP results in this TALFF.

Other Matters

This action is taken under the authority of 50 CFR Parts 662 and 611.20 and complies with Executive Order 12291.

List of Subjects in 50 CFR Parts 611 and 662

Fisheries.

(16 U.S.C. 1801 *et seq.*)

Dated: August 17, 1987.

Bill Powell,

Executive Director, National Marine Fisheries Service.

[FR Doc. 87-19135 Filed 8-18-87; 11:30 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 52, No. 162
Friday, August 21, 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.

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 7H5542/P429; FRL-3250-9]

Proposed Food and Feed Additive Regulations; Triforine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes establishing food and feed additive regulations to permit residues of the fungicide triforine in or on certain food and feed items. The proposed regulations, to establish maximum permissible levels for residues of triforine in or on commodities was requested in a petition by EM Industries, Inc.

DATE: Comments, identified by the document control number [FAP7H5542/P429], should be received on or before September 21, 1987.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Room 236 at the address given above, for 8 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

By mail: Lois A. Rossi, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

Office location and telephone number: Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EM Industries, Inc., 5 Skyline drive, Hawthorne, New York 10532, has submitted food/feed additive petition 7H5542 to EPA requesting that the Administrator, pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act, propose establishing food/feed additive regulations to permit residues of the fungicide triforine, (*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide] in or on the food commodity dried hops at 60 parts per million (ppm) (21 CFR Part 193) and in or on the feed commodity spent hops at 60 ppm (21 CFR Part 561).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the regulations are sought. The toxicological data considered in support of the proposed regulations include:

1. A 2-year dog feeding study with a no-observed-effect level (NOEL) of 2.5 milligrams (mg)/kilogram (kg) bodyweight (bw)/day. Systemic effects (siderosis of Kepffer cells and bone marrow) were observed at the 25.0 mg/kg bw/day dose level.

2. A 2-year rat oncogenicity/chronic feeding study with a NOEL of 31.25 mg/kg bw/day. The systemic effect (anemia) was observed at the 156.25 mg/kg bw/day dose level. The chemical was not considered to be oncogenic at any of the doses tested (0, 1.25, 6.25, 31.25, and 156.25 mg/kg bw/day) under the conditions of the study.

3. An 18-month mouse oncogenicity study indicated that the chemical was not considered to be oncogenic at any of the doses tested (0, 4.3, 21.4, and 107 mg/kg bw/day).

4. A rat teratology study that indicated no teratogenic effects up to 1,600 mg/kg bw (highest dose tested). The NOEL for fetotoxic effects was at 800 mg/kg bw under the conditions of the study.

5. A rabbit teratology study that indicated no teratogenic effects up to 125 mg/kg bw (highest dose tested). The NOEL for fetotoxic effects was 5 mg/kg bw under the conditions of the study.

6. A three-generation rat reproduction study indicated no reproductive effects up to 125 mg/kg bw/day dose level under the conditions of the study.

7. A two-rat metabolism studies that adequately identified the major metabolites.

The acceptable daily intake (ADI) based on the 2-year dog feeding study (NOEL of 2.5 mg/kg bw/day) and using a 100-fold safety factor, is calculated to be 0.025 mg/kg bw/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 1.5 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet and a 60-kg person is calculated to be 0.1852 mg/day, the current action will increase the TMRC by 0.0225 mg/kg/day or 12.1 percent. Published tolerances utilize 12.3 percent of the ADI and the current action will utilize an additional 1.5 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography using an electron capture detector, is available in Pesticide Analytical Manual, Volume II (PAM-II) for enforcement purposes. There are presently no actions pending against the continued registration fo triforine.

Based on the information considered by the Agency, the Agency concludes that the pesticide can be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 7 U.S.C. 136a *et seq.*) Therefore, it is proposed that the regulations be established as set forth below.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [FAP 7H5542/P429]. Written comments filed in response to these proposed rules will be available in the Information Services Section, at the address given above from 8 a.m. to 4

p.m., Monday through Friday, except except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determind that regulations proposing the establishment of new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24945).

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 14, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 21 CFR Chapter I be amended as follows:

PART 193—[AMENDED]

1. In Part 193:

a. The authority citation for Part 193 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By adding § 193.476, to read as follows:

§ 193.476 Triforine.

A food additive regulation is established to permit residues of the fungicide triforine, (*N, N*–[1,4-piperazinediylbis (2,2,2–trichloroethylidene)] bis[formamide]), in or on the following processed foods when present therin as a result of application to growing hops:

Foods	Parts per million
Hops, dried	60

PART 561—[AMENDED]

2. In Part 561:

a. The authority citation for Part 561 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By adding § 561.442, to read as follows:

§ 561.442 Triforine.

A feed additive regulation is established to permit residues of the fungicide triforine, (*N,N*–[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide]) in or on processed feeds when present therein as a result of application to growing hops:

Feeds	Parts per million
Hops, spent	60

[FR Doc. 87–19195 Filed 8–20–87; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 60

[AD–FRL–3250–2]

Proposed Extension to Innovative Technology Waiver for New Source Performance Standards for Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The EPA proposes to amend the standards of performance for kraft pulp mills by extending the time period granted for an innovative technology waiver for operation of a new batch digester at the OI Valdosta and Timber STS, Inc. (OI) kraft pulp mill in Valdosta, Georgia, pursuant to section 111(j) of the Clean Air Act, as amended, 42 U.S.C. 7411(j).

This waiver extension would provide an opportunity to demonstrate the capability of a batch digesting displacement heating system to achieve equal or greater emission reductions than required by the existing standards of performance for digester systems at kraft pulp mills at lower costs. Considerable energy and environmental benefits would also be achieved with this technology.

The purpose of this notice is to invite public comments and to offer an opportunity to request a public hearing on the proposed extension to the innovative technology waiver.

DATES: *Comments.* Comments must be received on or before September 21, 1987.

Public Hearing. If anyone requests to speak at a public hearing by September 8, 1987, a public hearing will be held on September 21, 1987 beginning at 10:00 a.m. Persons interested in attending the hearing should call Ms. Karen Sleeth at (919) 541–5422 to verify that a hearing will be held.

Request to Speak at Hearing. Persons wishing to present oral testimony must request to speak at the public hearing by September 8, 1987.

ADDRESSES: *Comments.* Under section 307(d)(2), 42 U.S.C. 7607(d)(2), the Administrator is required to establish two separate rulemaking dockets for each rule that would apply only within the boundaries of one State. One copy of the docket is located in Washington, DC, and a second copy is located at the EPA Regional Office in Atlanta, Georgia. Therefore, copies of all comments on the waiver extension should be submitted to both the Washington, DC, and the Atlanta, Georgia, dockets.

One copy of each comment should be sent to: Central Docket Section, South Conference Center, Room 4, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, Attention: Docket No. A–84–16.

A second copy of each comment on the waiver should be sent to: U.S. Environmental Protection Agency, Region IV, Attention: Mr. Brian Beals, Docket No. A–84–16, 345 Courtland Street, Atlanta, Georgia 30365.

The docket may be inspected at the listed addresses between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying.

Public Hearing. If anyone requests a public hearing, it will be held at EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons wishing to present oral testimony should notify Ms. Karen Sleeth, Industrial Studies Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5422.

FOR FURTHER INFORMATION CONTACT: Mr. James Eddinger, Industrial Studies Branch, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5426.

SUPPLEMENTARY INFORMATION:

Background

Current Waiver. On September 6, 1984, an innovative technology waiver was proposed for operation of a new batch digester at the OI kraft pulp mill in Valdosta, Georgia (49 FR 35156). The waiver was granted on February 14, 1985 (50 FR 6316), to continue to December 31, 1986, or until the displacement heating system achieved the standard specified in 40 CFR 60.283,

whichever came first. The waiver expired on December 31, 1986.

The waiver granted to OI limited total reduced sulfur (TRS) emissions from the No. 10 digester to 0.02 ob TRS/ton of air dried pulp during the period the waiver is in effect. The waiver also limited TRS emissions from the multiple-effect-evaporator system (MEE) to the TRS level existing prior to installation of the No. 10 digester.

The limitation on the MEE system was achieved by installation of a new MEE system, which is subject to the new source performance standard (NSPS) and started operation in 1986. The TRS emissions from the new MEE system are eliminated by incineration in the lime kiln.

The NSPS TRS limitation of 0.01 lb TRS/ton of air dried pulp has not been achieved on the No. 10 digester. The TRS emissions have averaged 0.07 lb TRS/ton of air dried pulp on 31 tests as compared to the required interim standard of 0.02 lb TRS/ton of air dried pulp.

Waiver Extension Request. On March 25, 1987, OI submitted a request for an extension of the innovative technology waiver for the batch digester at its kraft pulp mill in Valdosta, Georgia. The OI indicates that both OI and the vendor (Beloit Corporation) feel further improvements are feasible and OI is willing to invest additional venture money toward that end. Additionally, OI indicated that an extension until December 31, 1987, would provide the necessary time to carry out the corrective actions already started. In support of their request, OI submitted a report which describes problems that have occurred and actions they have taken to reduce emissions from the displacment heating system (DHS).

Analysis of Information and Data. The report indicates that in scaling up the design and retrofitting it to the operating digester system, many problems were encountered which were not anticipated. These problems had to be identified and corrected before proceeding further. As a result, the installation and startup of the DHS have been delayed past the scheduled data. Even now, OI continues to identify and correct problems, such as severe corrosion, which were not experienced during operation of the pilot unit.

The TRS testing and optimization schedules were in turn delayed by the late startup and extended shakedown period. In addition, the TRS test results were much higher and more variable than expected based on the pilot study results. Additional testing was done, and OI learned that some variables which were expected to impact TRS emissions, such as displacement volume and temperature, do not correlate with emission rates. The OI has identified a potential mechanism involving the creation of a vortex, which causes air stripping of the TRS and results in higher than anticipated TRS emissions. The OI and the vendor have initiated activities to investigate and resolve the TRS issue.

Conclusion. Based on an analysis of the information contained in the OI report, the Administrator judges that an extension to the waiver is warranted. The extension will cover a period until December 31, 1987. The OI has indicated that this is sufficient time to optimize the displacement heating system to achieve the NSPS.

Under section 111(j) of the Clean Air Act, the Administrator is authorized to grant a waiver for a period up to 4 years from the date of startup of the source. Since the expiration date of the waiver was less than 2 years from startup of the source, the Administrator has authority to grant an extension to the waiver.

The Administrator believes that the criterion for issuing a waiver, under section 111(j)(1)(A), is still met. That is, there is a substantial likelihood that the DHS will achieve greater continuous emission reduction than that required to be achieved under the standard of performance which would otherwise apply, or that at least an equivalent reduction will be achieved at lower costs in terms of energy, economic, or nonair quality environmental impacts. Moreover, this emission reduction will be achieved at a significantly lower cost than that of the conventional batch digester, considering both energy and economic impacts.

Proposed Extension. The extension to the waiver is proposed to be granted for the No. 10 batch digester at the OI kraft pulp mill in Valdosta, Georgia. The extension would be effective until December 31, 1987. Failure to comply with the conditions of the waiver, as promulgated on February 14, 1985, would be subject to enforcement under section 113 of the Clean Air Act.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated waiver and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review except for interagency review material [section 307(d)(A)].

Miscellaneous

The Paperwork Reduction Act of 1980 (Pub. L. 96–511) requires EPA to submit to the Office of Management and Budget (OMB) certain public reporting/record keeping requirements before proposal. This rulemaking does not involve a "collection of information."

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities. The rulemaking would not impose any new requirements and, therefore, no additional costs would be imposed. It is, therefore, classified as nonmajor under Executive Order 12291.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Asphalt, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Metallic minerals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc, Tires, Incorporation by reference, Can surface coating, Industrial organic chemicals, Organic solvent cleaners, Fossil fuel-fired steam generators.

Date: August 14, 1987.

Lee M. Thomas,

Administrator.

Title 40 Part 60, Subpart BB of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

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

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, 7601.

2. Section 60.286 is amended by revising paragraph (a)(2) introductory text, to read as follows:

§ 60.286 Innovative technology waiver.

(a) * * *

(2) Commencing on February 14, 1985, and continuing to December 31, 1987, or until the displacement heating system that can achieve the standard specified

in 40 CFR 60.283 (February 23, 1987), is demonstrated to the Administrator's satisfaction, whichever comes first, OI Valdosta and Timber STS Inc. shall limit the discharge of TRS emission to the atmosphere:

* * * * *

[FR Doc. 87-19188 Filed 8-20-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 160

[OPP-250078; FRL-325-4]

Notification to Secretary of Agriculture of Proposed Revision to the Federal Insecticide, Fungicide and Rodenticide Act; Good Laboratory Practice Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notication to the Secretary of Agriculture.

SUMMARY: Notice is given that the Administrator of EPA has forwarded to the Secretary of Agriculture a proposed regulation that amends the Federal Insecticide, Fungicide and Rodenticide (FIFRA) Good Laboratory Practice Standards. This action is required by section 25(a)(2)(A) of FIFRA, as amended.

FOR FURTHER INFORMATION CONTACT: Dan Helfgott, Office of Compliance Monitoring (EN-342), Environmental Protection Agency, Room E-707B, 401 M Street, SW., Washington, DC 20460, (202) 382-7825.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall issue for publication in the **Federal Register,** with the proposed regulation, the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing within the 30 days after receiving the proposed regulation, the Administrator may sign the proposed regulation for publication in the **Federal Register** anytime after the 30-day period.

As required by FIFRA section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

As required by FIFRA 25(d), a copy of this proposed regulation has been forwarded to the Scientific Advisory Panel.

Authority: 7 U.S.C. 130 et seq.

Dated: August 14, 1987.

A. E. Conroy II,

Director, Office of Compliance Monitoring.

[FR Doc. 87-19194 Filed 8-20-87; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[OPP-300172; FRL-3250-8]

Dimethylformamide; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that dimethylformamide be exempted from the requirement of a tolerance when used in accordance with good agricultural practice in formulations with the fungicide triforine in or on the raw agricultural commodity hops. This regulation was requested by EM Industries, Inc. Also, elsewhere in this issue of the **Federal Register,** a food and a feed additive regulations are proposed to permit residues of triforine in or on dried and spent hops.

DATE: Comments, identified by the document control number [OPP-300172], should be received on or before September 21, 1987.

ADDRESS: By mail, submit written comments to:

Information Services Section, Program Management and Support Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460

In person, bring comments to: Rm. 236, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Room 236 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Lois A. Rossi, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460,

Office location and telephone number: Room 237, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: At the request of EM Industries, Inc., The Administrator proposes to amend 40 CFR 180.1046 by establishing an exemption from the requirement of a tolerance for residues of dimethylformamide when used in formulations with the fungicide triforine [*N,N*-[1,4-piperazinediylbis (2,2,2-trichloroethylidene)]bis[formamide]], in or on the raw agricultural commodity hops.

Inert ingredients are ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Dimethylformamide.

Name and address of requestor: EM Industries, Inc., 5 Skyline drive, Hawthorne, NY 10532.

Bases for approval:

1. Dimethylformamide is already exempt from the requirement of a tolerance for residues in or on the following raw agricultrual commodities when used in formulations with the fungicide triforine: almonds, apples, apricots, bell peppers, blueberries, cantaloupes, cherries, cranberries, cucumbers, eggplants, nectarines,

peaches, plums, prunes (fresh), strawberries, and watermelons.

2. The toxicological data considered in support of the exemption include several teratology studies by different routes of exposure and a subchronic feeding study in the dog with a no-observed-effect level (NOEL) of 1.0 milligram (mg)/kilogram (kg)/day.

Data submitted with this request indicated that dimethylformamide residues to beer from triforine applications to German hops range from 2.58 to 4.27 parts per million (ppm). The allowable levels based on a NOEL of 1 mg/kg/day, using a safety factor of 1000 and a food factor of 0.03 percent, are up to 133 ppm. Therefore, based on a worst case estimate of residues of dimethylformamide in beer and a calculation of the safe level of residues, it can be concluded that this use of dimethylformamide toxicologically permissible.

Based on the above information, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1046 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains the ingredient listed herein, may request within 30 days after publication of this document in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments should bear a notation indicating the document control number, [OPP-300172]. Written comments filed in response to this petition will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 through 612), the Administrator has determined that regulations establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 14, 1987.

Edwin F. Tinsworth,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR Part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.1046(a) is amended by adding, and alphabetically inserting, the raw agricultural commodity hops to read as follows:

§ 180.1046 Dimethylformamide; exemption from the requirement of a tolerance.

(a) * * *

Commodities

* * * * *

Hops

* * * * *

[FR Doc. 87-19196 Filed 8-20-87; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 228

[FRL-3250-1]

Ocean Dumping; Proposed Designation of Site

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate a dredged material disposal site located offshore of Virginia Beach, Virginia for the disposal of dredged material removed from the mouth of the Chesapeake Bay including Thimble Shoal Channel, Cape Henry Channel, and the Atlantic Ocean Channel. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material. This proposed site designation is for an indefinite period of time, but the site is subject to continued monitoring to insure that unacceptable adverse environmental impacts do not occur.

DATE: Comments must be received on or before October 5, 1987.

ADDRESSES: Send comments to: Mr. William C. Muir, Environmental Impact and Marine Policy Branch, Environmental Services Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Telephone: (215) 597-2541.

The file supporting this proposed designation is available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU) Room 2904 (rear), 401 M Street, SW, Washington, D.C.

EPA Region III, 841 Chestnut Bldg., Philadelphia, PA 19107

FOR FURTHER INFORMATION CONTACT: William C. Muir, 215/597-2541.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On October 1, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is within Region III and is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter 1, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 et. seq.) and was last extended on August 19, 1985 (50 FR 33338). That list established this site. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the adress given above.

B. EIS Development

Section 102(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 et. seq. ("NEPA") requires that Federal agencies prepare an Environmental Impact Statement (EIS) on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The object of NEPA is to build into the Agency decision-making process careful consideration of all environmental aspects of proposed actions. While NEPA does not apply to

EPA activities of this type, EPA has voluntarily committed to prepare EIS's in connection with ocean dumping site designations such as this. [See 39 FR 16186 (May 7, 1974).]

The Corps of Engineers prepared a draft and final supplement to the Final Environmental Impact Statement (EIS) entitled "Final Supplement 1 to the Final Environmental Impact Statement and Appendix: Dam Neck Ocean Disposal Site and Site Evaluation Study, Norfolk Harbor and Channels, Virginia, Deepening and Disposal." On April 3, 1981, the Final EIS for the Norfolk Harbor and Channels, Virginia, Deepening and Disposal was filed with EPA. A Draft Supplement to the Final EIS, which documents the use and proposed final designation of the expanded DNODS, was filed with EPA on December 14, 1984. The closing date for comments on the Draft EIS was January 28, 1985.

The Final Supplement was filed with EPA on June 7, 1985. A copy of these documents may be obtained from U.S. Army Engineer District, Norfolk, 803 Front Street, Norfolk, Virginia 23510–1096. Substantive comments were received on the Final Supplement to the EIS relating to endangered species, sediment transport, the potential for change in wave amplitude and last, possible water quality degradation. Subsequent to the Final Supplement, the Corps completed a number of multi-year studies of the site. In conjunction with EPA, an active monitoring program has been established to address the major issues which will be discussed in detail in Section E.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531) the National Marine Fisheries Service identified four species of sea turtles which may occur at or near the DNODS (Letter from Thomas Bigford, NMFS to Colonel Claude Boyd, III, District Engineer, COE, dated January 28, 1984). A preliminary determination has been made that the activity under consideration will not affect those species or their critical habitat. (See Section D for further details.) Based upon review of the latest published version of the National Register of Historical Places, there were no known sites eligible for or included in the Register within the DNODS. Wrecks are known to exist in the vicinity of DNODS. Reconfiguration of the site has eliminated known wrecks within the site. Therefore, disposal of dredged material would not adversely disturb or otherwise impact marine archaeological resources in the area. The State of Virginia does not have a Coastal Zone Management Plan.

The action discussed in the FEIS is designation for continuing use of the ocean dredged material disposal site identified as DNODS for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal of dredged materials. The appropriateness of ocean disposal is determined on a case-by-case basis as part of the process of issuing permits for ocean disposal.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. Land based disposal and other alternatives were examined in a previously published EIS titled "Feasibility Study and Final Environmental Impact Statement, Norfolk Harbor and Channels, Virginia, Deepening and Disposal" (April 3, 1981). The two primary disposal options with the least environmental impacts were fill of a 6,000 acre site in the Dismal Swamp and ocean dumping. The Dismal Swamp site was eliminated due to impacts to the fresh water swamp, and the loss of recharge for the aquifer. The original study proposal was for use of an ocean site located approximately 12 nautical miles due east of the Chesaspeake Bay. This site, while still a potential future disposal area, was not selected by the Corps of Engineers primarily due to the long haul distance for the deepening project.

The Final Supplement to the EIS presented the information needed to evaluate the suitability of ocean disposal areas for final designation and was based on a disposal site environmental study. The study and final designation process are being conducted in accordance with the Act, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

C. Proposed Site Designation

The proposed Dam Neck Ocean Disposal Site is the primary disposal site for three Federal navigation channels; the Atlantic Ocean Channel, the Cape Henry Channel, and the Thimble Shoal Channel. These channels provide entrance to the ports of th Hampton Roads and Baltimore. Combined, these ports provide the largest export tonnage in the country. Maintenance of these ports for navigation is vital to the economy of the United States. Further, the channels provide entrance to the largest naval port in the world, the Naval Shipyard, which is vital to national defense.

The proposed site has been in use since 1967 when the Corps deepened Thimble Shoal Channel to its present depth of 45 feet. Since that time all new work and maintenance dredged material from Cape Henry Channel and Thimble Shoal Channel, with limited exceptions, have been disposed at DNODS. These deposits included a variety of naturally occurring marine sediments, ranging from silts and clays to fine, medium, and coarse sands. To date, approximately 20.4 million cubic yards of dredged materials have been placed at DNODS.

The deepening of the Chesaspeake Channels, Cape Henry Channel to 50 ft MLW, Thimble Shoal Channel to 55 ft MLW, and construction of the Atlantic Ocean Channel to 57 ft MLW will require ocean disposal for as much as 36 million cubic yards of new work dredged material. In addition, future maintenance of these deepened channels will require ocean disposal for about 32 million cubic yards of maintenance dredged material during a 50-year period. To accommodate the estimated future new work and maintenance dredged material ocean disposal requirements and enable effective sediment management, the EIS included expansion and reconfiguration from a total bottom area of 4 square miles to 10 square miles.

The new reconfigured disposal site being proposed for fianl designation is located approximately 3 nm due east of the Dam Neck/Virginia Beach section of the Virginia coast and is approximately 7 nm south of the mouth of Chesapeake Bay. The boundary coordinates for the DNODS are as follows:

36° 51′ 20″ N., 75° 54′ 43″ W.;
36° 51′ 20″ N., 75° 53′ 31″ W.;
36° 50′ 52″ N., 75° 52′ 49″ W.;
36° 46′ 28″ N., 75° 51′ 51″ W.;
36° 46′ 28″ N., 75° 54′ 19″ W.;
36° 50′ 05″ N., 75° 54′ 19″ W.

If at any time disposal operations at the site cause unacceptable adverse impacts, further use of the site will be restricted or terminated as per 40 CFR Part 228.7–10.

D. Regulatory Requirements

Five general criteria are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at any early stage. Where feasible, locations off the Continental Shelf are preferred. If at any time disposal operations at an interim

site cause unacceptable adverse impacts, the use of that site will be terminated as soon as suitable alternate disposal sites can be designated. The general criteria are given in Section 228.5 of the EPA Ocean Dumping Regulations, and Section 228.6 lists 11 specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

The proposed site conforms to the five general criteria. However, there are no existing historically used sites beyond the edge of the Continental Shelf in this area. EPA has determined, based on the information presented in the FS–EIS that a site off the Continental Shelf is not feasible and that no environmental benefit would be obtained by selecting such a site instead of that proposed in this action. Further, historical use at the existing site has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment.

The characteristics of the proposed site are reviewed below in terms of the 11 specific criteria for site selection.

1. Geographical position, depth of water, bottom topography and distance from coast [40 CFR 228.6(a)(2)]

The boundary coordinates of the site are given above. The landward boundary of the Dam Neck Site is about 3 nm from the coastline and parallel to Virginia Beach, Virginia. Water depths in the area are generally between 9.5 and 15 meters and an area of 10 square nm. A small portion of the site is characterized by a disposal impression which is the result of the COE depositing dredged material. With the exception of this impression, the bottom near the DNODS has no significant features. Topography is typical of the inner Continental Shelf, with a smoothe bottom and a gradual seaward slope.

2. Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases. [40 CFR 228.6(a)(2)]

The DNODS is situated on the near shore Continental Shelf, surrounded by productive marine waters usually associated with shallow coastal areas. The dominant factor influencing the biological makeup of the study area is its position adjacent to the mouth of the Chesapeake Bay. The Bay "plume" contributes nutrients and detrital materials, resulting in enhanced primary production compared to areas farther from the Bay mouth.

Breeding, spawning, nursery, and passage activities of commercially important finfish and shellfish occur on a seasonal basis in the vicinity of the dump site. However, the most extensive breeding, spawning, and nursery activities occur either in offshore waters or in the adjacent Chesapeake Bay estuarine waters that is offshore or inshore of the dredged material disposal site. In addition, the total area of the disposal site represents only a small portion of the total breeding, spawning, and nursery areas along the mid-Atlantic coast for these species. The disposal site is within passage areas for anadromous adult fish and larval finfish and shellfish migrating from the ocean to the Cheaspeake Bay. However, these passage areas are not confined or geographically limited to areas coinciding with the DNODS. The intensity of passage activities varies seasonally with peaks in spring and early fall for most important finfish and shellfish species.

The most important shellfish species to the lower Cheaspeake Bay and to the DNODS is the blue crab *Callinectes sapidus.* Studies by EPA, the COE and others identified in the FS EIS showed that during larvael development a significant fraction of the blue crab reside in the Chesapeake Bay plume, only a fraction of which includes the DNODS. Therefore, the potential impacts would be very small, especially since the crab larvae are primarily in the surface waters.

The DNODS supports a productive benthic faunal population which is typical of the mid-Atlantic inner Continental Shelf. However, no commercial quantities of any shellfish were identified in the DNODS. A small conch fishery (*Busycon* sp. and *Strombus* sp.) occur inshore of the site and the surf clam (*Spisula solidissima*) and sea scallop (Placopecten magillanicus) are found offshore of the site.

The impact of dumping on breeding, spawning, nursery, and passage activities is therefore likely to be minimal for the reasons stated above. In addition, due to the mobility of adult finfish, it is unlikely that dumping will have a significant impact on either anadromous or pelagic species. In general, increases in suspended sediment concentrations following dumping are localized and are not expected to cause adverse long-term impacts. Consequently, interference of suspended sediments on the respiratory structures of fish are minimal. Some entrainment of larvel fish and crabs within the disposal plume way occur, causing a minor detrimental effect within the disposal site. However, the population will not be adversely affected.

Studies indicate the migration of thousands of the loggerhead and ridley turtles into the Chesapeake Bay. However, there is little evidence that a significant number of turtles would in fact traverse the dump site during the migratory April-June period. During EPA's surveys over a four-year period, no turtles were sighted nor were any recovered from extensive benthic trawls at the site. This may be due to the colder water, 8 to 10 °C at the dump site during the period of May through June as opposed to the near shore waters where temperatures reach 20 °C, the temperature at which the turtles begin to migrate. Further, in conjunction with EPA, the COE has developed a site management plan which segments the site, thereby, only a two-square mile area would be impacted at any time. In view of the above, any impacts to the sea turtles would be infrequent and localized and, therefore, not a significant threat especially given the mobility of the turtles and the short-term water column effects. The impact on benthic communities will be localized to an area which is only a small portion of the total bottom area over which the migrating turtles pass. The turtles, being opportunistic feeders, should have no difficulty in finding adequate adjacent food resources to sustain their winter migration. The jellyfish, which both the loggerhead and ridley forage on near the Bay mouth, should in on way be adversely impacted by disposal at Dam Neck Disposal Site, 10 miles away.

3. Location in relation to beaches and other amenity areas. [40 CFR 228.6(a)(3)]

The DNODS is located offshore of Virginia Beach. The 3.3 nm of coastline between Rudee Inlet and 49th Street in Virginia Beach are highly developed ocean resort areas—the largest in Virginia. It includes an extensive tourist and resort trade. The dunes have been removed and developed. South of Rudee Inlet the shoreline is backed by sand dunes with residential development, a military installation and further south, a National Wildlife Refuge.

The DNODS is within 3 nm of the adjacent beach. Longshore, tidal, and storm generated currents may disperse the dredged materials dumped at the site. The center of the site is approximately 2 nm seaward of the active littoral drift zone with respect to the nearshore bottom profile. The mean annual current vectors for bottom circulation are toward shore along Virginia Beach. However, the vectors were of weak magnitude and the FS EIS predicted minimal material movement

from the site by wave induced and tidal currents.

Sediment transport at the DNODS, while minimal, would become part of the littoral drift zone and incorporated into the natural beach process with minimal adverse environmental impacts. The majority of the sediments released would be expected to sink to the bottom and remain in place.

In addition, after 20 years of use, no apparent adverse impacts to beaches have been associated with the previous dredged material disposal at this site. Thus, use of the site should not adversely affect recreation, coastal development or other uses of the shoreline. Further, there are public amenities in the vicinity of the DNODS which are incompatible with continuing use of the disposal site.

4. Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any. [40 CFR 228.6(a)(4)]

All dredged material dumped in ocean disposal sites must satisfy the criteria for ocean dumping permits specified in EPA's Ocean Dumping Regulations [40 CFR Part 227].

The types of dredged material to be dumped at DNODS and method of release will be typical of previous dredging operations in the lower Chesapeake Bay channels that involved ocean disposal since 1967. The dredged materials will consist of uncontaminated sediments removed from the existing Thimble Shoal and Cape Henry Channels and the planned Atlantic Ocean Channel.

Thimble Shoal Channel is approximately 12 nm long and is maintained 45 feet deep and 1,000 feet wide. The channel extends between deep water just to the east of Hampton Roads and deep water at the Chesapeake Bay mouth. West of the Chesapeake Bay Bridge Tunnel the channel sediments are clays and silts (50–75%), but fine to medium sands are present (75–90%), within the eastern end of the channel. The planned deepening to 55 feet would result in approximately 23.5 million cubic yards for disposal with maintenance expected to average about 900,000 cubic yards every 5 years. The project is projected to be phased with approximately 3.6 million cubic yards to be disposed from the outboard Thimble Shoal Channel to 50 feet for 1987 and 1988.

Cape Henry Channel is about 2.5 nm long and is maintained to 42 feet deep and 1,000 feet wide. The channel is at the Chesapeake Bay mouth and is the start of the route north to Baltimore. The channel sediments are predominantly fine sand (80–90%) with some silt, clay, and shell. The planned deepening will require approximately 3.2 million cubic yards to be disposed with maintenance expected to average about 1,000,000 cubic yards every 4 years.

The Atlantic Ocean Channel is in the vicinity of the present southeast sea lanes. The planned deepening to 57 feet and 1,000 feet wide will involve dredging of about 10 million cubic yards of fine sand (80–90%) with silt, some clay, and some gravel. Maintenance dredging is predicted to average about 1,000,000 cubic yards of material every 5 years.

The dredging and release of dredged material will be removed from the channels by self-propelled trailing suction hopper dredges and transported to the DNODS by these same seagoing vessels. The materials will be released at the site by bottom dumping. Split hull hopper dredges accomplish this by opening the hull.

The dredged material from the Hampton Roads is a finer grained material which often contains contaminants. As a result, all inner harbor dredge disposal will occur in the Craney Island contained disposal area.

Chemical and biochemical studies conducted on the channels proposed for ocean disposal at DNODS were shown to meet EPA criteria. Further, suspended solid phase bioassays conducted on sediments from the Thimble Shoals and Cape Henry Channels indicated that sediments exhibited low levels of acute toxicity for the grass shrimp, *Palaemonetes pugio* and the blue mussel, *Mytilus edulis*. In all cases, the mortalities of text organisms exposed to the various elutriate concentrations was not significantly different from that exhibited by the controls. The solid phase bioassay experiments also indicated a low degree of toxicity for sediments from Thimble Shoals and Cape Henry Channels. Osmoregulation studies on suspended solid phase bioassays indicated that materials did not produce significant sublethal effects. Elutriates of sediments did not affect the ability of *P. pugio* to hyperregulate at low salinities or hyporegulate at high salinities.

5. Feasibility of surveillance and monitoring. (40 CFR 228.6(a)(5))

The Dam Neck Site does not currently have surveillance by the U.S. Coast Guard. Instead, the COE employs qualified personnel for contractor surveillance on the dredge. To assist in assurance that all disposal takes place in the proper location, the U.S. Coast Guard has placed special buoys to mark the location of dumping. Due to the proximity of the site to shore, less than 3 nm, surveillance using shipriders or aircraft overflights would not be difficult. Monitoring is not a problem because the site is readily accessible from Hampton Roads, Little Creek, Lynnhaven Inlet, and Rudee Inlet, and has conditions suitable for typical survey and oceanographic vessels.

The Corps of Engineers conducts bathymetric survey monitoring of the channels and dumpsite. Surveys are conducted on a minimum annual basis and more frequently as needed during the channel construction phase, pre- and post-dump surveys for each major segment of the project. Also included in the monitoring of transport, the EPA with the assistance of the Corps has placed sediment traps around the site to assure no significant transport toward the beach. Traps will be monitored semiannually.

EPA has a continuing monitoring program at the site for annual assessment of benthic communities, chemical characterization and biological changes near the site. This program will continue through the construction phase of the project. In addition, in conjunction with the National Marine Fisheries Service, EPA will conduct a two-year study to assess the actual sea turtle migration through the site during the spring migration.

Water quality monitoring will continue by both the EPA and Corps to assure no changes in water quality due to ocean disposal during the critical summer periods.

Last, bioassays and bioaccumulation analyses and appropriate monitoring of the site sediments and dredged materials will be determined on a case-by-case basis by EPA and the Corps as necessary. Should evidence of significant adverse environmental effects occur, EPA will take appropriate steps as provided in 40 CFR Part 228.

6. Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. (40 CFR 228.6(a)(6))

The physical oceanographic characteristics of the DNODS are typical of the inner continental shelf circulation seaward of the littoral zone. The inner shelf circulation seaward of the 10 meter contour is generally aligned with the bathymetric contours, with a negligible onshore-offshore component. The dispersal, horizontal transport, and vertical mixing characteristics of the DNODS are influenced by a net southward oceanic circulation rather than the nearshore littoral forces.

Near surface currents in the vicinity of the site range from 5 to 9 cm/s during the summer, and 4 to 6 cm/s during the fall. Bottom currents during those periods averaged 0 to 2 cm/s during summer and between 1 to 3 cm/s during the fall. Bottom currents are oriented north-south at 3 to 12 cm/s during the presence of moderate wave action. The threshold for transport of medium grained sand is taken at 20 cm/s and it is therefore concluded that wave induced sediment movement is oscillatory and should produce no net translation of sediment. However, as noted in the previous section, monitoring will be conducted to assure no impacts to amenities due to sediment transport.

Immediate dispersal and horizontal transport of the dredged material are influenced primarily by the method of placement, type of dredged material, and depth of water at the disposal site. The material is expected to be released by bottom dumping hopper dredges at depths of 6 to 9 meters below the water surface and rapidly descend to the bottom at depths of about 10 to 15 meters. Non-cohesive materials such as sand and shell would descend as high density flow, whereas cohesive sediments would descend as a cohesive mass of material. The sediments that are proposed for disposal vary from cohesive to non-cohesive material. The length of the bottom impact zone depends on the speed of the dredge and time required to release the load and is typically less than 1,500 feet for a split hull dredge and less than 3,000 feet for a conventional bottom door dredge. Deposition of the dredged material typically occurs no more than 500 feet laterally from the path of the hopper dredge. Field studies show losses at the site as less than one percent.

Long-term disposal and horizontal transport of dredged material should not be significant at the DNODS due to currents which are insufficient to transport significant amounts of dredged materials. Numerous pre- and post-dump bathymetric surveys indicate optimal retention at the site.

7. Existence and effects of current and previous discharges and dumping in the area (including cumulative effects). (40 CFR 228.6(a)(7))

The DNODS has been used for over 20 years with approximately 19 million cubic yards of dredged material being disposed at the site. Based upon studies by EPA, the COE and the Hampton Roads Sanitary District, there appears to be no significant difference in benthos, fisheries, water quality, and sediment quality between the disposal site and adjacent areas which have not been disposed on. Dredging records indicate that most of the materials dumped at the site came from Cape Henry and Thimble Shoal Channel. The lack of any statistically significant difference between the disposal site and adjacent areas tends to indicate that there have been little long-term adverse impacts associated with disposal.

The only detected long-term effects from previous dredged material disposed at the site were limited to physical effects. The materials dumped at the site have been varying mixtures of uncontaminated fine sand, silts, and clays. The immediate effects of disposing of these materials have been restricted to minor short-term increases in water column suspended solids, and the burial of limited bottom areas with a thin layer of dredged material.

Investigations by the U.S. Army Corps of Engineers Waterways Experiment Station have indicated the suspended solids levels typically return to ambient levels shortly after open water disposal operations are completed. Studies have also indicated that bottom areas buried by dredged material are typically repopulated within several months.

The cumulative effects of disposal at this DNODS are limited to bathymetric changes. Operational control of previous disposal and the relatively stable environment have resulted in a measurable buildup of dredged material deposits in the northern end of the DNODS. Studies by EPA have, however, indicated that during the 20-year period of dumping, there may have been some dumping outside the site as evidenced by REMOTS camera photographs. Except for these changes, there were no biological, or chemical effects from previous disposal at the site.

Motile finfish and shell fish generally are capable of escaping from released sediments. No existence of any significant adverse impacts were identified. No fish kills were identified to occur in the vicinity of the site during the 20-year period. No shellfish beds, existing or relic were found in the area. No evidence of any significant adverse impacts on macrofauna or microfauna abundance due to previous dredged material disposal was apparent during site surveys.

The results of bioassay and sediment quality of the Thimble Shoal Channel indicate a relatively uncontaminated sediment and it is unlikely that previous disposal either directly was toxic to marine organisms or contributed significant amounts of contaminants to the ecosystem.

8. Interference with shipping fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean. (40 CFR 228.6(a)(8))

The mouth of the Chesapeake Bay and near shore waters are heavily utilized for shipping, fishing and recreational boating. However, the DNODS is ideally located south and inshore of the shipping lanes and offshore of the primary near shore fishery and inshore of the major sport fishery.

Conch, blue crabs, and menhaden as well as croaker, spot and sea trout are caught in the area. Further, an extensive summer flounder fishery occurs inshore of the site. However, there are restrictions to use of the area as it is near a Navy firing range. While this would not restrict disposal, it does limit commercial trawling operations.

The prime recreational fishing areas are near the mouth of the bay and further off shore, 10 to 15 nm, according to published fishing records. Since dredge material disposal will be fairly frequent over the next five years, it would restrict any fishing activity within the site. Further, due to the mounding that will occur, the trawling would be difficult within the site.

Use of the DNODS should not affect the traffic into the Chesapeake Bay or along the coast. Deep draft shipping to and from the ports of Baltimore or Hampton Roads must comply with the Chesapeake Bay Traffic Separation Scheme. The DNODS is located south of these channels. The DNODS is inshore of the deep draft coastal shipping routes. Further, shallow draft commercial fishing and sport boats will not be affected since their drafts are typically 15 feet or less.

All considerations for mineral extraction in Virginia waters are in the exploratory stages. The DNODS is not expected to interfere with these uses as it is well inshore of the proposed oil and natural gas drilling lease areas.

Presently there are no desalination plants within the study area. EPA is, however, currently investigating the use of reverse osmosis for desalination in the Norfolk area. The location for the pilot facility has not been chosen. It is doubtful that the intake would be in the ocean rather than the bay where salinities are much lower.

Concerning areas of special scientific importance, the area does not contain any unique physical or biological features. However, the area has been studied as part of the Hampton Roads Sanitary District ocean outfall located one mile from the site. Use of the site for disposal should not interfere with the operation of the ocean outfall. A separate monitoring program was established between the U.S. Corps of

Engineers and the EPA to assure there are no synergistic effects of dredge material disposal and the ocean outfall.

There are no fish and shellfish mariculture activities in or around the site. Last, the only other known use of the area is by the U.S. Navy military firing range. Since the firing area encompasses the DNODS, the COE and its contractor coordinate with the Navy to schedule disposal operations. The Navy also conducts underwater explosive ordnance in the area which must also be coordinated with the disposal schedule.

9. The existing quality and ecology of the site as determined by available data or by trend assessment or baseline surveys. (40 CFR 228.6(a)(9))

This existing water quality of the DNODS area has been classified by the State of Virginia as non-degraded, suitable for public water supplies, primary contact recreation, propagation of fish and other beneficial uses. The surface dissolved oxygen concentrations in the area are generally at or near saturation. However, backgound levels of dissolved oxygen in the bottom waters of the area are periodically below 5 mg/1. Nitrogen and phosphorus levels are moderate, exhibiting mean concentrations of 0.3 mg N/1 and 0.06 mgP/1. During summer to early fall, a strong thermal-salinity density stratification appears with minimal stratification during winter to spring with significant vertical mixing.

The water quality of the site is primarily affected by discharges from the Hampton Roads Sanitary District which discharges effluent from secondary treatment and filtration facilities and by the DNODS which has been used for the past 20 years. The near coastal waters of the site are also affected by the outflow from Chesapeake Bay which constitutes over 50% of the freshwater inflow to the Continental Shelf of the Mid-Atlantic Bight.

The ecology of the DNODS is greatly influenced by its position adjacent to the mouth of the Chesapeake Bay. The outflow from the Bay enhances primary production by contributing nutrients and detrital material to the inner continental shelf region. Phytoplankton cell concentrations in the Bay plume are significantly higher than in shelf water outside the plume. Seasonal changes in phytoplankton composition is related to the Bay plume changes in composition, quantity of flow, temperature, and salinity.

The meroplankton in the DNODS area is dominated by the blue crab, bay anchovy, and sand shrimp larvae. The blue crab megalope were found in the center of the area but the zoea were found in greatest numbers offshore and to the north of the site. The DNODS does not appear to represent a major larval transport route for any commerically significant species except for the blue crab. Commercial and sport fishes were found to use the area during migration but no important spawning occurs.

The benthos of the area supports a productive benthic faunal population which is typical of benthos of the mid-Atlantic inner continental shelf. Commercial benthos abundances were found to be low and only species of marginal commercial importance were collected with none in significant numbers. The non-commercial benthic macroinfaunal community was found to be a typical sandy substrate assemblage.

Dumping of dredged material over 20 years has not significantly affected water quality. Therefore, use of the site is not expected to have significant water quality or ecology impacts. The benthic community would have short-term changes due to increased sediment loading. However, due to natrual recolonization of the benthos, these impacts are not expected to be significant.

10. Potentiality for the development or recruitment of nuisance species in the disposal site. (40 CFR 228.6(a)(10))

Dredged material has been placed in the DNODS since the mid-1960's. Monitoring in this area has not detected the development or recruitment of nuisance species. Further, the sediments placed in the site and which will be disposed in the future, meets ocean disposal criteria as specified by the COE and EPA.

Benthic organisms in the disposal area are typical of benthic faunal populations of the inner continental shelf. The open ocean conditions at the DNODS including low bottom temperatures, high salinities, and coarse grained dredged materials with low organic content should not favor microbial activity or proliferation and are not expected to develop as nuisance species. In addition, annual monitoring for potential nuisance species will be conducted by EPA.

11. Existence at or in proximity to the site of any significant natural or cultural features of historical importance. (40 CFR 228.6(a)(11))

The area extending from Assateague Island to Fisherman's Island and offshore for 10 nm is on the National Oceanographic and Atmospheric Administration's site evaluation list for consideration as a marine sanctuary. Most of Fisherman's Island, located on the north side of the Bay mouth, is a National Wildlife Refuge known for having a wide variety of birds which are particularly abundant during seasonal migratory periods. The Back Bay National Wildlife Refuge and False Cape State Park are located south of the study area. Neither of these areas would be affected by long-term disposal at the DNODS.

There are 17 known historic vessels that have been lost in the vicinity of the disposal area. Within the site boundaries of the DNODS there are no known wrecks, obstruction, or other significant natural or cultural features. The nearest known wreck is located about ¼ nm east of the proposed eastern boundary and has been tentatively identified as a 500-ton vessel called Kingston Celonite which sank in June 1942. A second obstruction has been located about ¾ nm north-northwest of the proposed northwest corner of the site and is listed as wreck, unknown. The disposal of dredged material at the DNODS is not likely to adversely disturb or otherwise impact marine archaeological resources.

E. Proposed Action

Dredged material disposal has occurred at this site for approximately 20 years. Recent monitoring associated with the site designation process has not detected any persistent or cumulative changes in the water quality or ecology at the site. Impacts from dumping have been found to be temporary and restricted to within the site boundary. The location of the proposed site facilitates surveillance and monitoring and decreases the impact of sediment changes resulting from disposal of dissimilar sediments.

The EIS concludes that the proposed site may appropriately be designated for use. The proposed site is compatible with the general criteria and specific factors used for site evaluation.

The designation of the Dam Neck Ocean Disposal Site as an EPA approved Ocean Dumping Site is being published as proposed rulemaking. Management of this site will be delegated to the Regional Administrator of EPA Region III.

It should be emphasized that, if an ocean dumping site is designated, such a site designation does not constitute or imply EPA's approval of actual disposal of materials at sea. Before ocean dumping of dredged material at the site may commence, other than that already approved under Section 103 of the Marine Protection, Research, and Santuaries Act, the Corps of Engineers must evaluate a permit application

according to EPA's ocean dumping criteria. EPA has the right to disapprove the actual dumping, if it determines that environmental concerns under the Act have not been met.

F. Regulatory Assessments

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

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

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

List of Subjects in 40 CFR Part 228

Water pollution control.

Dated: August 11, 1987.

James M. Seif,

Regional Administrator for Region III.

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

PART 228—[AMENDED]

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

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

2. Section 228.12 is amended by removing the "Dam Neck" entry in paragraph (a)(3) and by adding paragraph (b)(41) to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(41) Dam Neck, Virginia, Dredged Material Disposal Site—Region III. Location:

36°51'20" N.;	75°54'43" W.;
36°51'20" N.;	75°53'31" W.;
36°50'52" N.;	75°52'49" W.;
36°46'28" N.;	75°51'51" W.;
36°46'28" N.;	75°54'19" W.;
36°50'05" N.;	75°54'19" W.;

Size: 10 square nautical miles
Depth: Averages 11 meters
Primary Use: Dredged material
Period of Use: Continuing use
Restriction: Disposal shall be limited to dredged material from the mouth of the Chesapeake Bay.

[FR Doc. 87-19189 Filed 8-20-87; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105-55

Collection of Claims Owed the United States

AGENCY: Office of the Comptroller, GSA.

ACTION: Proposed rule.

SUMMARY: The General Services Administration proposes to amend 41 CFR Part 105-55, Collection of Claims Owed the United States. The proposed regulations establish the right of the General Services Administration (GSA) to collect claims owed to the United States (U.S.) utilizing the provisions of the Debt Collection Act of 1982 (DCA), except that the application of administrative offset procedures in the DCA will not be applied to claims arising under contracts subject to the Contract Disputes Act of 1978, 41 U.S.C. 601 *et seq.* (CDA). This amendment based upon the Department of Justice's position that DCA procedures are applicable to claims arising under contracts subject to the CDA except where, as in the administrative offset area, another statute or regulation preempts the application of DCA procedures.

The right of GSA to collect claims owed to the U.S. is also being established by these proposed regulations pursuant to the Governments' right under common law. This is based upon the position taken by the Department of Justice that the Debt Collection Act does not apply to the collection of Government claims by administrative offset.

DATE: All comments must be in writing and received on or before September 21, 1987.

ADDRESS: Written comments should be sent to Mr. LeRoy Boucher, Deputy Comptroller for Finance (BC), General Services Administration, 18th & F Streets NW., Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald J. Dobranski, Office of Finance, Financial Information Control Division (BCD) 202-535-7620.

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of E.O. 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. Therefore, a Regulatory Impact Analysis has not been prepared. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and the consequence of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

PART 105-55—COLLECTION OF CLAIMS OWED THE UNITED STATES

1. The authority citation for Part 105-55 continues to read as follows:

Authority: 31 U.S.C. 3701-3719; Pub. L. 97-365, 96 Stat. 1754.

2. Section 105-55.003 is amended by revising paragraph (a) to read as follows:

§ 105-55.003 Applicability.

(a) This part applies to all claims due the United States under the Federal Claims Collection Act, as amended by the Debt Collection Act, arising from activities under the jurisdiction of the General Services Administration, except for the collection by administrative offset, of those claims arising out of contracts subject to the Contracts Disputes Act of 1982, 41 U.S.C. 601 *et. seq.* The word claims includes but is not limited to amounts due the United States from fees, overpayments, fines, civil penalties, damages, interest and other sources.

* * * * *

3. Section 105-55.007 is amended by revising paragraphs (a) and (d) to read as follows:

§ 105-55.007 Collection by offset.

(a) Whenever feasible, after a debtor fails to pay the claim, request a review of the claim, or make an arrangement for payment, the Comptroller or his appropriate regional designee will collect claims under this part by means of administrative offset against obligations of the United States to the debtor, pursuant to 31 U.S.C. 3716, except offset of Federal salaries and claims arising out of contracts subject to

the Contract Disputes Act of 1978, 41 U.S.C. 601 *et. seq.*

* * * * *

(d) The offset of claims arising out of contracts subject to the Contract Disputes Act of 1978, 41 U.S.C. 601 *et. seq.* will be made pursuant to the Government common law right of offset.

* * * * *

Dated: July 13, 1987.

Raymond A. Fontaine,

Comptroller.

[FR Doc. 87-19172 Filed 8-20-87; 8:45 am]

BILLING CODE 6820-BN-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3560

[AA-650-07-4133-02-2410]

Hardrock Minerals; Proposed Action To Correct Latent Ambiguity

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed Action to Correct Latent Ambiguity.

SUMMARY: The Bureau of Land Management has become aware of the existence of a latent ambiguity in the renewal terms applicable to a limited number of hardrock leases issued by the Bureau after October 9, 1964, on Lease Form 4–1100 (dated September 1962). In an effort to resolve the problems caused by this ambiguity, the Bureau proposes to give the holders of the affected hardrock leases an opportunity to elect to obtain a one-time renewal of the lease term identical to that of the term granted in the lease, 20 years, with all subsequent renewals to be for a term of ten years. This will be in lieu of a renewal for a term of 10 years for all other hardrock leases (43 CFR 3561.3). The public is hereby requested to give its comments on this proposed action.

DATE: Comments should be submitted by September 21, 1987. Any comments received or postmarked after the above date may not be considered in the decisionmaking process on any final action that might be taken.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, Room 5555, Main Interior Bldg., 1800 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mary Linda Ponticelli, (202) 343–3258.

SUPPLEMENTARY INFORMATION: For hardrock leases issued by the Bureau of Land Management prior to October 9, 1964, the then current regulations provided for a lease term of 5 or 10 years with a right to renew the lease "for successive periods of like duration." (43 CFR 20.37(f)) The language providing for renewal "for successive periods of like duration" was included in Lease Form 4–1100 (dated September 1962). In 1963, 43 CFR 200.37(f) was rewritten and renumbered as 43 CFR 3221.4(f). In October 1964, 43 CFR 3221.4(f) was amended to provide for an initial lease term not to exceed 20 years for hardrock leases, with renewals to be for a term not to exceed 10 years.

An ambiguity arose when the Bureau of Land Management issued approximately 7 hardrock leases after the effective date of the October 1964 amendment to 43 CFR 3221.4(f) using Lease Form 4–1100 (dated September 1962), which form continued to use for renewal purposes the language "for successive periods of like duration in accordance with regulation 43 CFR 200.37(f)." This language appeared to grant a lessee the right to renew a lease for a period of 20 years, the initial term of leases granted after the October 1964 revision of the hardrock leasing regulations. Later versions of Lease Form 4–1100 corrected the language relating to the renewal term to bring it into compliance with the provisions of 43 CFR 3221.4(f), as amended, making it clear that the renewal of a hardrock lease could be for a term not to exceed 10 years. Currently, the renewal limitation is contained in 43 CFR 3561.3

The Bureau of Land Management proposes that the seven or so leases that are affected by this ambiguity will not be required to be renewed for a period of 10 years as required by § 3561.3 of the existing regulations, but, instead proposes to grant said lessees an opportunity to request a one-time renewal of 20 years, with any subsequent renewal to be for the term required by existing regulations. The public is requested to give its comments on this proposal.

The principal author of this proposal is Mary Linda Ponticelli, Division of Solid Mineral Leasing, Bureau of Land Management, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management, and the staff of the Office of the Solicitor, Department of the Interior.

It is hereby determined that this document does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The proposal will directly affect only about seven leases of hardrock minerals on the public lands. The proposal's effect will be equally applicable to all of the affected leases, regardless of the size of the entity holding them.

There are no information collection requirements contained in this proposal requiring the approval of the Office of Management and Budget under 43 U.S.C. 3507.

List of Subjects 43 CFR Part 3560

Government contracts, Mineral royalities, Public lands—mineral resources, Surety bonds.

This proposed action is made under the authority of the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), including the Act of February 7, 1927 (30 U.S.C. 281–287); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); section 402, Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix) as it relates to the Act of March 4, 1917 (16 U.S.C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (40 U.S.C. 401, 403(a) and 408), the 1935 Emergency Relief Appropriations Act of April 8, 1935 (48 Stat. 115, 118), section 55 Title I of the Act of August 24, 1935 (49 Stat. 750, 781), the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (7 U.S.C. 1011(c) and 1018) and section 3 of the Act of June 28, 1952 (66 Stat. 285); section 3 of the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508(b)); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of March 3, 1933 (47 Stat. 1487), as amended by the Act of June 5, 1936 (49 Stat. 1482) and the Act of June 29, 1936 (49 Stat. 2026; section 10 of the Act of August 4, 1939 (43 U.S.C. 387) as it relates to the Act of October 8, 1964 (16 U.S.C. 460n et seq.), the Act of November 8, 1965 (16 U.S.C. 460q et seq.), the Act of October 1, 1968 (16

U.S.C. 90c et seq.) and the Act of October 17, 1972 (16 U.S.C. 460dd et seq); section 6 of the Act of November 8, 1965 (16 U.S.C. 460q et seq) as it relates to the section 3 of the Act of September 1, 1949 (30 U.S.C. 192(c); sections 403, 404 and 1312 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 460mm–4) as it relates to section 10 of the Act of August 4, 1939, as amended (43 U.S.C. 387); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and the Independent Offices Apropriations Act (31 U.S.C. 9701).

James E. Cason,

Acting Assistant Secretary of the Interior.

July 10, 1987.

[FR Doc. 87–19060 Filed 8–20–87; 8:45 am]

BILLING CODE 4310–84–M

Notices

Federal Register
Vol. 52, No. 162
Friday, August 21, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

National Foundation on the Arts and the Humanities

Institute of Museum Services, National Endowment for the Arts; Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Program

AGENCIES: Advisory Council on Historic Preservation, Institute of Museum Services, National Endowment for the Arts.

ACTION: Notice of Request for comments.

SUMMARY: Each of the above-referenced agencies has participated in a Department of Justice sponsored joint publication of final rules (51 FR 22880) implementing section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504, as amended, prohibits discrimination on the basis of handicap in programs or activities conducted by Federal executive agencies.

Each agency's regulations requires it to conduct a self-evaluation of its compliance with section 504. Since these agencies share a common facility, they have determined it useful to conduct certain parts of their separate self-evaluation processes jointly, including sharing the services of five outside consultants with disabilities. As part of these evaluations, the agencies now request comments from interested persons on the accessibility of the way they conduct their separate programs and common facility to disabled persons.

DATE: Comments must be submitted on or before September 21, 1987.

ADDRESS: Comments on the accessibility operation of the programs of the Advisory Council for Historic Preservation may be submitted to: Frank Suman, Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Comments on the accessibility operation of the programs of the Institute of Museum Services may be submitted to: James Wieber, Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Comments on the accessibility operation of the programs of the National Endowment for the Arts may be submitted to: Paula Terry, National Endowment for the Arts, Office for Special Constituencies, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 682–5532 or TDD 682–5496.

Comments on the facility in which all these agencies are located, the Nancy Hanks Center at the Old Post Office building, 1100 Pennsylvania Avenue, NW., Washington, DC 20506 may be submitted to any of the agencies.

FOR FURTHER INFORMATION CONTACT:

Advisory Council on Historic Preservation: See comment section.

Institute of Museum Services: See comment section.

National Endowment for the Arts: See comment section.

SUPPLEMENTARY INFORMATION: Each agency's regulations are based on a prototype developed by the Department of Justice and contain comparable requirements. The regulations of the Advisory Council on Historic Preservation are codified at 36 CFR Part 812; the Institute of Museum Services at 45 CFR Part 1181; and the National Endowment for the Arts at 48 CFR Part 1153. Section ____.110 of each agency's regulations requires that it evaluate its policies and practices in light of section 504 and provide an opportunity to interested persons, including handicapped persons or organizations representing handicapped persons, to participate in the self-evaluation process by submitting oral or written comments on the accessibility of the agency's programs and facility. All comments will be considered as part of the self-evaluation process. Following the completion of the self-evaluation process, each agency's self-evaluation will be on file and available for public inspection, with each agency's description of areas examined, any problems identified, and any modifications made. See ____.110(c). Access to these files may be obtained by contacting the person listed under the comment section of this preamble.

Robert D. Bush,
Executive Director, Advisory Council on Historic Preservation.
Lois Burke Shepard,
Director, Institute of Museum Services.
Keith Stephens,
Assistant Director for Administration, National Endowment for the Arts.
August 18, 1987.

[FR Doc. 87–19110 Filed 8–20–87; 8:45 am]
BILLING CODE 7537-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Feed Grain Donation for the Tohono O'odham (Formerly Papago) Indian Nation in Arizona

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Tohono O'odham Indian Nation of the Tohono O'odham Indian Reservation in Arizona has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Tohono O'odham Indian Nation for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribes will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of the Nation to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock owners who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the Nation utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice

and shall be made available through October 20, 1987, or such other date as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, DC, on August 17, 1987.

Milton Hertz,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 87-19147 Filed 8-20-87; 8:45 am]

BILLING CODE 3410-05-M

Commodity Credit Corporation

1987 Crop Soybeans

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determinations with respect to 1987 crop soybeans.

SUMMARY: The purpose of this notice is to set forth the preliminary announcement that the level of price support for the 1987 soybean crop is $4.77 per bushel. This preliminary announcement is made pursuant to section 201(i) of the Agricultural Act of 1949, as amended (the "1949 Act"). In accordance with section 1009 of the Food Security Act of 1985, as amended, any determinations with respect to implementation of cost reduction options will be made at a later date.

EFFECTIVE DATE: August 3, 1987.

FOR FURTHER INFORMATION CONTACT: Orville I. Overboe, Agricultural Economist, Commodity Analysis Division, ASCS-USDA, P.O. Box 2415, Washington, DC 20013, Telephone (202)447-4417.

DATE: August 3, 1987.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under Department of Agriculture procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512-1 and has been designated as "major". It has been determined that these program provisions will result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title—Commodity Loans and Purchases; Number—10.051 as found in the Catalog of Federal Domestic Assistance.

Section 1017 of the Food Security Act of 1985 provides that the Secretary of Agriculture shall determine the rate of loans, payments and purchases under a program established under the Agricultural Act of 1949 (the "1949 Act") for any of the 1986 through 1990 crops without regard to the requriements for notice and public participation. Accordingly, public comments are not requested with respect to the level of loans and purchases under the price support program for the 1987 crops of soybeans.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation is not requried by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice. A preliminary impact analysis has been prepared and is available from the above named individual.

Section 201(i)(1)(A) of the 1949 Act provides that the price of soybeans for each of the 1986 through 1990 marketing years shall be supported through loans and purchases. Section 201(i)(1)(B) provides that the support price for the 1986 and 1987 crops of soybeans shall be $5.02 per bushel. However, if the Secretary of Agriculture determines in accordance with section 201(i)(2) that the level of loans or purchases determined for a marketing year would discourage the exportation of soybeans and cause excessive stocks of soybeans in the United States, the Secretary may reduce the loan and purchase level for soybeans by the amount the Secretary determines necessary to maintain domestic and export markets for soybeans, except that the price support level cannot be reduced by more than 5 percent in any year nor below $4.50 per bushel. Any reduction made in accordance with section 201(i)(2) in the loan and purchase level for soybeans shall not be considered in determining the loan and purchase level for soybeans for subsequent years.

Section 201(i)(5) of the 1949 Act provides that the Secretary shall make a preliminary announcement of the level of price support for a crop of soybeans not earlier than 30 days prior to September 1, the beginning of the soybean marketing year, based upon the latest information and statistics then available. The Secretary must make a final announcement of such level as soon as full information and statistics are available. The final level of price support must be announced no later than October 1 of the marketing year to which the announcement is applicable. The final level of support cannot be less than that of the preliminary announcement.

Ending stocks of soybeans for the 1986-87 marketing year are expected to be approximately 580 million bushels, an amount considered to be excessive. Maintaining the price support level for the 1987 crop of soybeans at $5.02 per bushel would likely result in ending stocks of approximately 525 million bushels for the 1987-1988 marketing year since such a level would discourage the exportation of soybeans and, to a lesser degree, result in lower domestic use of soybeans. Based upon 1987 estimated production of soybeans, it is estimated that a $4.77 per bushel price support level would result in ending stocks of approximately 495 million bushels for the 1987-1988 marketing year. As compared to a $5.02 per bushel price support level, a $4.77 per bushel price support level would increase the export of soybeans about 3 percent and also increase slightly the domestic use of soybeans. The price support level for the 1987 crop of corn has been established at $1.82 per bushel. Establishing a 1987 soybean price support level of $5.02 per bushel, with a $1.82 per bushel price support level for corn, would result in an adverse distortion of the historical corn/soybean price relationship and result in an adverse impact on the use of soybeans. However, a 1987 soybean price support level of $4.77 per bushel would better maintain this normal corn/soybean price relationship. Accordingly, the preliminary announcement with respect to the 1987-crop soybean price support level is that it will be reduced to $4.77 per bushel, the same as the price support level for the 1986 crop.

Section 201(i)(3) of the 1949 Act provides that, if the Secretary determines that such action will assist in maintaining the competitive relationship of soybeans in domestic and export markets after taking into consideration the cost of producing soybeans, supply and demand conditions, and world prices for soybeans, the Secretary may permit a producer to repay a loan for a crop at a level that is the lesser of (1) the announced loan level for such crop or (2) the prevailing world market price for soybeans, as determined by the Secretary. If the Secretary permits a producer to repay a loan as described above, the Secretary shall prescribe by regulation (1) a formula to define the prevailing world market price for soybeans and (2) a mechanism by which the Secretary shall announce periodically the prevailing world market price for soybeans.

Section 1009(a) the Food Security Act of 1985 provides that whenever the Secretary determines that an action authorized by section 1009 (c), (d) or (e) will reduce the total of the direct and indirect costs to the Federal Government of a commodity program administered by the Secretary without adversely affecting income to small and

medium sized producers participating in such program, the Secretary shall take such action with respect to that commodity program. These actions include: (1) The commercial purchases of commodities by the Secretary; (2) the settlement of nonrecourse loans at an amount less than the total of the principal loan amount and accumulated interest, but not less than the principal amount, if such action will result in: (A) Receipt of a portion rather than none of the accumulated interest, (B) avoidance of default of the loan, and (C) elimination of storage, handling and carrying charges on the forfeited loan collateral; and (3) the reopening of a production control or loan program established for a crop at any time prior to harvest of such crop for the purpose of accepting bids from producers for the conversion of acreage planted to a program crop to diverted acreage in return for in-kind payments if the Secretary has determined that: (1) Changes in domestic or world supply or demand conditions have substantially changed after announcement of the program for that crop and (2) without action to further adjust production, the Federal Government and producers will be faced with a burdensome and costly surplus. Such payments are not subject to the maximum payment limitation provision of section 1001 of the Food Security Act of 1985 but are limited to $20,000 per year per producer for any one commodity.

Accordingly, the following determinations have been made.

Determinations

A. Loan and Purchase Level

The preliminary announcement with respect to the price support level for the 1987 crop of soybeans is that it shall be $4.77 per bushel.

B. Cost Reduction Options

The decision to implement any cost reduction option will be made at a later date.

Sec. 201 of the Agricultural Act of 1949, as amended, 63 Stat. 1052, as amended (7 U.S.C. 1446(i)).

Signed at Washington, DC, on August 10, 1987.

Richard E. Lyng,

Secretary.

[FR Doc. 87-19219 Filed 8-20-87; 8:45 am]

BILLING CODE 3440-05-M

Office of International Cooperation and Development

Cooperative Agreements; American Soybean Association et al.

AGENCY: Office of International Cooperation and Development (OICD), USDA.

ACTION: Notice of intent.

Activity: OICD intend to enter into Cooperative Agreements with several, nonprofit agribusiness organizations in carrying out technical training courses and study tours for agriculturalists from middle income countries under the auspices of the Cochran Middle Income Country Training Program. Agreements may be established with, but are not limited to, the following organizations; American Soybean Association, American Seed Trade Association, Brown Swiss Cattle Breeders Association, Holstein Association, Maine Potato Board, National Forest Products Association, National Renderers Association, Rice Council for Market Development, Tobacco Associates, U.S. Feed Grains Council, U.S. Meat Export Federation, and U.S. Wheat Associates.

Authority: Sec. 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD anticipates the availability of funds for fiscal year 1987 (FY1987) to enter into agreements with several of the above-noted organizations to collaborate in carrying out technical courses and study tours for agriculturalists from middle income countries. Technical courses will take place at universities and private industries. The study tours will take place on farms and at industries. Assistance will be provided only to organizations who will be involved in participant identification, selection, and program development.

Based on the above, this is not a formal request for application. An estimated $150,000 will be available in FY 1987 to support this work. It is anticipated that the agreements will be initially funded over a budget period of 12 months, with possible extension for an additional four years.

Information on these proposed agreements may be obtained from: Nancy J. Croft, Contracting Officer, USDA/OICD/Management Services Branch, Washington, DC 20250-4300.

Allen Wilder,

Contracting Officer.

Date: August 18, 1987.

[FR Doc. 87-19180 Filed 8-20-87; 8:45 am]

BILLING CODE 3410-DP-M

Cooperative Agreements; Colorado State University

AGENCY: Office of International Cooperation and Development (OICD), USDA.

ACTION: Notice of intent.

Activity: OICD intends to enter into a Cooperative Agreement with Colorado State University to continue Technical Assistance for Manufacturing Nutritious, Low-Cost Weaning Foods.

Authority: Sec. 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD anticipates the availability of funds in fiscal year 1988 (FY 1988) to enter into a cooperative agreement with Colorado State University (CSU). This agreement is an extension of work currently being conducted by the Colorado State University Research Foundation (CSURF). As technical personnel and resources currently at CSURF will be available to CSU, this proposed agreement will allow the work to continue efficiently with no interruptions. Assistance will be provided only to CSU which will utilize funds provided for research and development in the field of low-cost extrusion cooking (LEC) for production of low-cost nutritious foods. CSU will also provide short-term technical assistance to development countries based on requests made by USAID Missions, voluntary agencies, and host governments, on projects related to the manufacturing of centrally processed weaning foods, adapting technologies to conditions existing in the country from which the request originates.

Based on the above, this is not a formal request for application. An estimated $195,000 will be available in FY 1988 to support this work. It is anticipated that the agreement will be initially funded over a budget period of 12 months, with possible yearly extensions based on fund availability.

Information on proposed Agreement #58-319R-8-002 may be obtained from: Nancy J. Croft, Contracting Officer,

USDA/OICD/Management Services Branch, Washington, DC 20250–4300.

Allen Wilder,

Contracting Officer.

Dated: August 18, 1987.

[FR Doc. 87–19181 Filed 8–20–87; 8:45 am]

BILLING CODE 3410-DP-M

Forest Service

Intent To Prepare a Supplemental Environmental Impact Statement; Land and Resource Management Plan; Ouachita National Forest

The Department of Agriculture, Forest Service will prepare a Draft and Final Supplement to the Final EIS on the Ouachita National Forest Land and Resource Management Plan which was filed in April 1986.

The supplement will address the use and effects of uneven-aged management on the Ouachita National Forest (Garland, Hot Spring, Howard, Logan, Montgomery, Perry, Pike, Polk, Saline, Scott, Sebastian and Yell Counties in Arkansas; LeFlore and McCurtain Counties in Oklahoma). The effects on other resources and programs as they relate to this issue will also be analyzed. This will include recreation, wildlife, soil and water, roads and timber. Other significant issues that surface during the scoping process will also be addressed. Additional alternatives, including one which analyzes the use of uneven-aged management on all suitable lands will be fully considered. Other alternatives and modifications to existing alternatives will also be considered in order to analyze additional issues raised during scoping.

Scoping began in July 1987 with a letter of invitation for public comment on the issues and scope of analysis. This letter of invitation is being sent to interested and potentially affected agencies, organizations and individuals, including those who commented on the Draft Environmental Impact Statement for the Forest Land and Resource Management Plan. Subsequent public participation activities may include requests for written comments, meetings, conferences, and similar events designed to foster public participation. The first set of public meetings is being scheduled for this fall. Tentative dates for public meetings scheduled during this process include September to define issues, November to define alternatives to address significant issues, and April, 1988 to review tentative findings.

The supplemental analysis is expected to take about 10 months. Filing of the Draft Supplement to the Final Environmental Impact Statement for the Ouachita National Forest Land and Resource Management Plan is scheduled for June 1988, with filing of the Final Supplement in February 1989.

John E. Alcock, Regional Forester, Southern Region, 1720 Peachtree Rd., NW., Atlanta, Georgia 30367 is the responsible official.

For further information contact R. Gary Pierson, Planning Team Leader, P.O. Box 255, Mount Ida, Arkansas 71957.

Date: August 5, 1987.

John E. Alcock,

Regional Forester.

[FR Doc. 87–19173 Filed 8–20–87; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee Meetings

In the matter of public meeting of the Census Advisory Committee (CAC) of the American Economic Association (AEA), the CAC of the American Marketing Association (AMA), the CAC of the American Statistical Association (ASA), and the CAC on Population Statistics.

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), we are giving notice of a joint meeting followed by separate and jointly held (described below) meetings of the CAC of the AEA, CAC of the AMA, CAC of the ASA, and CAC on Population Statistics. The joint meeting will convene on October 8, 1987 at the Ramada Hotel, 6400 Oxon Hill Road, Oxon Hill, Maryland 20745.

The CAC of the AEA is composed of nine members appointed by the President of the AEA. It advises the Director, Bureau of the Census, on technical matters, accuracy levels, and conceptual problems concerning economic surveys and censuses; reviews major aspects of the Census Bureau's programs; and advises on the role of analysis within the Census Bureau.

The CAC of the AMA is composed of nine members appointed by the President of the AMA. It advises the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The CAC of the ASA is composed of 12 members appointed by the President of the ASA. It advises the Director, Bureau of the Census, on the Census Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Census Bureau requests for opinions concerning its operations.

The CAC on Population Statistics is composed of four members appointed by the Secretary of Commerce and five members appointed by the President of the Population Association of America from the membership of that Association. The CAC on Population Statistics advises the Director, Bureau of the Census, on current programs and on plans for the decennial census of population.

The agenda for the October 8 combined meeting that will begin at 8:45 a.m. and end at 11:15 a.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) 1990 census planning update; (3) 1987 Economic and Agricultural Censuses update; (4) committees' review of Census Bureau programs and products; and (5) visual display of quantitative information.

The agendas for the four committees in their separate and jointly held meetings that will begin at 11:15 a.m. and adjourn at 5:45 p.m. on October 8 are as follows:

The CAC of the AEA

(1) Census Bureau response to recommendations and activities of special interest to the CAC of the AEA, (2) quality of economic statistics (joint with CAC of the AMA, (3) five-year plan on services (joint with CAC of the AMA), (4) research on residential construction price indexes, and (5) report on recent developments in foreign trade statistics.

The CAC of the AMA

(1) Census Bureau response to recommendations and activities of special interest to the CAC of the AMA, (2) quality of economic statistics (joint with CAC of the AEA), (3) five-year plan on services (joint with CAC of the AEA), (4) discussion of economic census data products, and (5) discussion of data user news.

The CAC of the ASA

(1) Census Bureau response to recommendations and activities of special interest to the CAC of the ASA, (2) adjustment issues for the 1990 census (joint with CAC on Population Statistics), (3) confidentiality techniques for the 1990 census (joint with CAC on Population Statistics), and (4) 1990 Research, Evaluation, and Experimental (REX) Program (joint with CAC on Population Statistics).

The CAC on Population Statistics

(1) Census Bureau response to recommendations and activities of special interest to the CAC on Population Statistics, (2) adjustment issues for the 1990 census (joint with CAC of the ASA), (3) confidentiality techniques for the 1990 census (joint with CAC of the ASA), and (4) 1990 Research, Evaluation, an Experimental (REX) Program (joint with CAC of the ASA).

The agendas for the October 9 meetings that will begin at 8:45 a.m. and adjourn at 1 p.m. are:

The CAC of the AEA

(1) Update on two phase CPS research project (joint with CAC of the AMA, ASA, and Population Statistics), (2) M–3—Manufacturers', Shipments, Inventories, and Orders Survey (joint with CAC of the AMA and ASA), (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for the next meeting, and (c) comments by outside observers.

The CAC of the AMA

(1) Update on two phase CPS research project (joint with CAC of the AEA, ASA, and Population Statistics), (2) M–3—Manufacturers', Shipments, Inventories, and Orders Survey (joint with CAC of the AEA and ASA), (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for the next meeting, and (c) comments by outside observers.

The CAC of the ASA

(1) Update on two phase CPS research project (joint with CAC of the AEA, AMA, and Population Statistics), (2) M–3—Manufacturers', Shipments, Inventories, and Orders Survey (joint with CAC of the AEA and AMA), (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for the next meeting, and (c) comments by outside observers.

The CAC of Population Statistics

(1) Update on two phase CPS research project (joint with CAC of the AEA, AMA, and ASA), (2) updates and reports, (3) development and discussion of recommendations, and (4) closing session including (a) continued committee and staff discussions, (b) plans and suggested agenda for the next meeting, and (c) comments by outside observers.

All meetings are open to the public, and a brief period is set aside on October 9 for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer at least 3 days before the meeting.

Persons wishing additional information concerning these meetings or who wish to submit written statements may contact the Committee Liaison Officer, Mrs. Phyllis Van Tassel, Room 2428, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, DC 20233). Telephone: (301) 763–5410.

Dated: August 17, 1987.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 87–19176 Filed 8–20–87; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

[A–475–701]

Initiation of Antidumping Duty Investigation; Certain Granite Products From Italy

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of certain granite products (hereafter referred to as granite) from Italy are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of granite materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before September 11, 1987. If that determination is affirmative, we will make a preliminary determination on or before January 4, 1988.

EFFECTIVE DATE: August 12, 1987.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–5288.

SUPPLEMENTARY INFORMATION:

The Petition

On July 28, 1987, we received a petition filed in proper form from the Ad Hoc Granite Trade Group filed on behalf of the U.S. industry producing granite. The members of this group are the Cold Spring Granite Company of Cold Spring, Minnesota, the North Carolina Granite Corporation of Mt. Airy, North Carolina, and the Capitol Marble and Granite Company of Marble Falls, Texas. In compliance with the filing requirements of § 353.56 of the Commerce Regulations (19 CFR 353.36), petitioner alleges that imports of granite from Italy are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

Petitioner based United States price on bids by Italian producers, c. & f. delivered duty paid. Petitioner deducted, where appropriate, ocean freight, U.S. Customs duties, and brokerage. Petitioner based foreign market value on constructed value. Based on this method of comparison, petitioner alleges dumping margins ranging from 114 to 231 percent.

After analysis of petitioner's allegations and supporting data, we conclude that a formal investigation is warranted.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on granite from Italy and found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of granite from Italy are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by January 4, 1988.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of

customs nomenclature. The U.S. Congress is considering legislation to convert the United States to this Harmonized System (HS) by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* (TSUSA) item numbers and the appropriate HS item numbers with our product descriptions on a test basis pending congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioner to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed HS schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies and petitioner may contact the Import Specialist at their local Customs office to consult the Schedule.

The products covered by this investigation are certain granite products. Certain granite products are ⅜s inch (1cm) to 2½ inches (6.34cm) in thickness and include the following: Rough sawed granite slabs; face finished granite slabs; and finished dimensional granite including, but not limited to, building facing, flooring, wall and floor tiles, paving, and crypt fronts. Certain granite products do not include monumental stones, crushed granite, or curbing. Certain granite products are provided for under TSUSA item number 513.74 and under HS item numbers 2516.12.00, 6802.23.00 and 6802.93.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information. We will allow the ITC access to all privileged and business proprietary information in our files, provided it confirms in writing that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 11, 1987, whether there is a reasonable indication that imports of granite from Italy materially inure, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: August 17, 1987

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-19208 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-469-701]

Initiation of Antidumping Duty Investigation; Certain Granite Products From Spain

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating an antidumping duty investigation to determine whether imports of certain granite products (hereafter referred to as granite) from Spain are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of granite materially injure, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before September 11, 1987. If that determination is affirmative, we will make a preliminary determination on or before January 4, 1988.

EFFECTIVE DATE: August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-5288.

SUPPLEMENTARY INFORMATION:

The Petition

On July 28, 1987, we received a petition filed in proper form from the Ad Hoc Granite Trade Group on behalf of the U.S. industry producing granite. The members of this group are the Cold Spring Granite Company of Cold Spring, Minnesota, the North Carolina Granite Corporation of Mt. Airy, North Carolina, and the Capitol Marble and Granite Company of Marble Falls, Texas. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), petitioner alleges that imports of granite from Spain are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

Petitioner based United States price on bids by Spanish producers, c. & f. delivered, duty paid. Petitioner deducted, where appropriate, ocean freight, U.S. Customs duties, and brokerage. Petitioner based foreign market value on constructed value. Based on this method of comparison, petitioner alleges dumping margins ranging from 120 to 135 percent.

After analysis of petitioner's allegations and supporting data, we conclude that a formal investigation is warranted.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necesary for the initiation of an antidumping duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations.

We examined the petition on granite from Spain and found that it meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of granite from Spain are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by January 4, 1988.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. The U.S. Congress is considering legislation to convert the United States to this Harmonized System (HS) by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* (TSUSA) item numbers and the appropriate HS item numbers with our product descriptions on a test basis pending congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioner to include the appropriate HS item

number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed HS schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Additionally, all Customs offices have reference copies and petitioner may contact the Import Specialist at their local Customs office to consult the Schedule.

The products covered by this investigation are certain granite products. Certain granite products are ⅜ inch (1 cm) to 2½ inches (6.34 cm) in thickness and include the following: Rough sawed granite slabs; face finished granite slabs; and finished dimensional granite including, but not limited to, building facing, flooring, wall and floor tiles, paving, and crypt fronts. Certain granite products do not include monumental stones, crushed granite, or curbing. Certain granite products are provided for under TSUSA item number 513.7400 and under HS item numbers 2516.12.00, 6802.23.00 and 6802.93.00.

Notification of ITC

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprovileged and nonproprietary information. We will allow the ITC access to all privileged and business proprietary information in our files, provided it confirms in writing that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 11, 1987, whether there is a reasonable indication that imports of granite from Spain materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will terminate; otherwise, it will proceed according to the statutory and regulatory procedures.

This notice is published pursuant to section 732(c)(2) of the Act.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

August 17, 1987.

[FR Doc. 87-19209 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-475-702]

Initiation of Countervailing Duty Investigation; Certain Granite Products From Italy

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Italy of certain granite products (hereafter referred to as "granite"), as described in the "Scope of Investigation" section of this notice, receive benefits which costitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action, so that it may determine whether imports of granite from Italy materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before September 11, 1987. If our investigation proceeds normally, we will make a preliminary determination on or before October 21, 1987.

EFFECTIVE DATE: August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION:

The Petition

On July 28, 1987, we received a petition in proper form from the Ad Hoc Granite Trade Group filed on behalf of the U.S. industry producing granite. The members of this group are the Cold Spring Granite Company of Cold Spring, Minnesota, the North Carolina Granite Corporation of Mt. Airy, North Carolina, and the Capital Marble and Granite Company of Marble Falls, Texas. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), petitioner alleges that manufactuers, producers, and exporters in Italy of granite receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"). In addition, petitioner alleges that such imports materially injure, or threaten material injury to, a U.S. industry.

Since Italy is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and the ITC is required to determine whether imports of granite from Italy materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petitioner sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether the petition contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on granite and have found that it meets the requirements of section 703(b) of the Act. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Italy of granite, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the Act. If our investigation proceeds normally, we will make a preliminary determination on or before October 21, 1987.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated (TSUSA)* item numbers and the appropriate HS item numbers with our product descriptions on a test basis pending Congressional approval. As with the *TSUSA*, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the *TSUSA* item number(s) in all new petitions filed with the Department. A reference copy of the proposed HS schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their

local Customs office to consult the schedule.

The products covered by this investigation are certain granite products. Certain granite products are ⅜ inch (1 cm) to 2½ inches (6.34 cm) in thickness and include the following: Rough sawed granite slabs; face-finished granite slabs; and finished dimensional granite including, but not limited to, building facing, flooring, wall and floor tiles, paving, and crypt fronts. Certain granite products do not include monumental stones, crushed granite, or curbing. Certain granite products currently are classified under *TSUSA* item number 513.7400 and under HS item numbers 2516.12.00, 6802.23.00, 6802.93.00.

Allegations of Subsidies

Petitioner lists a number of practices by the Government of Italy which allegedly confer subsidies on manufacturers, producers, and exporters in Italy of granite. We are initiating an investigation on the following allegations:

- Rebates of Indirect Taxes
- Export Credit Financing
- Preferential Transportation Rates
- Regional Assistance Programs—Mezzogiorno Region

—National Corporate Tax Exemption
—Local Corporate Income Tax Exemptions
—Reductions in Social Security Payments
—Capital Grants

- Regional Assistance Program—Southern Region

—Interest Rate Reduction Program

- Regional Assistance Programs—Northern and Central Italy

—Loan Programs

Although not specifically alleged by petitioner, we are also investigating whether the Italian granite industry receives countervailable benefits under the following program, which we found to be countervailable in *Final Negative Countervailing Duty Determination: Pads for Woodwind Instrument Keys* (49 FR 17793, April 24, 1984).

- Local Tax Concession Under Italian Law 614

Notification of the ITC

Section 702(d) of the Act requires us to notify the ITC of this action, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information in our files. We also will allow the ITC access to all privileged and business proprietary information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 11, 1987, whether there is a reasonable indication that imports of granite from Italy materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will continue according to the statutory and regulatory procedures.

This notice is published pursuant to section 702(c)(2) of the Act.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

August 17, 1987.

[FR Doc. 87-19210 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-469-702]

Initiation of Countervailing Duty Investigation; Certain Granite Products From Spain

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Spain of certain granite products (hereafter referred to as "granite"), as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of granite from Spain materially injure, or threaten material injury to, a U.S. industry. The ITC will make its preliminary determination on or before September 11, 1987. If our investigation proceeds normally, we will make a preliminary determination onor before October 21, 1987.

EFFECTIVE DATE: August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-2438.

SUPPLEMENTARY INFORMATION:

The Petition

On July 28, 1987, we received a petition in proper form from the Ad Hoc Granite Trade Group filed on behalf of the U.S. industry producing granite. The members of this group are the Cold Spring Granite Company of Cold Spring, Minnesota, the North Carolina Granite Corporation of Mt. Airy, North Carolina, and the Capitol Marble and Granite Company of Marble Falls, Texas. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, and exporter in Spain of granite receive subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"). In addition, the petition alleges that such imports materially injure, or threaten material injury to, a U.S. industry.

Since Spain is a "country under the Agreement" within the meaning of section 701(b) of the Act, Title VII of the Act applies to this investigation, and the ITC is required to determine whether imports of granite from Spain materially injure, or threaten material injury to, a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on granite and have found that it meets the requirements of section 702(b) of the Act. Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Spain of granite, as described in the "Scope of Investigation" section of this notice, receive benefits which constitute subsidies within the meaning of the Act. If our investigation proceeds normally, we will make a preliminary determination on or before October 21, 1987.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. Congress is

considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate *Tariff Schedules of the United States Annotated* (*TSUSA*) item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the *TSUSA*, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the *TSUSA* item number(s) in all new petitions filed with the Department. A reference copy of the proposed HS schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

The products covered by this investigation are certain granite products. Certain granite products are ⅜ inch (1 cm) to 2½ inches (6.34 cm) in thickness and include the following: Rough sawed granite slabs; face-finished granite slabs; and finished dimensional granite including, but not limited to, building facing, flooring, wall and floor tiles, paving, and crypt fronts. Certain granite products do not include monumental stones, crushed granite, or curbing. Certain granite products currently are classified under *TSUSA* item number 513.7400 and under HS item numbers 2516.12.00, 6802.23.00, and 6802.93.00

Allegations of Subsidies

The petition lists a number of practices by the Government of Spain which allegedly confer subsidies on manufacturers, producers, and exporters in Spain of granite. We are initiating an investigation on the following allegations:

- Privileged Circuit Export Credits.
- Warehouse Construction Loans.
- Medium- and Long-Term Loans on Terms Inconsistent with Commercial Consideration.
- Regional Investment Incentives-Basque Region—grants for the purchase of energy conservation equipment and the installation of pollution control equipment.

Although not specifically alleged by petitioner, we are also investigating whether the Spanish granite industry receives countervailable benefits under the following programs:

- *Loans and Loan Guarantees from the Instituto Nacional de Industria (INI).* Certain INI loan guarantees were found countervailable in *Carbon Steel Wire Rod from Spain: Final Affirmative Countervailing Duty Determination (Wire Rod)* (49 FR 19551, May 8, 1984). In *Preliminary Negative Countervailing Duty Determination: Porcelain-on-Steel Cooking Ware from Spain* (51 FR 34480, September 29, 1986), we determined that loans and loan guarantees from INI were not used.
- *Other Regional Investment Incentives.* The Government of Spain as well as regional and municipal authorities, including the Regional Board of the Province of Alava, provide a wide variety of investment incentive programs which vary according to the region of the country.

They include reduction in taxes, reduced import duties on imported tools and equipment, cash grants, preferential access to official credit, and free or inexpensive land. These incentives were found not to be used in *Wire Rod* and in *Final Affirmative Countervailing Duty Determination: Certain Stainless Steel Products from Spain* (47 FR 51453, November 15, 1982). Grants from the Regional Board of the Province of Alava were found to be countervailable in *Carbon Steel Wire Rod from Spain: Preliminary Results of Countervailing Duty Administrative Review* (51 FR 36579, October 14, 1986).

Notification of the ITC

Section 702(d) of the Act requires us to notify the ITC of this action, and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information in our files. We will also allow the ITC access to all privileged and business proprietary information in our files, provided it confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by September 11, 1987, whether there is a reasonable indication that imports of granite from Spain materially injure, or threaten material injury to, a U.S. industry. If its determination is negative, this investigation will terminate; otherwise, it will continue according to the statutory and regulatory procedures.

This notice is published pursuant to section 702(c)(2) of the Act.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

August 17, 1987.

[FR Doc. 87-19211 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-408-006]

Sodium Gluconate From the European Communities; Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Terminate Suspended Investigation

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Terminate Suspended Investigation.

SUMMARY: The Department of Commerce has received information which shows changed circumstances sufficient to warrant an administrative review of the suspended countervailing duty investigation on sodium gluconate from the European Communities. Because the petitioner has notified the Department that it is withdrawing its petition, we tentatively determine to terminate this investigation. We invite interested parties to comment on these prelimintary results and tentative determination to terminate.

EFFECTIVE DATE: January 1, 1986.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On September 11, 1986, the petitioner, Pfizer Inc., informed the Department of Commerce ("the Department") that it was withdrawing its petition in the suspended investigation on sodium gluconate from the European Communities ("the EC") (46 FR 58132, November 30, 1981) and requested that the Department terminate the investigation. On December 4, 1986, the Belzak Corporation, a domestic manufacturer of sodium glucoheptonate, requested instead that the Department terminate the suspension agreement and resume the investigation. The Belzak Corporation asserts that it is qualified to

make such a request because sodium glucoheptonate and sodium gluconate are like products.

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1, 1988. In view of this, we will be providing both the appropriate Tariff Schedules of the United States Annotated ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by the review are shipments of the chemical sodium gluconate from the EC. Such merchandise is currently classifiable under item 437.5250 of the TSUSA. This product is currently classifiable under HS item number 2918.16.50. We invite comments from all interested parties on this HS classification. The review covers the period from September 11, 1986.

Preliminary Results of Review and Tentative Determination

We invited interested parties to comment on the similarities and differences between sodium gluconate and sodium glucoheptonate in order to determine whether the Belzak Corporation is an "interested party" (as defined in section 771(9) of the Tariff Act of 1930) to this proceeding. After reviewing all of the comments received, we preliminarily determine that sodium gluconate ("SG") and sodium glucoheptonate ("SGH") are not like products.

Although SGH can be substituted for SG in many applications, there are a number of important differences between the two products. The composition and production processes are not the same: SGH is produced by a chemical reaction involving the synthesis of glucose and sodium cyanide, whereas SG is produced by the biological process of fermenting glucose. The molecular structures, molecular weights and chemical properties of the two products are different, resulting in different levels of solubility, microbial stability, and optical rotation. Both products are used principally as a sequestering agent in industrial cleaning compounds, derusting and finishing compounds, bottle washing compounds, paint strippers, textile processing, and set retarding of cement. Even so, end users tend to have a strong preference for one or the other because of the products' different physical and chemical properties. Belzak claims that SGH has superior sequestering properties in high alkaline, high temperature baths. In addition, SG may be used as a food additive, whereas SGH may not. Furthermore, the International Trade Commission reported in its preliminary investigation of sodium gluconate from the European Communities (46 FR 40839; August 12, 1981) that sodium gluconate and sodium glucoheptonate are not like products.

For these reasons, we preliminarily determine that SG and SGH are not like products and, therefore, that the Belzak Corporation is not an "interested party" to this proceeding and it is unnecessary to consider its request. We also preliminarily determine that Pfizer's withdrawal of its petition provides a reasonable basis for termination of the suspended investigation. Therefore, we tentatively determine to terminate the suspended investigation on sodium gluconate from the EC effective January 1, 1986.

Interested parties may submit written comments on these preliminary results and tentative determination to terminate within 20 days of the date of publication of this notice, and may request a hearing within five days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication, or the first workday following. The Department will publish the final results of the review and its decision on termination, including its analysis of issues raised in any such written comments or at a hearing.

This intention to review, administrative review, tentative determination to terminate, and notice are in accordance with section 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675(b) and (c)) and §§ 355.41 and 355.42 of the Commerce Regulations (19 CFR 355.41 and 355.42).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary Import Administration.

Date: August 17, 1987.

[FR Doc. 87-19212 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-405]

Certain Textile Mill Products From Mexico; Preliminary Results of Countervailing Duty Administrative Review

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

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on certain textile mill products from Mexico. We preliminarily determine the total bounty or grant to be zero or *de minimis* for nine firms and 5.69 percent *ad valorem* for all other firms during the period January 3, 1985 through December 31, 1985. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Jean Carroll or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 18, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 10824) the final affirmative determination and countervailing duty order on certain textile mill products from Mexico. On March 24, 1986, the Government of Mexico requested in accordance with 19 CFR 355.10 an administrative review of the order. We published the initiation of the administrative review on April 18, 1986 (51 FR 13274). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

Imports covered by this review are shipments of Mexican textile mill products. For a complete description of these products, see Appendix A of this

notice. The review covers the period January 3, 1985 through December 31, 1985 and 18 programs.

Analysis of Programs

(1) FOMEX

The Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX") is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to Mexican exporters and U.S. importers for two purposes: Pre-export financing and export financing. We consider both pre-export and export FOMEX loans to confer export bounties or grants since these loans are given only on merchandise destined for export. We treat benefits to U.S. importers as benefits to their corresponding Mexican exporters. We found that the annual interest rate that financial institutions charged borrowers for peso-denominated FOMEX pre-export financing outstanding during the period of review ranged from 17.50 to 39.60 percent. The annual interest rate for dollar-denominated FOMEX financing outstanding during the period of review ranged from 6.00 to 6.90 percent.

We consider the benefit from loans to occur when the interest is paid. Interest on FOMEX pre-export loans is paid at maturity, and those that matured during the period of review were obtained between July 1984 and November 1985. since interest on FOMEX export loans is pre-paid, we calculated benefits from all FOMEX export loans received during the period of review.

We have sufficient information to measure effective interest rates for peso-denominated loans and for 1985 dollar-denominated loans. (*See* final results of administrative review on fabricated automotive glass from Mexico (51 FR 44652, December 11, 1986).) To determine the effective interest rate benchmark for peso loans obtained in 1984, we calculated an average annual effective rate from data reported by the Banco de Mexico in its monthly publication, *Indicadores Economicos* (I.E.). In 1985, the Banco de Mexico stopped publishing data on nominal and effective interest rates. Therefore, we calculated the average spread between the Costo Porcentual Promedio (CPP) rates, *i.e.*, the average cost of short-term funds to banks, and the I.E. effective rates for the period 1982 through 1984, the only period for which we have I.E. rates. The effective interest rate benchmark for 1985 is the sum of this average spread and the average CPP rate for 1985. In this way, we calculated a benchmark of 73.78 percent for pre-export peso loans obtained in 1984, and 86.31 percent for pre-export peso loans obtained in 1985.

To determine the effective interest rate benchmark for dollar loans, we used the quarterly weighted-average effective interest rates published in the *Federal Reserve Bulletin*, which was 12.85 percent in 1985. For our 1984 dollar benchmark (used for dollar-denominated pre-export loans to one exporter), there was no comparable data on effective rates published in the *Federal Reserve Bulletin*.

Therefore, we used a nominal interest rate benchmark (13.97 percent in 1984) from the same publication and compared it to the nominal preferential interest rate.

Fifteen of the 29 known exporters of this merchandise used this program during the period of review. Because we found that the exporters were able to tie both types of FOMEX loans to exports to specific countries, we measured the benefit only from FOMEX loans tied to U.S. shipments. We allocated the FOMEX benefits over U.S. shipments, excluding those firms with *de minimis* aggregate benefits. We preliminarily determine the benefit from FOMEX to be 4.86 percent *ad valorem* during the period of review.

In February 1987, the Banco de Mexico changed the interest rates on FOMEX peso loans to 95.00 percent and on FOMEX dollar loans to 6.40 percent. To calculate the FOMEX benefit for cash deposit purposes, we followed the same methodology used in calculating the assessment rates. For peso loans we used as our benchmark the sum of the most recent CPP rate, *i.e.*, February 1987, and the average 1982–1984 spread between the CPP and the I.E. effective rates. For dollar loans we used as our benchmark the February 1987 weighted-average effective interest rate from the *Federal Reserve Bulletin*. On this basis, we preliminarily find, for purposes of cash deposits of estimated countervailing duties, a FOMEX benefit of 2.69 percent *ad valorem*.

(2) Article 15

Article 15 of the General Law of Credit Institutions and Auxiliary Organizations ("the Banking Law") established that up to seven percent of a bank's total deposits must be funneled as loans into specially designated sectors of economic activity. The Banco de Mexico established eight industrial categories that are eligible to obtain financing under Article 15. One category consists only of exports of manufactured products. Loans granted under Article 15 are obtained at an interest rate of the CPP minus 5 percentage points. The interest on these loans is paid at maturity. One firm had interest payments due from loans under this program during the period of review.

We consider such financing to constitute an export bounty or grant because it is given at below market rates only on merchandise destined for export. To calculate the benefit, we used the same benchmark as for the FOMEX peso-denominated pre-export loans. Since these Article 15 loans are based on exports to all countries, we allocated the company's benefit over the value of its total exports during the period of review. We then weight-averaged the resulting benefit by that company's proportion of exports to the United States during the period of review, excluding those companies with *de minimis* aggregate benefits. On this bases, we preliminarily determine the benefit from this program to be 0.78 percent *ad valorem* for the review period.

(3) CEPROFI

Certificates of Fiscal Promotion ("CEPROFI") are tax certificates used to promote the goals of the National Development Plan ("NDP"). They are granted in conjunction with investments in designated industrial activities or geographic regions and can be used to pay a variety of federal tax liabilities. Article 25 of the decree that established the authority for issuing CEPROFI's, published in the *Diario Oficial* on March 6, 1979, requires each recipient to pay a four percent supervision fee. The four percent supervision fee is "paid in order to qualify for, or to receive," the CEPROFI's. Therefore, it is an allowable offset, as defined in section 771(6)(A) of the TARIFF Act, from the gross bounty or grant.

Textile firms in Mexico can receive CEPROFI benefits under three provisions: "Category I," which makes CEPROFI certificates available for the manufacture and processing of construction and capital goods; "Category II," which makes CEPROFI certificates available for particular industrial activities; and a third provision, which makes CEPROFI certificates available for the purchase of Mexican-made equipment.

The Department held in the final affirmative countervailing duty determination on bricks from Mexico (49 FR 19564, May 8, 1984) that CEPROFI certificates granted for the purchase of Mexican-made equipment are not countervailable because such

certificates are available to any company that purchases Mexican-made equipment. We consider the other two types of CEPROFI certificates to be domestic bounties or grants because they are available only to certain industries. For the six companies that received tax certificates from the Category I and Category II CEPROFI provisions, we allocated each firm's benefits, less the four percent supervision fee, over the value of its sales to all markets during the period of review. We then weight-averaged the resulting benefits by each company's proportion of the exports to the United States during the review period, excluding those firms with *de minimis* aggregate benefits. We preliminarily determine the benefit from this program to be 0.05 percent *ad valorem* during the period of review.

(4) FONEI

The Fund for Industrial Development ("FONEI"), administered by the Banco de Mexico, is a specialized financial development fund that provides long-term loans at below-market rates. FONEI loans are available under various provisions with different eligibility requirements. The plant expansion provision is designed for the creation, expansion, or modernization of enterprises in order to promote the efficient production of goods capable of competing in the international market or to meet the objectives of the NDP, which include industrial decentralization. We consider this FONEI loan provision to confer a bounty or grant because it restricts loan benefits to those enterprises located outside of Zone IIIA. Four firms had variable rate peso-denominated FONEI loans for plant expansion or modernization outstanding during the period of review.

We treated these variable-rate loans as a series of short-term loans. To calculate the benefit, we used the same benchmarks as for the FOMEX peso-dominated pre-export loans and compared them to the preferential interest rates in effect for each FONEI loan payment made during the period of review. We allocated the benefits over each company's total sales to all markets. One of these firms had *de minimus* aggregate benefits. For the remaining firms that made interest payments on FONEI loans, we weight-averaged the resulting benefits by each company's proportion of exports to the United States during the period of review, excluding those firms with *de minimis* aggregate benefits. We preliminarily determine the benefit from this program to be 0.0004 percent *ad valorem* during the period of review.

(5) FOGAIN

The Guarantee and Development Fund for Medium and Small Industries ("FOGAIN") is a program that provides long-term loans to all small and medium-size firms in Mexico. The interest rates available under the program vary depending on whether a small or medium-size business has been granted priority status, and whether a business is located in a zone targeted for industrial growth. Although FOGAIN loans are available to all small and medium-size firms in Mexico, regardless of the type of industry or location, some companies get more beneficial rates than others. Therefore, to the extent that this program provides financing at rates below the least beneficial rate available under FOGAIN, we consider it to be countervailable.

Three firms had FOGAIN loans on which interest payments were due during the period of review. Because the interest rates are variable, we treated each loan as a series of short-term loans. To determine the benefit, we used as our benchmarks the least beneficial interest rates in effect for each FOGAIN loan payment made during the period of review.

We allocated the benefits from each loan over each company's total sales to all markets. One of these firms had *de minimis* aggregate benefits. For the remaining firms that made interest payments on FOGAIN loans, we weight-averaged the resulting benefits by each company's proportion of exports to the United States during the period of review, excluding those firms with *de minimis* aggregate benefits. We preliminarily determine the benefit from this program to be 0.0021 percent *ad valorem* during the period of review.

(6) Other Programs

We also examined the following programs and preliminarily find that exporters of textile mill products did not use them during the review period:

(A) State tax incentives;

(B) National Industrial Development Fund ("FOMIN");

(C) NDP preferential discounts;

(E) Trust Fund for the Study and Development of Industrial Parks ("FIDEIN");

(F) Bancomext loans;

(G) Delay of payments on loans;

(H) Delay of payments to PEMEX of fuel charges;

(I) PROFIDE loans;

(J) Export credit insurance;

(K) Tax Rebate Certificate ("CEDI");

(L) Accelerated depreciation;

(M) Article 94 loans;

(N) Preferential state investment incentives; and

(O) Import duty reductions and exemptions.

Firms Not Receiving Benefits

We preliminarily determine that the following nine firms received zero or *de minimis* benefits during the period of review:

(1) Bemis Craftil, S.A. de C.V.

(2) Celanese Mexicana, S.A.

(3) Crisol Textil, S.A. de C.V.

(4) Hilados y Tejidos de Tepeji del Rio, S.A.

(5) Hilados y Tejidos de San Jorge, S.A.

(6) Hilaturas Maya, S.A.

(7) Ryltex, S.A.

(8) Tamacani, S.A.

(9) Tauro Textil, S.A. de C.V.

Preliminary Results of Review

As a result of our review, we preliminarily determine the local bounty or grant during the period January 3, 1985 through December 31, 1985 to be zero or *de minimis* for nine firms and 5.69 percent *ad valorem* for all other firms.

The Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from the nine firms listed above and to assess countervailing duties of 5.69 percent of the f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after January 3, 1985 and exported on or before December 31, 1985.

The Department intends to instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on shipments of this merchandise from the nine firms listed above and, due to the change in the FOMEX interest rates, to collect a cash deposit of estimated countervailing duties of 3.51 percent of the f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. This deposit requirement and waiver shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the Date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30

days after the date of publication or the first workday following.

Any request for an administrative protective order must be made no later than five days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any such written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.10 of the Commerce Regulations (19 CFR 355.10).

Joseph A. Spetrini,

Acting Deputy Assistant Secretary, Import Administration.

Date: August 17, 1987.

APPENDIX A.—CERTAIN TEXTILE MILL PRODUCTS TSUSA CODES FOR 1985

Yarns

300.6020	300.6024	300.6026	301.0000	301.1000
301.2000	301.3000	302.0024	302.1024	302.1028
302.2020	302.2024	302.2026	302.2028	302.3024
302.3026	302.3028	302.4026	303.2040	303.2042
307.6810	310.0106	310.0109	310.0110	310.0114
310.0130	310.0149	310.0150	310.0206	310.0209
310.0230	310.0249	310.0250	310.0270	310.0510
310.1015	310.1070	310.1109	310.1150	310.1170
310.2150	310.4027	310.4047	310.4050	310.5046
310.5047	310.5049	310.6034	310.9000	310.9120
310.9140				

Cordage

316.5500	316.5800	316.7000	319.0300	319.0700

Fabric

320.0003	320.0021	320.0022	320.0031	320.0034
320.0038	320.0042	320.0045	320.0049	320.0054
320.0057	320.0063	320.0066	320.0071	320.0072
320.0077	320.0080	320.0098	320.1034	320.1045
320.1063	320.1071	320.1077	321.0034	321.1071
321.1077	322.0062	322.0063	322.1006	322.1015
322.1025	322.1029	322.1030	322.1034	322.1036
322.1037	322.1040	322.1041	322.1045	322.1047
322.1048	322.1050	322.1051	322.1052	322.1053
322.1055	322.1056	322.1065	322.1066	322.1068
322.1071	322.1075	322.1077	322.1079	322.1081
322.1084	322.1085	322.1086	322.1088	322.1089
322.1090	322.1091	322.1095	322.1097	322.2016
322.2023	322.2069	322.2073	322.4003	322.4021
322.4022	322.4038	322.4042	322.4049	322.4054
322.4057	322.4066	322.4072	322.4080	322.4098
322.5016	322.5023	322.5012	322.5013	322.5014
322.5015	322.5016	322.5017	322.5018	322.5019
322.5069	322.5073	322.8016	322.8023	322.8069
322.8073	322.9003	322.9021	322.9022	322.9036
322.9042	322.9049	322.9054	322.9057	322.9066
322.9072	322.9080	322.9098	324.2022	324.2024
324.2031	324.2038	324.2042	324.2049	324.2054
324.2057	324.2066	324.2072	324.2080	324.2098
324.8066	324.8072	324.8074	324.8080	324.8098
325.1051	325.1052	325.1085	325.1089	325.1091
325.1095	325.8022	325.8024	325.8031	327.2021
327.2022	327.2031	327.2038	327.2042	327.2049
327.2054	327.2057	327.3003	327.3021	327.3022
327.3038	327.3042	327.3049	327.3054	327.3057
327.3066	339.1000	328.2003	328.2021	328.2022
328.2031	328.2038	328.2042	328.2049	328.2054
328.2057	328.2066	328.2072	328.2080	328.2098
331.2022	331.2024	331.2031	331.2038	331.2042
331.2049	331.2054	331.2057	331.2066	331.2072

APPENDIX A.—CERTAIN TEXTILE MILL PRODUCTS TSUSA CODES FOR 1985—Continued

331.2074	331.2080	331.2098	336.1540	336.6251
336.6253	336.6257	338.4004	338.5007	338.5009
338.5010	338.5013	338.5021	338.5024	338.5030
338.5031	338.5036	338.5041	338.5045	338.5046
338.5049	338.5064	338.5065	338.5069	339.1000

Special Construction Fabric

345.5053	345.5055	345.5057	345.5073	345.5075
345.5077	346.6050	346.6065	346.7000	347.6040
347.6800	348.0065	351.3000	351.5010	351.5060
351.6010	351.7060	351.8060	351.9060	352.2060
352.8010	352.8060	353.1000	353.5012	353.5052
355.1610	355.1620	355.1630	355.2500	355.4530
355.8100	356.2510	357.4500	357.7010	357.8060
358.0290	358.0690	358.1400	358.3500	358.5040
359.1010	359.1030			

Textile Furnishings

360.0600	360.1515	360.2500	360.4225	360.4335
360.4825	360.4835	360.7000	360.7800	360.7900
360.8300	360.8400	361.0530	361.0540	361.2410
361.4200	361.4500	361.4600	361.4800	361.5420
361.5426	361.5610	361.5650	363.0510	363.0515
363.1020	363.1040	363.2000	363.2562	363.2564
363.2575	363.2580	363.2590	363.4500	363.6030
363.6540	363.8506	363.8509	363.8515	363.8525
363.8545	363.8550	363.8555	364.0500	364.1300
364.1800	364.2000	364.2300	364.2500	264.3000
365.5060	365.7815	365.7825	365.7865	365.8400
365.8610	365.8620	365.8640	365.8660	365.8670
365.8680	366.1820	366.2460	366.2480	366.4200
366.4600	366.4700	366.5100	366.7700	366.7925
366.7930	366.8400	367.3424	367.3428	367.6025
367.6040	367.6080			

[FR Doc. 87-19213 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DS-M

Proposed Conversion of Tariff Schedules of the United States Classifications Into the Harmonized System of Tariff Classifications

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

ACTION: Notice of proposed use of harmonized system of tariff classification numbers.

SUMMARY: Congress is considering legislation to convert the United States to use of an internationally harmonized system of tariff classification on January 1, 1988. The Department of Commerce has been providing appropriate Tariff Schedules of the United States and Harmonized System numbers with product descriptions in its antidumping and countervailing duty actions and requiring all new petitions to include both sets of item numbers pending Congressional approval. In anticipation of this change the Department is presenting a list of all active antidumping and countervailing duty cases and the applicable Tariff Schedules and Harmonized System classification numbers believed appropriate. Interested parties are invited to comment on these classification designations.

EFFECTIVE DATE: January 1, 1988.

FOR FURTHER INFORMATION CONTACT: Anne D'Alauro or Al Jemmott, Office of Compliance, or Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone (202) 377-2923-2786-5497.

The Harmonized System Tariff

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification, based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to use of the Harmonized System by January 1, 1988. In view of this the Department of Commerce has prepared a listing of *Tariff Schedules of the United States* item numbers and appropriate Harmonized System item numbers for active antidumping and countervailing duty cases. Cases involving textile materials and wearing apparel made of textiles are not included; these numbers will be made available at a later date.

We invite interested parties to review and comment on these Harmonized System designations which are available at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. All comments must be in writing (10 copies), addressed to the attention of the Office of Compliance, at the above address and must be received within three weeks after the date of publication of this notice.

A reference copy of the proposed Harmonized System Tariff Schedule is available for consultation at the Central Records Unit. Additionally, all U.S. Customs offices have reference copies, and interested parties may contact the Import Specialist at their local Customs office to consult the schedule.

Date: August 17, 1987.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 87-19214 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DS-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

August 18, 1987.

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

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the previously established 1987 restraint limits for Categories 334, 338 and 369–L. The limits for Categories 334 and 369–L will re-open.

Background

A CITA directive dated December 23, 1986 was published in the **Federal Register** (51 FR 47041) which established import restraint limits for certain cotton, wool and man-made fiber textile products, including Categories 333, 334, 338, 359–V and 369–L, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

In accordance with the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 19, 1983, as amended, and at the request of the Government of the People's Republic of China, the limits for Categories 334, 338 and 369–L are being increased for swing. The limits for Categories 333 and 359–V are being reduced to account for the swing applied to Categories 334, 338 and 369–L. As a result, the limits for Catergories 334 and 369–L, which have been filled, will re-open.

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

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

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

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

August 18, 1987.

Committee for the Implementation of Textile Agreements

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

This directive amends, but does not cancel, the directive issued to you on December 23, 1986 concerning certain cotton, wool and man-made fiber textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on August 24, 1987, the directive of December 23, 1986 is hereby amended to include adjustments to the previously established restraint limits for cotton textile products in the following categories, as provided under the terms of the bilateral agreement of August 19, 1983, as amended: [1]

Category	Adjusted 12-mos. limit [1]
333	56,115 dozen.
334	246,043 dozen.
338	925,326 dozen.
359–V [2]	324,074 pounds.
369–L [3]	4,283,213 pounds.

[1] The agreement provides, in part, that (1) with the exception of Category 315, any specific limit may be exceeded by not more than 5 percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent square yard decrease in one or more other specific limit in that agreement year; (2) the specific limits for certain categories may be increased for carryforward; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

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

[2] In Category 359–V, only TSUSA numbers 381.0258, 381.0554, 381.3949, 381.5800, 381.5920, 384.0451, 384.0648, 384.0650, 384.0651, 384.3449, 384.3450, 384.4300, 384.4421 and 384.4422.

[3] In Category 369–L, only TSUSA numbers 706.3210, 706.3650 and 706.4111.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–19192 Filed 8–20–87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in Czechoslovakia

August 18, 1987.

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

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the current import restraint limits for wool textile products in Categories 435 and 443, produced or manufactured in Czechoslovakia.

Background

On June 25, 1987 a notice was published in the **Federal Register** (52 FR 23881), which announced import restraint limits for wool textile products, produced or manufactured in

Czechoslovakia and exported during the current agreement year which began on June 1, 1987 and extends through May 31, 1988. The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement on June 25, 1986 and July 22, 1986 between the Governments of the United States and the Czechoslovak Socialist Republic, under the terms of which these limits were established, also includes provisions for the carryover of shortfalls from the previous year in certain categories (carryover).

Under the foregoing provisions of the bilateral agreement and at the request of the Government of Czechoslovak Socialist Republic, these limits established for Categories 435 are being increased by carryover.

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

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

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

August 18, 1987.

Committee for the Implementation of Textile Agreements

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

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on June 22, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain wool textile products, produced or manufactured in the Czechoslovak Socialist Republic and exported during the period which began on June 1, 1987 and extends through May 31, 1988.

Effective on August 24, 1987, the directive of June 22, 1987 is hereby amended to adjust the previously established limits for wool textile products in the following categories, as provided under the terms of the bilateral agreement of June 25, 1986 and July 22, 1986: [1]

Category	Adjusted limit [1]
435	7,848 dozen.
443	6,727 dozen.

[1] The limits have not been adjusted to account for any imports exported after May 31, 1987.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-19193 Filed 8-20-87; 8:45 am]

BILLING CODE 3510-DR-N

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1987 Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1987 commodities to be produced by workshops for the blind or other severely handicapped.

DATES: Comments must be received on or before September 21, 1987.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77 and 41 CFR 51-2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities to Procurement List 1987, November 3, 1986 (51 FR 39945).

Commodities

Adapter Kit, Top Sling

1005-00-406-1570

Strap, Quick Release

1670-01-0074-1210

C.W. Fletcher,

Executive Director.

[FR Doc. 87-19178 Filed 8-20-87; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1987; Additions and Deletions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and deletions from procurement list.

SUMMARY: This action adds to and deletes from Procurement List 1987 commodities produced by and services provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: September 21, 1987.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202-3509.

FOR FURTHER INFORMATION CONTACT: C.W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION:

On April 20 and June 26, 1987, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (52 FR 12958, 24049) of additions to and deletions from Procurement List 1987, November 3, 1986 (51 FR 39945).

Additions

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77 and 41 CFR 51-2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered were:

[1] The provisions of the agreement provide, in part, that: (1) The restraint limits may be exceeded by not more than 5 percent, provided that a corresponding reduction in equivalent square yards is made in another specific limit during the same agreement year; (2) the restraint limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit except that no carryforward shall be available in the final agreement year; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the bilateral agreement.

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the commodity and service listed.

c. The action will result in authorizing small entities to produce the commodity and provide the service procured by the Government.

Accordingly, the following commodity and service are hereby added to Procurement List 1987:

Commodity

Arming Wire

1350–00–889–8165

Service

Grounds Maintenance
Wheeler National Wildlife Refuge
Decatur, Alabama

Deletions

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c, 85 Stat. 77 and 41 CFR 51–2.6.

Commodities

Iodine Ampoules, NF

6505–00–664–1408

Thimerosal Tincture, NF

6505–00–664–6911

Women's Scrub Dress

6532–00–261–9005
6532–00–290–1887

Mat, Floor

7720–00–457–6057
7720–00–457–6063
7720–00–151–6519
7720–00–477–3063
7720–00–194–1609

Box, Wood

8115–00–935–6518

C.W. Fletcher,

Executive Director.

[FR Doc. 87–19179 Filed 8–20–87; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF EDUCATION

Grants Availability; Extension of Closing Date for Transmittal of Applications for New Awards Strengthening Historically Black Colleges and Universities Program;

AGENCY: Department of Education.

ACTION: Extension of Closing Date for Transmittal of Applications for New Awards Under the Strengthening Historically Black Colleges and Universities Undergraduate Program.

The Secretary extends to September 4, 1987, the closing date by which an eligible institution may submit an application for a grant under the Historically Black Colleges and Universities Undergraduate Program. The previous closing date of August 4, 1987 has been extended because the Secretary has identified additional eligible institutions and therefore is extending the closing date notice to all institutions.

On June 22, 1987 the Secretary published a Notice establishing the closing date for transmittal of applications for fiscal year 1987 under the Strengthening Historically Black Colleges and Universities Undergraduate Program (52 FR 23491). The purpose of this notice is to extend the closing date for transmittal of applications.

FOR FURTHER INFORMATION CONTACT: Dr. Caroline J. Gillin, Director, Division of Institutional Development, U.S. Department of Education, Room 3042, Regional Office Building, 3, 400 Maryland Avenue SW., Washington, DC 20202. Telephone (202) 732–3326.

(20 U.S.C. 1060–1063a, 1063c and 1069c)

(Catalog of Federal Domestic Assistance Number 84.031B—Strengthening Historically Black Colleges and Universities Undergraduate Program).

Dated: August 18, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87–19184 Filed 8–20–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP87–489–000 et al.]

Natural Gas Certificate Filings; Gas Gathering Corp., et al.

August 14, 1987.

Take notice that the following filings have been made with the Commission:

1. Gas Gathering Corp.

[Docket No. CP87–489–000]

Take notice that on August 10, 1987, Gas Gathering Corporation (Gas Gathering), P.O. Box 519, Hammond, Louisiana 70404, filed in Docket No. CP87–489–000 a request pursuant to §§ 157.205 and 284.223 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport natural gas on behalf of Cities Service Oil and Gas Corporation (Cities Service) under the certificate issued in Docket No. CP86–129–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Gas Gathering proposes to transport up to 800 MMBtu of natural gas per day and up to 146,000 MMBtu of natural gas per year on behalf of Cities Service. Gas Gathering states it would receive the natural gas at an existing measurement station owned and operated by Gas Gathering in Iberville Parish, Louisiana. Gas Gathering further states it would redeliver the natural gas to Monterey Pipe Line Company (Monterey) at the inlet of an existing measurement station owned and operated by Monterey in Pointe Coupee Parish, Louisiana.

Gas Gathering states that the transportation would be performed under the FERC Rate Schedule IT–1 at the currently effective rate of 10.1 cents for MMBtu. It is indicated that no new facilities would be required in order to initiate the transportation service for Cities Service.

Comment date: September 28, 1987, in accordance with Standard Paragraph G at the end of this notice.

2. Southern Natural Gas Co.

[Docket No. CP87–468–000]

Take notice that on July 30, 1987, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP87–468–000 an application pursuant to section 7(c) of the Natural Gas Act for a limited-term certificate of public convenience and necessity authorizing the transportation of natural gas for the City of Vicksburg, Mississippi (Vicksburg), all as set forth in the application which is on file with the Commission and open to public inspection.

Southern requests a limited-term certificate of public convenience and necessity authorizing it to transport up to 18,000 MMBtu on an interruptible basis for Vicksburg for a term extending through October 31, 1988, in accordance with the terms and conditions of a transportation agreement (Agreement) between Vicksburg and Southern dated July 21, 1987. It is stated that Vicksburg purchases the gas from SNG Trading Inc., People-Service, Inc., Sonat Exploration Company, Hadson Gulf, Inc., Enron Gas Marketing, Inc., Arco Oil & Gas Company and Entrade Corporation.

It is indicated that Vicksburg would have gas delivered to Southern for transportation at the various existing points on Southern's contiguous pipeline system specified in Exhibit A to the Agreement. It is stated that Southern would redeliver to Vicksburg at the City of Vicksburg meter station located in Warren County, Mississippi, an equivalent quantity of gas less 3.25 percent of such amount which would be deemed to be used for compressor fuel and company-use gas (including system unaccounted-for gas losses), less any and all shrinkage, fuel or loss resulting from or consumed in the processing of gas; and less Vicksburg's pro-rata share of any gas delivered for Vicksburg's account which would be lost or vented for any reason.

Southern states that Vicksburg would pay Southern the following transportation rate for the services proposed herein:

(a) Where the aggregate of the volumes transported and redelivered by Southern on any day to Vicksburg under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD Rate Schedule on such day to Vicksburg does not exceed the daily Contract Demand of Vicksburg, the transportation rate would be 25.0 cents per MMBtu; and

(b) Where the aggregate of the volumes transported and redelivered by Southern on any day to Vicksburg under any and all transportation agreements with Southern, when added to the volumes of gas delivered under Southern's OCD Rate Schedule on such day to Vicksburg exceeds the daily Contract Demand of Vicksburg, the transportation rate for the excess volumes would be 34.8 cents per MMBtu.

Southern states that it would collect from Vicksburg the GRI surcharge of 1.52 cents per Mcf or any such other GRI funding unit or surcharge as hereafter prescribed by the Commission or any other governmental authority.

Southern states that the transportation arrangement would enable Vicksburg to diversify its natural gas supply sources and to obtain gas at competitive prices. In additon, Southern states that it would obtain take-or-pay relief on gas that Vicksburg may obtain from its suppliers.

Comment date: September 4, 1987, in accordance with Standard Paragraph F at the end of this notice.

3. Trunkline Gas Co.

[Docket No. CP87-475-000]

Take notice that on July 31, 1987, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP87-475-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Texas Eastern Transmission Corporation (TETCO), all as more fully set forth in the application on file with the Commission and open to public inspection.

Trunkline explains that the transportation service to be abandoned includes gas that TETCO initially receives at West Cameron Block 522 offshore Lousiana. TETCO transports the gas to other natural gas pipelines for ultimate redelivery onshore to TETCO in Allen Parish, Louisiana. Gas is being transported pursuant to authority granted in Docket No. CP76-310 and in accordance with the terms of two transportation agreements dated March 22, 1976, which provide for a quantity of up to 11,000 Mcf per day on a firm basis and up to 4,000 Mcf per day on a best efforts basis, it is asserted. Trunkline concludes that the authorization to abandon include specifically Rate Schedule T-7 and Rate Schedule T-8. TETCO and Trunkline have executed a letter agreement dated February 25, 1986, which provides for the termination of the two transportation agreeements effective July 1, 1987, it is noted.

No abandonment of facilities is proposed in the application.

Comment date: September 4, 1987, in accordance with Standard Paragraph F at the end of this notice.

4. Mississippi River Transmission Corp.

[Docket No. CP87-493-000]

Take notice that on August 12, 1987, Mississippi River, Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP87-493-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add a delivery point to its existing firm sales customer, Arkansas Louisiana Gas Company (ALG), under the certificate issued in Docket No. CP82-489-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

MRT proposes to establish the new delivery point by installing a tap and appurtenant minor facilities to be located on MRT's mainline system near Mile Pole No. 240 in Lawrence County, Arkansas. It is stated that ALG requires the delivery of gas at the proposed location to serve the City of Minturn, Arkansas. MRT states that it would supply no more than 100 Mcf of natural gas on a peak day and an estimated 8,000 Mcf of natural gas on an annual basis at the proposed delivery point. It is estimated that the total for all costs associated with the installation of the proposed facilities will be $6,000. MRT states that ALG would reimburse it for all costs associated with the installation of these facilities.

MRT states that its FERC Gas Tariff does not prohibit the addition of new delivery points and that it has sufficient capacity to accomplish the deliveries proposed herein without detriment or disadvantage to its other customers. MRT states that it does not propose to increase or decrease the total daily and/or annual quantities it is authorized to deliver to ALG.

Comment date: September 28, 1987, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs.

F. Any person desiring to be heard or make any protect with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed wtihin the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided, for, unless otherwise advised, it will be

unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary

[FR Doc. 87-19139 Filed 8-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 9189-002, et al.]

Surrender of Preliminary Permits; JDJ Energy Co. et al.

August 14, 1987.

Take notice that the following preliminary permits have been surrendered effective as described in Standard Paragraph I at the end of this notice.

1. JDJ Energy Co.

[Project No. 9189-002]

Take notice that JDJ Energy Company, permittee for the proposed Dale Hollow Project No. 9189, has requested that its preliminary permit be terminated. The permit was issued on September 27, 1985, and would have expired on August 31, 1988. The project would have been located on Dale Hollow Lake, in Clay County, Tennessee.

The permittee filed the request on July 20, 1987.

2. JDJ Energy Co.

[Project No. 9190-002]

Take notice that JDJ Energy Company, permittee for the proposed Wolf Creek Project No. 9190, has requested that its preliminary permit be terminated. The permit was issued on September 27, 1985, and would have expired on August 31, 1988. The project would have been located on Lake Cumberland, in Russell County, Kentucky.

The permittee filed the request on July 20, 1987.

3. JDJ Energy Co.

[Project No. 9020-002]

Take notice that JDJ Energy Company, permittee for the proposed Norfork Fish Hatchery Conduit Project No. 9020, has requested that its preliminary permit be terminated. The permit was issued on September 27, 1985, and would have expired on August 31, 1988. The project would have been located on Norfork Lake, in Baxter County, Arkansas.

The permittee filed the request on July 20, 1987.

Standard Paragraph

I. The preliminary permit shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday or holiday as described in 18 CFR 385.2007 in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-19140 Filed 8-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF87-563-000 et al.]

Small Power Production and Cogeneration Facilities; Qualifying Status; Certificate Applications, etc.; E.F. Miramar, Inc. et al.

August 14, 1987.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

Take notice that the following filings have been made with the Commission.

1. E.F. Miramar, Inc.

[Docket No. QF87-563-000]

On July 31, 1987, E.F. Miramar, Inc. (Applicant), of 401 B Street, Suite 1000, San Diego, California 92101, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at Miramar Naval Air Station, in San Diego, California. The facility will consist of two combustion turbine generating units, two heat recovery steam generators, and a condensing steam turbine generating unit. Steam produced from the facility will be sold to the United States Navy for space and water heating, and for galley operations. The primary energy sources will be a mixture of landfill gas and natural gas. The net electric power production capacity of the facility will be 46.3 MW. Installation of the facility is expected to begin in February 1990.

2. Applied Energy, Inc. (Noris Project)

[Docket No. QF87-562-000]

On July 31, 1987, Applied Energy, Inc. (Applicant), of 401 B Street, Suite 1000, San Diego, California 92101, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at North Island Naval Air Station, in San Diego, California. The facility will consist of a combustion turbine generating unit, a heat recovery steam generator, and an existing condensing steam turbine generating unit. Steam produced from the facility will be sold to the United States Navy for space and water heating, and for steam blanketing. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 37.8 MW. Installation of the facility is expected to begin in September 1988.

3. EFFR, Inc., Energy Factors, Inc., Feather River Project

[Docket No. QF87-685-000]

On August 5, 1987, EFFR, Inc. (Applicant), a subsidiary of Energy Factors, Incorporated, of 401 B Street, Suite 1000, San Diego, California 92101 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility is located at 3712 Feather River Boulevard, Marysville, California 95901. The facility consists of a circulating fluidized bed combustion boiler, an extraction/condensing steam turbine generator, and related auxiliary equipment. The primary energy source of the facility is biomass in the form of wood waste materials. The net electric power production capacity of the facility is 16.5 megawatts. Construction of the facility began in September 1985.

4. Milesburg Energy, Inc., Environmental Power Corp.

[Docket No. QF87-578-000]

On August 4, 1987, Milesburg Energy, Inc. (Applicant), a subsidiary of Environmental Power Corporation, of 53 State Street, Exchange Place, 30th Floor, Boston, Massachusetts 02109 submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in the Borough of Milesburg, Centre County, Pennsylvania at the site of the existing Milesburg Power station. The Milesburg Power Station after being renovated and refurbished will consist of an atmospheric circulating fluidized bed combustion boiler and two existing steam turbine generators. Applicant states that the primary energy source of the facility will be "waste" in the form of bituminous coal refuse. The net electric power production capacity of the facility will be 43 megawatts.

5. Applied Energy, Inc. (NTC/MCRD Project)

[Docket No. QF87-561-000]

On July 31, 1987, Applied Energy, Inc. (Applicant), of 401 B Street, Suite 1000, San Diego, California 92101, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle congeneration facility will be located at Naval Training Center and Marine Corps Recruitment Depot, in San Diego, California. The facility will consist of a combustion turbine generating unit, a heat recovery steam generator, and an existing condensing steam turbine generating unit. Steam produced from the facility will be sold to the United States Navy for space and water heating. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 23.7 MW. Installation of the facility is expected to begin in October 1988.

Standard Paragraph:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-19141 Filed 8-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP86-169-007, RP86-169-005 and RP86-105-005]

Compliance Filing; ANR Pipeline Co.

August 18, 1987.

Take notice that on August 6, 1987, ANR Pipeline Company (ANR) tendered for filing the tariff sheets listed below in compliance with the Commission's Order issued July 22, 1987 in the above referenced proceeding.

Original Volume No. 1
- Eleventh Revised Sheet No. 18

Original Volume No. 1-A
- Second Revised Sheet No. 18
- Second Revised Sheet No. 5
- First Revised Sheet No. 7
- First Revised Sheet No. 8

ANR states that the revised tariff sheets reflect the removal of the cost of facilities that were not placed in service at the end of the test period in this case, February 28, 1987.

ANR has requested a waiver of the 30-day notice period so that these tariff sheets may be accepted for filing and made effective August 1, 1987.

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, 385.241). All such motions or protests should be filed on or before August 25, 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 party wishing to become a party to the proceeding 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. 87-19142 Filed 8-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-1-37-010]

Compliance Filing; Northwest Pipeline Corp.

August 18, 1987.

Take notice that on July 30, 1987, Northwest Pipeline Corporation (Northwest) filed a computation to support the amount of Canadian gas costs includable in Northwest's demand charges. Northwest states that the filing was made pursuant to paragraph (D) of the Commission's order of December 12, 1986, in the above-captioned proceeding. No tariff sheets were submitted with the above-referenced computational filing.

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 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before August 25, 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 not previously granted intervention in this proceeding and 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. 87-19143 Filed 8-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-478-005]

Proposed Changes in FERC Gas Tariff; Panhandle Eastern Pipe Line Co.

August 18, 1987.

A notice of proposed changes in Panhandle Eastern Pipe Line Company's FERC Gas Tariff was issued on August 12, 1987, in Docket No. RP87-15-017. That notice should have been issued in Docket No. CP77-478-005, and therefore this corrected notice is being reissued in the proper docket.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on August 6, 1987 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

- First Revised Sheet Nos. 1621, 1931 and 2432
- Second Revised Sheet No. 2707
- Fourth Revised Sheet Nos. 1557, 1558, 1610, 1920, 1995, 2489, 2524 and 2672
- Fifth Revised Sheet No. 2731

Sixth Revised Sheet No. 2242
Twelfth Revised Sheet Nos. 694 and 695

Panhandle states that such changes are made to amend certain Rate Schedules for the transportation of natural gas on behalf of various Panhandle transport customers to reflect Trunkline Gas Company's current transportation rates as approved in Docket No. RP87-67-000 by Commission Order issued May 29, 1987 and ERRATUM Notice dated June 9, 1987 to be effective May 1, 1987. Panhandle proposes that these tariff sheets be given an effective date of May 1, 1987.

A copy of this filing has been served on the various transport 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 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 25, 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. 87-19144 Filed 8-20-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP85-141-009]

Proposed Changes in FERC Gas Tariff Sheets; Texas Gas Transmission Corp.

August 18, 1987.

Take notice that on August 13, 1987, Texas Gas Transmission Corporation (Texas Gas) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 22
First Revised Sheet No. 22A
First Revised Sheet No. 22B
First Revised Sheet No. 29

Texas Gas states that the revised tariff sheets are being filed to reflect a change in the minimum bill provisions of its Rate Schedules CD and DCL pursuant to Article VII of the Stipulation and Agreement approved by the "Order Approving Contested Offer of Settlement Subject to Modifications" issued January 22, 1986, in Docket Nos. RP85-141-005 and RP85-141-002 (34 FERC ¶ 61,054). Article VII states in part that, effective on the later of (a) the date a final Commission order is issued in *Tennessee Gas Pipeline Company*, Docket Nos. RP81-54-004 and RP82-12-002 (Initial Decision reported at 27 FERC ¶ 63,090 (1984)) or (b) November 1, 1986, Texas Gas would agree to modify (1) the "Minimum Annual Commodity Charge" appearing in section 4.2(a) of Rate Schedule CD and (2) the "Minimum Monthly Bill" appearing in section 4.1 of the CD Rate Schedule and section 4 of Rate Schedule CDL to reflect a 50% minimum monthly and annual bill.

Copies of the filing were served on all parties in Docket No. RP85-141, as well as non-intervening customers and interested State Commissions.

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 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before August 25, 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. 87-19145 Filed 8-20-87; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3250-5]

Availability of Environmental Impact Statements; Filed August 10, 1987 Through August 14, 1987

Responsible agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements; Filed August 10, 1987 through August 14, 1987 Pursuant to 40 CFR 1506.9

EIS No. 870279, Draft, AFS, UT, Escalante Known Geological Structure (KGS), Oil and Gas Leasing and Development, Dixie National Forest, Garfield County, Due: October 20, 1987, Contact: Calvin Bird (801) 586-2421.

EIS No. 870280, Draft, BLM, AFS, WY, Sohare Creek Unit Exploratory Oil Well Number 1-35, Lease and Permit, Bridger-Teton National Forest, Teton County, Due: October 12, 1987, Contact: Alfred Reuter (307) 733-4755.

EIS No. 870281, Final, BLM, ID, Cascade Resource Area, Resource Management Plan, Wilderness Recommendations, Due: September 21, 1987, Contact: Richard Geier (208) 334-1582.

EIS No. 870282, Final, FHW, WA, Monroe-Lincoln Couplet, Maine Avenue to Wall and Monroe Streets, City and County of Spokane, Due: September 21, 1987, Contact: P.C. Gregson (206) 753-2120.

EIS No. 870283, Draft, FHW, CA, Ventura County Routes 23 and 118 Freeway Gap Closure, Route 23 Freeway at New Los Angeles Avenue to Route 118 Freeway at College View Avenue, Ventura County, Due: October 5, 1987, Contact: Glenn Clinton (916) 551-1310.

Amended Notices

EIS No. 870275, Adoption, Final, FHA, ME, Jonesport Harbor Navigation Improvement Project, Contact: Frederick Jagels (207) 581-3400, Published FR 8-14-87—New contact person and phone number.

EIS No. 870278, Draft, AFS, OR, Malheur National Forest, Land and Resource Management Plan, Published FR 8-14-87—Typographical error in bureau.

Dated: August 18, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87-19216 Filed 8-20-87; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3250-6]

Environmental Impact Statements and Regulations; Availability of EPA Comments Prepared August 3, 1987 Through August 7, 1987

Availability of EPA comments prepared August 3, 1987 through August 7, 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 FR dated April 24, 1987 (52 FR 13749).

Draft EISs

ERP No. D–UAF–K02004–CA, Rating EC2, Vandenberg Air Force Base Mineral Resource Mgmt. Plan, Exploration, Development, and Production of Oil and Gas Resources, CA. SUMMARY: EPA expressed environmental concerns because of potential impacts to surface water, ground water, and air quality. EPA requested further discussion of such impacts and mitigation measures to reduce potential impacts. EPA also requested that the the US Air Force contact the COE regarding Clean Water Act, Section 404 dredge, and fill permit requirements for the proposed project.

Final EISs

ERP No. F–BIA–K64012–CA, Hoopa Valley Indian Reservation Fishing Regulations Modification, Klamath River Drainage, CA. SUMMARY: EPA made no formal comments. EPA reviewed the final EIS and had no comments to offer based on earlier lack of comments on the draft EIS.

ERP No. F–BLM–J02011–00, Hickey Mountain-Table Mountain Oil and Gas Field Development, Lease, Sect. 10 and 404 Permits, WY and UT. SUMMARY: EPA is concerned with modifications made in the final EIS to water quality mitigation monitoring methodology and frequency, as described in the draft EIS. For consideration in the conditioning of Applications for Permits to Drill, Right-of-Way, and other Special Use Permits, EPA recommended the Mitigation Plan be revised to include the original draft EIS mitigation monitoring methodology and frequency.

ERP No. F1–BLM–L65089–ID, Monument Planning Area, Wilderness Study Areas, Wilderness Recommendations, ID. SUMMARY: EPA made no formal comments. EPA reviewed the final EIS and has no objections to the recommended actions as described.

ERP No. FS–COE–F32033–MI, Clinton River Federal Navigation Channel, Confined Disposal Facility Construction for Maintenance Dredging, Updated Information, MI. SUMMARY: EPA expressed concern regarding groundwater monitoring and liner testing. EPA suggested that further site integrity testing be performed to fully determine the suitability of liner material at the disposal facility. If it is determined by EPA and the COE that a liner is necessary, EPA is willing to work jointly with the COE to ensure that established procedures are used in testing and liner construction. EPA also provided information on suggested locations of groundwater monitoring wells at the proposed disposal facility.

ERP No. FS–NOA–A64045–00, Green, Loggerhead, and the Pacific Ridley Sea Turtles, Listing and Protection Under the 1973 Endangered Species Act, Incidental Capture and Mortality Reduction, Use of Turtle Excluder Devices by Shrimp Fishermen. SUMMARY: EPA made no formal comment. EPA's review of the final supplemental EIS did not identify any potential environmental impacts which may result from the proposed action.

Dated: August 18, 1987.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 87–19215 Filed 8–20–87; 8:45 am]

BILLING CODE 6560–50–M

[FRL 3249–9]

Science Advisory Board; Research Strategies Committee; Open Meeting

Under Public Law 92–463, notice is hereby given of a meeting of the Research Strategies Committee of the Science Advisory Board on September 10 and 11, 1987. The meeting will be held at the Guest Quarters Hotel, 7335 Wisconsin Avenue, Bethesda, Maryland in the Montgomery Conference Rooms I and II. The meeting will begin at 9:00 a.m. on September 10th and will adjourn at approximately 3:00 p.m. on September 11th.

This is the first meeting of the Committee. The Committee's purpose is to advise the Administrator of the Environmental Protection Agency on the development of research strategies needed to enhance the Agency's ability to acquire scientific and technical information to support regulatory decisionmaking, and to identify emerging environmental problems. To accomplish this task the Committee has been organized into five working groups. These include: Sources, Transport and Fate; Exposure Assessment; Health Effects; Ecological Effects; and Risk Reduction.

The meeting is open to the public. Any member of the public wishing to attend, obtain information, or submit written comments should contact Dr. Terry F. Yosie, Director, Science Advisory Board or Mrs. Joanna Foellmer located at 401 M Street SW., Washington, DC 20460 or call (202) 382–4126 by close of business September 4, 1987.

Date: August 14, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87–19187 Filed 8–20–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Application To Retain Shares of a Company Engaged in General Insurance Activities; Trustcorp, Inc.

The organization listed in this notice has applied under § 225.23(f) of the Board's Regulation Y (12 CFR 225.23(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. 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 Boad of Governors. Interested persons may express their views in writing on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 4, 1987.

A. **Federal Reserve Bank of Cleveland** (Martin E. Abrams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Trustcorp, Inc.*, Toledo, Ohio, to retain, pursuant to section 4(c)(8)(D) of the Bank Holding Company Act, to retain direct or indirect ownership, control, or power to vote all of the shares of St. Joseph Insurance Agency, Inc., South Bend, Indiana, through merger of Trustcorp of Indiana, Inc., with and into St. Joseph Bancorporation, Inc., both of South Bend, Indiana, thereby permitting St. Joseph's Insurance Agency, Inc., to continue engaging in grandfathered general insurance agency activities.

These insurance activities include the issuance and sale throughout the state of Indiana and adjacent states of all types of property and casualty insurance but excluding life insurance.

Board of Governors of the Federal Reserve System, August 17, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-19129 Filed 8-20-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (4 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on August 14, 1987.

Social Security Administration

(Call Reports Clearance Office on 301-594-5706 for copies of package)

1. Supplemental Security Income Referral Notice—0960-0324—The information collected by use of Form SSA-L8050-U3 identifies SSI applicants/recipients potentially eligible for other benefits so that they may file for and receive such benefits. The affected public is comprised of SSI applicants and recipients, State disability determination services agencies and organizations which pay benefits. Respondents: Individuals or households, State or local governments, non-profit institutions. Number of Respondents: 10,000; Frequency of Response: Occasionally; Estimated Annual Burden: 1,667 hours.

OMB Desk Officer: Elana Norden.

Health Care Financing Administration

(Call Reports Clearance Officer on 301-594-8650 for copies of package)

1. State MEQC Sampling Plans—0938-0146—The Medicaid Eligibility Quality Control (BEQC) Sampling Plan is necessary for DCFA to monitor the States' operation of the MEQC system. Respondents: State or local governments. Number of Respondents: 55; Frequency of Response: Occasionally; Estimated Annual Burden: 2,640 hours.

OMB Desk Officer: Allison Herron.

Family Support Administration

(Call Reports Clearance Officer on 202-245-0652 for copies of package)

1. Referral for WIN Registration—0970-0067—This form relates to the mandated need to collect information on (AFDC) registration for manpower services training and employment. Respondents: Individuals or households, State or local governments. Number of Respondents: 4,675; Frequency of Response: Quarterly; Estimated Annual Burden: 1,365 hours.

2. Financial Status Report (SF-269)—0970-0068—This form is used by the State Welfare Agency for their quarterly statements of their annual limit of entitlement. The categories reflect Federal concern for unit cost and staff productivity. Respondents: State or local governments. Number of Respondents: 25; Frequency of Response: Quarterly; Estimated Annual Burden: 151 hours.

3. State Plan for Child Support Collection and Establishment of Paternity Under Title IV-D.—0970-0017—This form serves as a "Contract with OCSE" outlining the activities the State will perform as required by law for States to receive Federal monies for costs incurred. Respondents: State or local governments. Number of Respondents: 54; Frequency of Response: Occasionally; Estimated Annual Burden: 271 hours.

OMB Desk Officer: Elana Norden.

Public Health Service

(Call Reports Clearance Officer on 202-245-2100 for copies of package)

Centers For Disease Control

1. Diabetes Control Program Evaluation Reports—NEW—To assure that persons at high risk for specific complications of diabetes are identified, entered into the health care system, and receive appropriate state-of-the-art preventive care and treatment, State diabetes programs report quarterly on activities and program accomplishments. Respondents: State or local governments. Number of Respondents: 30; Frequency of Response: Quarterly; Estimated Annual Burden: 1,030 hours.

2. A Study of Pneumoconiosis in Surface Coal Miners—0920-0161—This study will assess the risk of pneumoconiosis among workers in anthracite mines and preparation plants and among highwall drillers in bituminous strip mines. The data will be used to make recommendations for dust standards which will prevent pneumoconiosis. The participants will be coal miners and preparation plant workers. Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations. Number of Respondents: 1,072; Frequency of Response: One-time; Estimated Annual Burden: 560 hours.

OMB Desk Officer: Shanna Koss-McCallum.

As mentioned above, copies of the information collection clearance packages can be obtained by calling the Reports Clearance Officer, on one of the following numbers:

PHS: 202-245-2100
HCFA: 301-594-8650
SSA: 301-594-5706
FSA: 202-245-0652

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, DC 20503. Attn: (name of OMB Desk Officer).

Date: August 17, 1987.

Raffie Shahrigian,

Acting Deputy Assistant Secretary, Office of Administrative and Management Services.

[FR Doc. 87-19162 Filed 8-20-87; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

Cooperative Agreement To Develop and Maintain Capacity To Provide Public Health Laboratory Information and To Utilize Management Systems; Availability of Funds for Fiscal Year 1987

The Centers for Disease Control (CDC) announces the availability of funds for Fiscal Year 1987 for a cooperative agreement with the Association of State and Territorial Public Health Laboratory Directors (hereafter referred to as the Association) to assist the Association in establishing the capacity to accept transfer of health laboratory information and management technology. This developed technology will be maintained by the Association and provided to State public health laboratories in support of national public health laboratory information systems and national public health laboratory management systems.

Authority

This project is authorized under section 301 of the Public Health Service Act (U.S.C. 6305). The Catalog of Federal Domestic Assistance Number is 13.283.

Program Background and Objectives

Since 1962, the Association and the CDC have collaborated to identify and solve programmatic information and management problems found in State, county, city, and local health laboratories. This collaboration has resulted in the development of innovative and constructive laboratory information and management systems that provide laboratory based data from which health information is generated.

This information is then used by the nation's public health community to plan health intervention strategies and to measure programmatic progress in health. Historically, CDC has been the source for the development and transfer of laboratory management and information system technology for the national laboratory community.

Management and information systems developed by CDC are standard operating procedures in many Association laboratories. The transfer of this technology to the Association is the next logical step. The Association would be responsible for developing the expertise for maintaining and providing to the public health laboratory community: work measurement standards, standard cost accounting methodology, consolidated annual reports of State and territorial public health laboratory activities, annual laboratory work force profiles, personnel classification guides, data processing systems and for monitoring emerging management and information technology. The Association would also be responsible for the continued operation and maintenance of developed management and information systems and for monitoring evolving technology and new systems for introduction to the health laboratory community that will impact national health.

Eligible Applicants

Because the purpose of this project is to assist, for public purpose, the Association in developing and maintaining technical expertise in providing public health laboratories information and management systems, assistance will be provided only to the Association of State and Territorial Public Health Laboratory Directors.

Availability of Funds

It is expected that up to $200,000 will be available during Fiscal Year 1987 to support this cooperative agreement. It is anticipated that this cooperative agreement will be funded initially for a 12-month budget period. Estimated cost of the remaining years of this 5-year project will be $175,000 each. Continuation awards, after the first year and within the 5-year project period, will be made on the basis of satisfactory progress in meeting project objectives and subject to the availability of funds. The funding estimate outlined above may vary and is subject to change.

Additional Information

For additional information contact: Luther DeWeese, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, Atlanta, Georgia 30333, Telephone (404) 262-6575.

Technical assistance may be obtained from: Herbert L. Lawton, Management Systems Branch, Division of Assessment and Management Consultation, Training and Laboratory Program Office, 24 Executive Park, Centers for Disease Control, Atlanta, Georgia 30333, Telephone (404) 329-1936.

Dated: August 17, 1987.

Glenda S. Cowart,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 87-19106 Filed 8-20-87; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 87A-0237]

Nutrient Fortification of Juice Beverages; Availability of Advisory Opinion

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of an advisory opinion concerning the nutrient fortification of juice beverages, particularly standardized juice products. This advisory opinion issued June 12, 1987, in response to an inquiry from the Florida Department of Citrus. The advisory opinion is of interest to all manufacturers of fortified juice products.

ADDRESS: Requests for single copies of the advisory opinion may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Send a self-addressed adhesive label to assist the Branch in processing your request.)

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

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of an advisory opinion that the agency issued to the State of Florida, Department of Citrus (FDC), on June 12, 1987. FDA issued this advisory opinion in response to FDC's inquiry as to whether a standardized fruit juice, i.e., grapefruit or orange juice, that has been fortified or enriched in a manner not provided for in the standard of identity, can be marketed if the resulting product is accurately described on the label, and nutrition labeling is properly made. In the advisory opinion, the agency addresses the need to assure: (1) That the fortification of the product complies with 21 CFR 104.20, (2) that the labeling complies with all relevant labeling requirements (including nutritional labeling), and (3) that the unfortified juice to which the nutrients are added meets any applicable definitions or standards of identity. The agency further states that if the guidelines for fortification are not followed when fortifying a juice product, such fortified product and its labeling may be misleading and subject to regulatory action.

This advisory opinion is available for review at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 14, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-19134 Filed 8-20-87; 8:45 am]

BILLING CODE 416-01-M

[Docket No. 87F-0240]

Filing of Food Additive Petition; Foodways National, Inc., and NutraSweet Co.

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Foodways National, Inc., and the NutraSweet Co. have filed a petition proposing that the food additive regulations be amended to provide for the use of aspartame as a sweetener in frozen dairy and nondairy frostings, and fillings.

FOR FURTHER INFORMATION: Carl L. Giannetta, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21

U.S.C. 348(b)(5))), notice is given that a petition (FAP 7A4014) has been filed by the Foodways National, P.O. Box 10, Ontario, OR 97914; and the NutraSweet Co., 4711 Golf Rd., Skokie, IL 60076, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the use of aspartame as a sweetener in frozen dairy and nondairy frostings, toppings, and fillings.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: August 13, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-19133 Filed 8-20-87; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

John E. Fogarty International Center Advisory Board

Notice of Meeting of the Fogarty International Center Advisory Board Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Fogarty International Center (FIC) Advisory Board, September 29 and 30, 1987, in the Stone House (Building 16), at the National Institutes of Health.

The meeting will be open to the public on September 29 from 8:30 a.m. to 5 p.m., and on September 30, from 8:30 a.m. to 12 noon. On September 29, the agenda will include an Overview Report by Dr. Craig K. Wallace, Director of the FIC and presentations and discussions of FIC functions in support of NIH-wide international activities. The afternoon agenda will also include a report on the last meeting of the Advisory Committee to the NIH Director; and from the Advanced Studies, Research Awards, and Resources Working Groups of the FIC Advisory Board. On September 30, the agenda will include an update on FIC's evaluation activities, a presentation, "International Collaboration in Health Research in the Region of the Americas," and a concluding review of FIC functions, plans for the Advisory Board's biennial report to the Congress, and discussion of future program directions.

In accordance with the provisions of sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 29, from 5 p.m. to adjournment for the review, discussion, and evaluation of individual research fellowship applications. These applications contain information of a proprietary nature, including detailed research protocols, designs, and other technical information; and personal information about individuals associated with the applications.

Myra Halem, Committee Management Officer, Fogarty International Center, Building 38A, Room 609, National Institutes of Health, Bethesda, Maryland 20892 (301-496-1491), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. Caralie Farlee, Assistant Director for Planning and Evaluation, Fogarty International Center (Executive Secretary) Building 38A, Room 609, telephone 301-496-1491, will provide substantive program information.

Dated: August 11, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-19120 Filed 8-20-87; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; National Cholesterol Education Program Coordinating Committee, Meeting

Notice is hereby given of the meeting of the National Cholesterol Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on October 5, 1987, from 9 a.m. to 3 p.m., at the Sheraton Carlton Hotel, 16th & K Streets, NW., Washington, DC 20006, (202) 638-2626.

The meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Cholesterol Education Program. Attendance by the public will be limited to space available.

For the agenda, list of participants, and meeting summary, contact: Dr. James I. Cleeman, Coordinator, National Cholesterol Education Program, Office of Prevention, Education, and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, C-200, Bethesda, Maryland 20892, (301) 496-0554.

Dated: August 13, 1987.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 87-19121 Filed 8-20-87; 8:45 am]

BILLING CODE 4140-01-M

National Heart, Lung, and Blood Institute; National High Blood Pressure Education Program Coordinating Committee; Meeting

Notice is hereby given of the meeting of the National High Blood Pressure Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute, on September 21, 1987, from 8:30 a.m. to 1 p.m., at the American Red Cross, National Headquarters, 1730 E Street, NW., Washington, DC 20036, (202) 728-6500.

The meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

For the detailed program information, agenda, list of participants, and meeting summary, contact: Dr. Edward J. Roccella, Coordinator, National High Blood Pressure Education Program, Office of Prevention, Education, and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, Room 4A05, Bethesda, Maryland 20892, (301) 496-0554.

Dated: August 13, 1987.

James B. Wyngaarden,

Director, NIH.

[FR Doc. 87-19122 Filed 8-20-87; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Arthritis and Musculoskeletal and Skin Diseases Advisory Council; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the National Arthritis and Musculoskeletal and Skin Diseases Advisory Council to provide advice to the National Institute of Arthritis and Musculoskeletal and Skin Diseases on September 10 and 11, 1987, Wilson Hall, Building 1, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public September 10 from 8:30 a.m. to 12 noon to discuss administrative details relating to Council business and special reports. Attendance by the public will be limited to space available.

The meeting of the Advisory Council will be closed to the public on September 10 from 1 p.m. to adjournment and again on September 11 from 8:30 a.m. to adjournment at approximately 12 noon in accordance with provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These deliberations could reveal confidential trade secrets or commercial property, such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. Steven J. Hausman, Executive Secretary, National Arthritis and Musculoskeletal and Skin Diseases Advisory Council, NIAMS, Westwood Building, Room 403, Bethesda, Maryland 20892, (301) 496–7495.

A summary of the meeting and roster of the members may be obtained from the Committee Management Office, NIAMS, Building 31, Room 1E10, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–6053.

(Catalog of Federal Domestic Assistance Program No. 13.846, Arthritis, Bone and Skin Diseases, National Institutes of Health)

Dated: August 11, 1987.

Betty J. Beveridge,

NIH, Committee Management Officer.

[FR Doc. 87–19123 Filed 8–20–87; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases, National Diabetes and Digestive and Kidney Diseases Advisory Council and Its Subcommittees; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council and its subcommittees, National Institute of Diabetes and Digestive and Kidney Diseases, on September 16 and 17, 1987, Conference Room 10, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public September 16 from 8:30 a.m. to 12 noon and again on September 17 from 1 p.m. to adjournment to discuss administrative details relating to Council business and special reports. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the subcommittee and full Council meetings will be closed to the public for the review, discussion and evaluation of individual grant applications. The following subcommittees will be closed to the public on September 16 from 1 p.m. to recess: Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney, Urologic and Hematologic Diseases. The full Council meeting will be closed on September 17 from 8:30 a.m. to approximately 12 noon.

These deliberations could reveal confidential trade secrets or commercial property, such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the Council meeting may be obtained from Dr. Walter Stolz, Executive Secretary, National Diabetes and Digestive and Kidney Diseases Advisory Council, NIDDK, Westwood Building, Room 657, Bethesda, Maryland 20892, (301) 496–7277.

A summary of the meeting and roster of the members may be obtained from the Committee Management Office, NIDDK, Building 31, Room 9A19, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–6917.

(Catalog of Federal Domestic Assistance Program No. 13.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: August 11, 1987.

Betty J. Beveridge,

NIH, Committee Management Officer.

[FR Doc. 87–19124 Filed 8–20–87; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Environmental Health Sciences, National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, September 14–15, 1987, at the National Institute of Environmental Health Sciences, Building 101 Conference Room, South Campus, Research Triangle Park, North Carolina.

This meeting will be open to the public on September 14 from 9 a.m. to approximately 12 noon for the report of the Director, NIEHS, and for discussion of the NIEHS budget, program policies and issues, recent legislation, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public September 14, from approximately 1 p.m. to adjournment on September 15, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Winona Herrell, Committee Management Officer, NIEHS, Bldg. 31, Rm. 2B55, NIH, Bethesda, Md. 20892 (301) 496–3511, will provide summaries of the meeting and rosters of council members.

Dr. Anne Sassaman, Associate Director, Division of Extramural Research and Training, NIEHS, P.O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 541–7723, FTS 629–7723, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos 13.112, Characterization of Environmental Health Hazards; 13.113, Biological Response to Environmental Health Hazards; 13.114, Applied Toxicological Research and Testing; 13.115, Biometry and Risk Estimation; 13.894, Resource and Manpower Development, National Institutes of Health)

Dated: August 11, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–19125 Filed 8–20–87; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meetings of the Board of Regents, the Extramural Programs and Pricing Subcommittees

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on September 30 and October 1, 1987, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meetings of the following subcommittees:

Pricing Subcommittee, Conference Room A, Mezzanine, National Library of Medicine, from 1 to 2 p.m.

Extramural Programs Subcommittee, 5th-floor Conference Room, Lister Hill Center Building, 2 to 3 p.m.

Lister Hill Center Subcommittee, 7th-floor Conference Room, Lister Hill Center Building, 3 to 4 p.m.

The meeting of the Board will be open to the public from 9 a.m. to approximately 5:00 p.m. on September 30 and from 9 a.m. to approximately 11:30 a.m. on October 1 for administrative reports and program

discussions. The entire meetings of the Pricing and Lister Hill Center Subcommittees will be open to the public. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4), 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, the entire meeting of the Extramural Programs Subcommittee on September 29 will be closed to the public, and the regular Board meeting on October 1 will be closed from approximately 11:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Dated: August 11, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–19126 Filed 8–20–87; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following study sections for September 1987, and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to study section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Grants Inquiries Office, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–496–7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each study section. Since it is necessary to schedule study section meetings months in advance, it is suggested that anyone planning to attend a meeting contact the executive secretary to confirm the exact date, time and location. All times are A.M. unless otherwise specified.

Study Section	September 1987 Meetings	Time	Location
Behavioral and Neurosciences-1, Ms. Janet Cuca, Rm. A13, Tel. 301-496-5352	Sept. 28-29	8:30	Wellington Hotel, Washington, DC.
Behavioral and Neurosciences-2, Mrs. Janet Cuca, Rm. A13, Tel. 301-496-5352	Sept. 21	8:30	Wellington Hotel, Washington, DC.
Biomedical Sciences-1, Dr. Daniel Eskinazi, Rm. A10, Tel. 301-496-1067	Sept. 17	8:30	Holiday Inn, Chevy Chase, MD.
Biomedical Sciences-2, Dr. Charles Baker, Rm. A10, Tel. 301-496-7150	Sept. 22-23	8:30	Holiday Inn, Georgetown, DC.
Biomedical Sciences-3, Mr. Gene Headly, Rm. A25, Tel. 301-496-7287	Sept. 21-22	8:30	Room 7, Bldg. 31C, Bethesda, MD.
Biomedical Sciences-4, Dr. Charles Baker, Rm. A10, Tel. 301-496-7150	Sept. 29-30	8:30	Holiday Inn, Bethesda, MD.
Biomedical Sciences-5, Dr. Bert Wilson, Rm. A25, Tel. 301-496-7600	Sept. 17-18	8:30	Holiday Inn, Chevy Chase, MD.
Biomedical Sciences-6, Dr. Hugh Stamper, Rm. A10, Tel. 301-496-3117	Sept. 16-18	8:30	Holiday Inn, Chevy Chase, MD.
Clinical Sciences-1, Dr. Lynwood Jones, Jr., Rm. A19, Tel. 301-496-7510	Sept. 17-18	8:30	Crowne Plaza, Rockville, MD.
Clinical Sciences-2, Dr. Bernice Lipkin, Rm. A19, Tel. 301-496-7477	Sept. 14-15	8:30	Crowne Plaza, Rockville, MD.
Clinical Sciences-3, Dr. Nicholas Mazarella, Rm. A27, Tel. 301-496-1069	Sept. 10-11	8:30	Crowne Plaza, Rockville, MD.
Clinical Sciences-4, Dr. Bernice Lipkin, Rm. A19, Tel. 301-496-7477	Sept. 16-17	8:30	Crowne Plaza, Rockville, MD.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Dated: August 11, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–19127 Filed 8–20–87; 8:45 am]

BILLING CODE 4140–01–M

National Advisory Research Resources Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Research Resources Council (NARRC), Division of Research Resources (DRR), September 14–15, 1987, 9 a.m., Building 31C, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

This meeting will be open to the public on September 14 from 9 a.m. until recess and from 8:30 a.m. until approximately 11 a.m. on September 15 during which time there will be discussions on administrative matters such as previous meeting minutes; the Report of the Director, DRR; and review of budget and legislative updates. There will be a presentation on the Minority Biomedical Research Support Program led by Dr. Ciriaco Q. Gonzales, which will include several guest speakers. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 522b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on September 15 from approximately 11 a.m. until adjournment for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, DRR, Building 31, Room 5B10, National Institutes of Health, Bethesda, Maryland 20892, 301/496–5545, will provide a summary of the meeting and a roster of the Council members upon request. Dr. James F. O'Donnell, Deputy Director, DRR, Building 31, Room 5B03, National Institutes of Health, Bethesda, Maryland 20892, 301/496–6023, will furnish substantive program information upon request, and will receive any

comments pertaining to this announcement.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, Laboratory Animal Sciences and Primate Research; 13.333, Clinical Research; 13.337, Biomedical Research Support; 13.371, Biomedical Research Technology; 13.375, Minority Biomedical Research Support, Research Centers in Minority Institutions; 13.389, National Institutes of Health.)

Dated: August 11, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-19128 Filed 8-20-87; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Facilities Improvement and Repair Priority List of Fiscal Year 1988

AGENCY: Department of the Interior, Policy, Budget and Administration, Office of Construction Management.

ACTION: Notice of Facilities Improvement and Repair Priority List for Fiscal Year 1988.

The Facility Improvement and Repair list has been prepared for Fiscal Year 1988 in accordance with House Report Number 98-886, page 52. "To avoid some of the problems experienced in the past, the Committee directs the Bureau to revise the FI&R Priority System by publishing in the **Federal Register** by October 1 of each fiscal year, the national list of projects expected to be accomplished that year within the available funds."

The notice for FY 1988 provides the approved list of FI&R projects. Construction of these projects is subject to the availability of funds. The list is based upon the Bureau's criteria for ranking projects as published in the **Federal Register**/Vol. 51, No. 30/ Thursday, February 13, 1986/Page 5415.

The projects for FY 1988 are:

Aberdeen Area-Wide Code Compliance
Navajo Area-Wide In-ground Gas Line Replacement
A School For Me
Chilchinbeto School
Wingate High School
Pine Hill School
Haskell Indian Junior College
Santa Rosa Ranch School
Choctaw Central High School.

FOR FURTHER INFORMATION CONTACT: U.S. Department of the Interior, Arthur M. Love, Jr., Director, Office of Construction Management, Mail Stop 2415 (202) 343-3403, Washington, DC 20240.

Joseph W. Gorrell,

Principal Deputy Assistant Secretary, Policy, Budget and Administration.

August 14, 1987.

[FR Doc. 87-19161 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[NV-030-07-4212-24; N-43905]

Reality Action; Airport Lease; Lyon County, NV

Davada Development Corporation has filed an airport lease application pursuant to the Act of May 24, 1928 (45 Stat. 728; 49 U.S.C. 211 through 214), as amended, on the following described land:

Mount Diablo Meridian, NV

T. 16 N., R. 22 E.,

Sec. 20, Lots 2-4.

The area described comprises 127.58 acres.

The application was filed on March 21, 1986, and on that date, the land was segregated from all forms of appropriation under the public land laws, and location under the mining laws, pursuant to the regulations in existence. The segregative effect will terminate upon issuance of the lease or one year from the date of this publication in the **Federal Register** in accordance with the new regulations that became effective on December 10, 1986.

The land is suitable for the proposed use. The proposal is consistent with Bureau and County planning and the airport will benefit both Lyon County and the community of Dayton.

Detailed information concerning the action is available for review at the Bureau of Land Management Carson City District Office.

For a period of 45 days from the date of publication of this Notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, Carson City District Office, 1535 Hot Springs Road, Suite 300, Carson City, NV 89706.

James W. Elliott,

District Manager, Carson City District.

Dated this 7th day of August 1987.

[FR Doc. 87-19153 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-HC-n

[M 57797 (SD); (MT-020-06-4212-13)]

Realty Action; Exchange; Montana

AGENCY: Bureau of Land Management, Miles City District, South Dakota Resource Area.

ACTION: Notice of realty action—exchange of public lands in Lawrence County, South Dakota.

SUMMARY: The following described public lands (surface and mineral estate) have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Black Hills Meridian

T. 4 N., R. 3 E.,
Sec. 3, Lots 1-3, 6-10;
Sec. 4, Lots 1-3, 5, 6, 8-10, 12-16;
Sec. 9, Lots 1-6, 11-13, 15-17;
Sec. 9, MS1557;
Sec. 10, Lots 1-5, 7-17;
Sec. 15, Lots 1, 3, 4, 6, & Tracts 72, 73;
T. 5 N., R. 3 E.,
Sec. 28, Lots 1-14;
Sec. 29, Lots 1-6, 9-12;
Sec. 29, MS1544;
Sec. 30, Lot 9;
Sec. 32, Lots 1, 4-9, 11, 12, 15-21, Tract 41;
Sec. 33, Lots 1-13, 15-30;
Sec. 34, Lots 3-7, 12-14, 18, 22;
Sec. 34, MS1796.

Containing 253.374 acres.

In exchange for these lands, the United States Government will acquire the surface estate in the following described lands from Homestake Mining Company:

Black Hills Meridian

T. 4 N., R. 3 E.,
Sec. 8, MS1927;
Sec. 9, MS1318;
Sec. 9, MS1874;
Sec. 9, MS1927;
Sec. 16, MS1138;
Sec. 16, MS1874;
Sec. 17, MS1138.

Containing 248.946 acres.

Exchange of these lands will be subject to reservations of Homestake Mining Company for valid existing rights.

DATES: For a period of up to and including October 5, 1987, interested parties may submit comments to the Bureau of Land Management at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the evironmental assessment and land report is available for review at the Miles City District Office, P.O. Box 940, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the surface estate described above from sale, exploration and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 for a period of 2 years from the date of first publication. The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.
2. All valid existing rights (e.g., rights-of-way, easements, and leases of record).
3. Value equalization by cash payments or acreage adjustments.
4. The exchange must meet the requirements of 43 CFR 4110.4–2(b).

This exchange is consistent with the Bureau of Land Management policies and planning and has been discussed with State and local officials. The estimated intented time of the exchange is October 1987. The public interest will best be served by completion of this exchange as it will enable the Bureau of Land Management to acquire lands with recreational opportunity, abate some unauthorized uses, provide good legal access and increase management efficiency of public lands in the area.

Date: August 11, 1987.

Arnold E. Dougan,

Acting District Manager.

[FR Doc. 87–19156 Filed 8–20–87; 8:45 am]

BILLING CODE 4310-DN-M

[M–74197 (MT–020–07–4212–13)]

Realty Action Montana; Exchange in Carter County

AGENCY: Bureau of Land Management, Miles City District Office, Interior.

ACTION: Notice of realty action M74197, Exchange of public and private lands in Carter County.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716.

Principal Meridian

T. 5 S., R. 62 E.,
Sec. 32, SW¼SW¼.
T. 6 S., R. 62 E.,
Sec. 1, SW¼NE¼;
Sec. 2, Lot 4;
Sec. 4, Lot 1;
Sec. 10, E½NE¼, SW¼NE¼.
Containing 280.40 acres of public land.

In exchange for these lands, the United States will acquire the following described lands from Charles and Ella Oleson.

Principal Meridian

T. 5 S., R. 61 E.,
Sec. 33, SE¼NE¼, E½SE¼;
Sec. 34, SW¼NW¼, NW¼SW¼.
T. 6 S., R. 61 E.,
Sec. 1, Lots 1, 2.
Containing 280.46 acres of private land.

DATES: For a period of up to and including October 5, 1987, interested parties may submit comments to the Bureau of Land Management, at the address shown below. Any adverse comments will be evaluated by the BLM, Montana State Director, who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: Information related to the exchange, including the environmental assessment and land report, is available for review at the Miles City District Office, P.O. Box 940, Miles City, Montana 59301.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, sale, location, and entry under the public land laws, including the mining laws, but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976 for a period of 2 years from the date of first publication. The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.
2. The reservation to the United States of all minerals in the Federal lands being transferred.
3. All valid existing rights (e.g., rights-of-way, easements, and leases of record).
4. Value equalization by cash payments or acreage adjustments.
5. The exchange must meet the requirements of 43 CFR 4110.4–2(b).

This exchange is consistent with the Bureau of Land Management policies and planning and has been discussed with State and local officials. The estimated time of the exchange is October of 1987. The public interest will be served by completion of this exchange as it will enhance legal access and increase management efficiency of public lands in the area.

Dated: August 12, 1987.

Arnold E. Dougan,

Acting District Manager.

[FR Doc. 87–19157 Filed 8–20–87; 8:45 am]

BILLING CODE 4310-DN-M

[NV–030–07–4830–02]

Carson City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Carson City District Advisory Council.

DATE: October 22, 1987.

ADDRESS: 1535 Hot Springs Road, Suite 300, Carson City, Nevada.

SUMMARY: The Council will meet at 9:00 a.m. The agenda will include update on current issues, District recreation program, District Fire program and comments from the public (11:00 a.m.). Anyone may attend the meeting.

FOR FURTHER INFORMATION CONTACT: Brian Hatoff, BLM Public Affairs Officer, 1535 Hot Springs Road, Suite 300, Carson City, NV. (702) 882–1631.

James W. Elliott,

District Manager.

[FR Doc. 87–19154 Filed 8–20–87; 8:45 am]

BILLING CODE 4310-HC-M

[CO–940–07–4220–11; C–28273]

Proposed Continuation of Withdrawal; Colorado

August 11, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Forest Service, U.S. Department of Agriculture, proposes that the order which withdrew lands for an indefinite period of time for use as ranger stations, be modified and the withdrawal be continued for 20 years insofar as it affects approximately 35 acres of National Forest System land. The land will remain closed to surface entry and mining, but not to mineral leasing.

DATE: Comments should be received by November 19, 1987.

ADDRESS: Comments should be addressed to State Director, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, (303) 236–1768.

The Forest Service, U.S. Department of Agriculture, proposes that the existing withdrawal made by Secretarial Order of December 11, 1906, for an indefinite period of time, be modified to expire in 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, insofar as it affects the following described lands:

New Mexico Principal Meridian

Rio Grande National Forest

T. 36 N., R. 4 E.,
Sec. 23, SW¼NW¼, exclusive of Patent Nos. 19265 and 19266

The area described aggregates approximately 35 acres in Conejos County.

The purpose of this withdrawal is for the administration and protection of Ranger Station No. 23. No change is proposed in the purpose or segregative effect of the withdrawal. The land will continue to be withdrawn from surface entry and mining, but not from mineral leasing.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with this proposed action may present their views in writing to this office.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. A report will be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be modified and continued and, if so, for how long. Notice of the final determination will be published in the **Federal Register.** The existing withdrawal will continue until such determination is made.

James D. Crisp,

Chief, Branch of Land and Minerals Operations.

[FR Doc. 87-19159 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-JB-M

Bureau of Reclamation

Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations; Proposed Contractual Actions Pending Through September 1987

Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273), and to § 426.20 of the rules and regulation published in the **Federal Register** December 6, 1983, Vol. 48, page 54785, the Bureau of Reclamation will publish notice of proposed or amendatory repayment contract actions or any contract for the delivery of irrigation water in newspapers of general circulation in the affected area at least 60 days prior to contract execution. The Bureau of Reclamation announcements of irrigation contract actions will be published in newspapers of general circulation in the areas determined by the Bureau of Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interin irrigation water for a term of 1 year or less. The Secretary or the district may invite the public to observe any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

Pursuant to the "Final Revised Public Participation Procedures" for water service and repayment contract negotiations, published in the **Federal Register** February 22, 1982, Vol. 47, page 7763, a tabulation is provided below of all proposed contractual actions in each of the six Reclamation regions. Each proposed action listed is, or is expected to be, in some stage of the contract negotiation process during July, August, or September of 1987. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the Regional Directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved. The identity of the approving officer, and other information pertaining to a specific contract proposal, may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region.

This notice is one of a variety of means being used to inform the public about proposed contractual actions. Individual notices of intent to negotiate, and other appropriate announcements, are made in the **Federal Register** for those actions found to have widespread public interest. When this is the case, the date of publication is given.

Acronym Definitions Used Herein

(FR) Federal Register
(ID) Irrigation District
(IDD) Irrigation and Drainage District
(M&I) Municipal and Industrial
(D&MC) Drainage and Minor Construction
(R&B) Rehabilitation and Betterment
(O&M) Operation and Maintenance
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(P–SMBP) Pick-Sloan Missouri Basin Program
(CRSP) Colorado River Storage Project
(SRPA) Small Reclamation Projects Act

Pacific Northwest Region

Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, ID 83724, telephone (208) 554–1160.

1. Cascade Reservoir Water Users, Boise Project, Idaho: Repayment contracts for irrigation and municipal and industrial water; 59,721 acre-feet of stored water in Cascade Reservoir.

2. Brewster Flat ID, Chief Joseph Dam Project, Washington: Amendatory repayment contract; land reclassification of approximately 360 acres to irrigable; repayment obligation to increase accordingly.

3. Individaul Irrigators, M&I, and Miscellaneous Water Users, Pacific Northwest Region, Idaho, Oregon, and Washington: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

4. Rogue River Basin water users, Rogue River Basin Project, Oregon: Water service contracts; $5 per acre-foot or $50 minimum per annum, terms up to 40 years.

5. Willamette Basin water users, Willamette Basin Project, Oregon: Water service contracts; $1.50 per acre-foot or $50 minimum per annum, terms up to 40 years.

6. Irrigation Districts and Similar Water User Entities; Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

7. Fifty-three Palisades Reservoir Spaceholders, Minidoka Project, Idaho-Wyoming: Contract amendments to extend term for which contract water may be subleased to other parties.

8. South Columbia Basin Irrigation District, Columbia Basin Project, Washington: Supplemetal repayment

contract for Irrigation Block 24; 1,892 irrigable acres.

9. City of Cle Elum, Yakima Project, Washington: Amendatory or replacement M&I water service contract; 2,200 acre-feet (1,350 gallons per minute) annually for a term of up to 40 years.

10. Three irrigation districts, Flathead Indian Irrigation Project: Repayment of costs associated with rehabilitation or irrigation facilities.

11. Baker Vally Irrigation District, Baker Project, Oregon: Irrigation water service contracts on a surplus interruptible basis to serve up to 13,000 acres; sale of excess capacity in Mason Reservoir (Phillips Lake) for a term of up to 40 years.

12. Crooked River Project, Oregon: Repayment or water service contracts with several indivduals for a total of approximately 1,100 acre-feet or project water; contract terms up to 40 years for the purpose of supplying water under the project water right held by the United States.

13. Various Projects PN Rgion: R&B contracts for replacement of needle valves at storage dams.

14. Palisades Water Users Inc., Minidoka-Palisades Projects: Repayment contract for an additional 500 acre-feet of storage in Palisades Reservoir.

Mid-Pacific Region

Bureau of Reclamation (Federal Office Building), 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 460–5030.

1. Colusa Drain Mutual Water Company, CVP, California: Water right settlement contract; FR notice published July 25, 1979, Vol. 44, Page 43535.

2. Tuolumne Regional Water District, CVP, California: Water service contract, up to 9,000 acre-feet from New Melones Reservoir.

3. Calaveras County Water District, CVP, California: Water service contract; 400 acre-feet from New Melones Reservoir; FR notice published February 5, 1982, Vol. 47, page 5473.

4. Individual irrigators, M&I, and miscellaneous water users, Mid-Pacific Region, California, Oregon, and Nevada: Temporary (interim) water service contracts for available project water for irrigation, M&I or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; Temporary Warren Act contracts to wheel nonproject water through project facilities for terms up to 1 year; Long-term contracts for similar service for up to 1,000 acre-feet of water annually.

5. Friant-Kern Canal Contractors, Friant-Kern Unit, CVP, California: Renewal of existing long-term water service contracts with numerous contractors on the Friant-Kern Canal whose contracts expire 1989–1995. Water quantities in existing contracts range from 1,200 to 175,440 acre-feet.

6. South San Joaquin ID and Oakdale ID, CVP, California: Operating agreement for conjunctive operation of New Melones Dam and Reservoir on the Stanislaus River; FR notice published June 6, 1979, Vol. 44, page 32483.

7. San Luis Water District, CVP, California: Amendatory water service contract providing for a change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

8. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

9. State of Hawaii, Molokai Project, SRPA: Contract amendment to provide for use of facilities for M&I purposes.

10. State of California, CVP, California: Contract(s) for, (1) sale of interim water to the Department of Water Resources for use by the State Water Project Contractors, and (2) acquisition of conveyance capacity in the California Aqueduct for use by the CVP, as contemplated in the Coordinated Operations Agreement.

11. Madera ID, Madera Canal, CVP, California: Warren Act contract to convey and/or store nonproject Soquel water through project facilities.

12. County of Tulare, CVP, California: Amendatory water service contract, to provide an additional 1,908 acre-feet and reallocate 400 acre-feet of water from the Ducor ID for a total increase of 2,308 acre-feet.

13. Panoche Water District, CVP, California: Amendatory water service contract providing for change in point of delivery from Delta-Mendota Canal to the San Luis Canal.

14. Shasta Dam Area Public Utilities District, CVP, California: Renewal of M&I water supply contract. Less than 6,000 acre-feet.

15. U.S. Fish and Wildlife Service, CVP, California: Long-term contract for water supply for Federal refuge in Grasslands area of California.

16. City of Redding, CVP, California: Amendatory M&I water supply contract.

17. Washoe County Water Conservation District, Truckee Storage Project, Nevada: Repayment contract for the replacement of two needle valves at Boca Dam.

18. Truckee-Carson ID, Newlands Project, Nevada: Repayment contract for local users 15 percent contribution for the Safety of Dams Program, Tahoe Dam.

(a) The Benevolent and Protective Order of the Elks, Lodge No. 1747, Farmington, New Mexico: Navajo Reservoir water service contract; 20 acre-feet per year for municipal use; contract term for 40 years from execution.

(b) Sunterra Gas Processing Company (formerly Southern Union Gas Company): Navajo Reservoir water service contract; 50 acre-feet per year for industrial use; contract term for 40 years from execution.

* * * * *

2. Revised Hydrological Determination: A hydrologic determination was last made for the Upper Colorado River in December 1984 with the principal conclusion that the Upper Basin could support a depletion level of at least 5.8 million acre-feet. Upon the request of the Secretary of the New Mexico Interstate Stream Commission, a review of water availability in the Upper Basin has been undertaken with regard to the water supply available for use in New Mexico.

3. Animas-La Plata Conservancy District, Animas-La Plata Project, Colorado: Repayment contract; 9,200 acre-feet per year for M&I use; 53,200 acre-feet per year for irrigation in Phase One and 71,200 acre-feet in Phase Two. Contract terms will be consistent with binding cost sharing agreement dated June 30, 1986.

4. La Plata Conservancy District, Animas-La Plata Project, New Mexico: Repayment contract; 9,900 acre-feet per year for irrigation. Contract terms consistent with binding cost sharing agreement, dated June 30, 1986.

5. San Juan Water Commission, Animas-La Plata Project, New Mexico: M&I repayment contract; 30,800 acre-feet per year. Contract terms consistent with binding cost sharing agreement, dated June 30, 1986.

6. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 3,300 acre-feet in Phase Two. Contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement, in principle.

7. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico. Contract terms to be consistent with binding cost sharing agreement and water rights settlement agreement.

8. Navajo Indian Tribe, Animas-La Plata Project, New Mexico: Repayment contract; 7,600 acre-feet per year for M&I use.

9. Grand Valley Water Users Association, Orchard Mesa ID, Grand Valley Project, Colorado: Contract to continue O&M of Grand Valley powerplant.

10. Upper Yampa Water Conservancy District, Colorado: Repayment contract to repay a loan of $4,478,000 for the construction of Stagecoach Dam and Reservoir pursuant to the SRPA of 1956, Pub. L. 84–984, as amended.

11. Ute Mountain Ute Indian Tribe, Dolores Project, Colorado: Agreement for 1,000 acre-feet per year for M&I use and 22,900 acre-feet per year for irrigation.

12. Emery County Water Conservancy District, Utah Power and Light, Emery County Project Utah: New repayment contract with Utah Power and Light for the purchase of approximately 2,600 acre-feet of project water; amendatory contract with Emery County Water Conservancy District relieving them of their repayment obligation for the 2,600 acre-feet of project water.

13. Currant Creek Irrigation Company, Central Utah Water Conservancy District, Bonneville Unit, CUP, Utah: Option, Operation, Maintenance and Exchange Agreement, which will allow the United States a perpetual use of Mona Dam and Reservoir, the right to exchange the irrigation company's water with project water, and to modify the company's existing canal.

14. Three separate contracts with (1) Tri-County Water Conservancy District, (2) Menoken Water Company and (3) Chipeta Water Company, Lower Gunnison Basin Unit, Colorado: Provides for funding, construction, modification, O&M of each entity's domestic water system.

15. Unita Water Conservation District, Jensen Unit, CUP, Utah: Amendatory repayment contract to reduce M&I water supply and corresponding repayment obligation.

Lower Colorado Region

Bureau of Reclamation, P.O. Box 427 (Nevada Highway and Park Street), Boulder City, NV 89005, telephone (702) 588–5435.

1. Amendment to Contract No. 176r–696 between the Bureau of Reclamation and the Department of the Army to increase the maximum amount of water delivered to the Yuma Proving Grounds from 55 acre-feet to 975 acre-feet, pursuant to the recommendation of the Arizona Department of Water Resources.

2. Agricultural and M&I water users, CAP, Arizona: Water service subcontracts; a certain percent of available supply for irrigation entities and up to 640,000 acre-feet per year for M&I use.

3. Southern Arizona Water Rights Settlement Act; sale of up to 28,200 acre-feet per year of municipal effluent to the city of Tucson, Arizona.

4. Contracts with five agricultural entities located near the Colorado River in Arizona, Boulder Canyon Project (BCP): Water service contracts for up to 1,920 acre-feet per year total.

5. Gila River Indian Community, CAP, Arizona: Water service contract; contract for delivery of up to 173,000 acre-feet per year.

6. Sunset Mobile Home Park, Boulder Canyon Project, Arizona: M&I water service contract for delivery of 30 acre-feet of water per year, pursuant to the recommendation of Arizona Department of Water Resources.

7. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

8. Indian and non-Indian agricultural and M&I water users, CAP, Arizona: Contracts for repayment of Federal expenditures for construction of distribution systems.

9. Water delivery contracts with the State of Arizona, the Bureau of Land Management, and several private entities which are in the process of being organized for a yet undetermined amount of Colorado River water for M&I use. The purpose of these contracts is to afford legal status to various noncontractual water users within the State of Arizona.

10. Contract with the State of Arizona for a yet undetermined amount of Colorado River water for agricultural use and related purposes on State-owned land.

11. Contract with 16 individual holders of miscellaneous present perfected rights to Colorado River water totalling 66 acre-feet, pursuant to the January 9, 1979, Supplemental Decree of the United States Supreme Court in *Arizona* v. *California* (439 U.S. 419).

12. AK-Chin Indian Community, Maricopa, Arizona: Repayment contract; $1.6 million SRPA escalation loan.

13. Contracts for delivery of surplus water from the Colorado River, when available, with Emilio Soto and Sons, for 1,836 acre-feet per year; Kennedy Livestock, for 480 acre-feet per year; and the Metropolitan Water District of Southern California, for 180,000 acre-feet per year.

14. Ramona Municipal Water District, Ramona, California: Repayment contract; $6.8 million SRPA escalation loan.

15. Central Arizona Water Conservation District, CAP, Arizona: Amendatory contract; to increase the district's CAP repayment ceiling and to update other provisions of the contract.

16. Maricopa-Stanfield and Central Arizona IDDs, CAP, Arizona: To establish a Santa Rosa Canal administrative committee and to transfer O&M of the canal to Maricopa-Stanfield, CAP, Arizona.

17. Imperial Irrigation District and/or the Coachella Valley Water District, BCP, California: Providing for exchange of up to 10,000 acre-feet of water per year from a well field to be constructed adjacent to the All-American Canal (AAC) for an equivalent amount of Colorado River water and for O&M of the well field, Lower Colorado Water Supply Project (LCWSP), California.

18. Lower Colorado Water Supply Project, LCWSP California: Water service and repayment contracts with nonagricultural users in California for consumptive use of up to 10,000 acre-feet of Colorado River water per year in exchange for an equivalent amount of water to be pumped into the AAC from a well field to be constructed adjacent to the canal.

Southwest Region

Bureau of Reclamation, Commerce Building, Suite 201, 714 South Tyler, Amarillo, TX 79101, telephone (806) 735–5430.

1. Foss Reservoir Master Conservancy District, Washita Basin Project, Oklahoma: Amendatory repayment contract for remedial work.

2. Vermejo Conservancy District, Vermejo Project, New Mexico: Amendatory contract to relieve the district of further repayment obligation, presently exceeding $2 million, pursuant to Pub. L. 96–550.

3. Hidalgo County Irrigation District No. 1, Lower Rio Grande Valley, Texas: Supplemental SRPA loan contract for approximately $13,205,000. The contracting process is dependent upon final approval of the supplemental loan report.

4. ID's and similar water user entities: Amendatory repayment and water service contracts; Purpose is to conform with the Reclamation Reform Act of 1982 (Pub. L. 97–293).

5. Rio Grande Water Conservation District, Alamosa, Colorado: Contract for the district to be the vender of the Closed Basin Division, San Luis Valley Project, surplus water if available.

6. Carlsbad ID, Carlsbad Project, New Mexico; Repayment contract for the costs incurred by the United States for replacing the needle valves at Fort Sumner Dam.

7. Conejos Water Conservancy District, San Luis Valley Project, Colorado: Amendatory contract to place OM&R costs on a variable basis commensurate with the availability of project water.

8. Arbuckle Master Conservancy District, Arbuckle Project, Oklahoma: Contract for the repayment of costs incurred by the United States for the construction of the Sulphur, Oklahoma, pipeline and pumping plant (if constructed).

9. Town of Bernalillo, New Mexico, San Juan-Chama Project, Colorado-New Mexico—Negotiate a repayment contract with the town of Bernalillo for a municipal water supply of 400 acre-feet of water from the San Juan-Chama Project in New Mexico.

10. Department of Energy, San Juan-Chama Project, Colorado-New Mexico: Amendatory contract to increase the ceiling on the operation, maintenance, and replacement charges that may be paid by the Department of Energy in any one year.

Missouri Basin Region

Bureau of Reclamation, P.O. Box 36900, Federal Building, 316 North 26th Street, Billings, MT 59107–6900, Telephone (406) 585–6413.

1. Individual irrigators, M&I, and miscellaneous water users, Missouri Basin Region, Montana, Wyoming, North Dakota, South Dakota, Colorado, Kansas, and Nebraska: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Nokota Company, Lake Sakakawea, P-SMBP, North Dakota: Industrial water service contract; up to 16,800 acre-feet of water annually; FR notice published May 5, 1982, Vol. 47, Page 19472.

3. Fort Shaw ID, Sun River Project, Montana: R&B loan repayment contract; up to $1.5 million.

4. ID's and similar water user entities: Amendatory repayment and water service contracts; purpose is to conform to the Reclamation Reform Act of 1982 (Pub. L. 97–293).

5. Oahe Unit, P-SMBP, South Dakota: Cancellation of master contract and participating and security contracts in accordance with Pub. L. 97–293 with South Dakota Board of Water and Natural Resources and Spink County and West Brown ID.

6. Owl Creek ID, Owl Creek Unit, P-SMBP, Wyoming; Amendatory water service contract to reflect water supply benefits being received from Anchor Reservoir.

7. Almena ID No. 5, Almena Unit, P-SMBP, Kansas; Deferment of repayment obligation for 1986.

8. Webster ID No. 4, Webster Unit, P-SMBP, Kansas: Deferment of repayment obligation for 1986.

9. Green Mountain Reservoir, Colorado-Big Thompson Project: Water service contract; proposed contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of Western Colorado.

10. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Water service contract; second proposed contract negotiations for sale of water from the regulatory capacity of Ruedi Reservoir.

11. Lower South Platte Water Conservancy District, Central Colorado Water Conservancy District, and the Colorado Water Resources and Power Development Authority, Narrows Unit, P-SMBP, Colorado; Water service contracts for repayment of costs and cost sharing agreement.

12. Fryingpan-Arkansas Project, Colorado; East Slope Storage system consisting of Pueblo, Twin Lakes, and Turquoise Reservoir; Contract negotiations for temporary and long-term storage and exchange contracts.

13. Cedar Bluff ID No. 6 and the State of Kansas, Cedar Bluff Unit, P–SMBP, Kansas: Repayment contract: Negotiate contract with the State of Kansas for use of all or part of the conservation pool of Cedar Bluff Reservoir for recreation, and fish and wildlife purposes for payment of the irrigation district's cost obligation. Amend the Cedar Bluff ID's contract to relieve it of all contract obligations.

14. Department of Natural Resources and Conservation, SRPA, Montana grant and loan contract for rehabilitation of Middle Creek Dam to meet required safety criteria and to increase reservoir storage capacity by 2,334 acre-feet which will be utilized for irrigation and municipal purposes.

15. Garrison Diversion Unit, P–SMBP, North Dakota: Repayment contract: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to bring the terms in line with the Garrison Diversion Unit Reformulation Act of 1986. Negotiation of repayment contracts with irrigators and M&I users.

16. Southeastern Colorado Water Conservancy District: Amendatory contract to conform to the contract repayment provision to revised State statutes concerning the District's tax levy authority.

Opportunity for public participation and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

(1) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(2) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau of Reclamation.

(3) All written correspondence regarding proprosed contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(4) Written comments on a proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within the time limits set forth in the advance public notices.

(5) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(6) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

(7) In the event modifications are made in the form of proposed contract, the appropriate Regional Director shall determine whether republication of the notice and/or extension of the 60–day comment period is necessary.

Factors which shall be considered in making such a determination shall include, but are not limited to: (i) The significance of the impact(s) of the modification and (ii) the public interest which has been expressed over the course of the negotiations. As a minimum, the Regional Director shall furnish revised contracts to all parties who requested the contract, in response to the initial public notice.

Date: August 17, 1987.

J. Austin Burke,

Commissioner of Reclamation.

[FR Doc. 87–19146 filed 8–20–87; 8:45 am]

BILLING CODE 4310–09–M

National Park Service

Cape Cod National Seashore; Second Supplement to the Analysis of Management Alternatives for Three Sisters Lighthouses Relocation With Environmental Assessment

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of a Second Supplement to the Analysis of Management Alternatives: For Three Sisters Lighthouses Relocation with Environmental Assessment.

SUMMARY: The National Park Service has prepared a Second Supplement to the Analysis of Management Alternatives for the Three Sisters Lighthouses relocation at Cape Cod National Seashore. The Environmental Assessment includes a detailed description of each supplemental alternative, and describes the mitigating actions for the proposed relocation. These additional alternatives are being considered in response to comments received on the initial alternatives evaluated for relocation of the Three Sisters Lighthouses.

With this Notice of Availability, the National Park Service is seeking comments on the Second Supplement to the Analysis of Management Alternatives. These comments will supplement those received on the initial alternatives to assist the National Park Service in selecting an alternative for furture relocation of the Three Sisters Lighthouses.

DATE: Written comments will be accepted until September 28, 1987.

ADDRESSES: Comments should be directed to: Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663.

Copies of the Second Supplement to the Analysis of Management Alternatives are available at the Cape Cod National Seashore Headquarters Office in South Wellfleet, Massachusetts 02663.

Date: August 13, 1987.

Herbert Olsen,

Superintendent, Cape Cod National Seashore.

[FR Doc. 87-19132 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-70-M

Upper Delaware Citizens Advisory Council; Meeting

AGENCY: National Park Service; Upper Delaware Citizens Advisory Council, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATE: August 28, 1987, 7:00 p.m. Inclement weather reschedule date: September 11, 1987. Announcements of cancellation due to inclement weather will be made by radio stations WDNH, WDLC, WSUL, and WVOS.

ADDRESS: Town of Tusten Hall, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware Scenic and Recreational River, P.O. Box C, Narrowsburg, NY 12764-0159, 717-729-8251.

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704 (f) of the National Parks and Recreation Act of 1978, Pub. L. 95-625, 16 U.S.C. 1724 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation and implementation of the management plan, and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will surround discussion of the background and implementation of definition of flood plains, and applicability of the flood insurance programs concerning the Upper Delaware valley.

The meeting will be open to the public.

Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Upper Delaware Citizens Advisory Council, P.O. Box 84, Narrowsburg, NY 12764. Minutes of the meeting will be available for inspection four weeks after the meeting, at the permanent headquarters of the Upper Delaware Scenic and Recreational River; River Road, 1¾ miles north of Narrowsburg, New York; Damascus Township, Pennsylvania.

Dated: August 12, 1987.

Anthony M. Corbisiero,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 87-19131 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-70-M

Intention To Negotiate Concession Contract; Las Vegas Wash Site

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Las Vegas Boat Harbor, Inc. authorizing it to continue to provide food and beverage, marina, merchandising and related facilities and services for the public at the Las Vegas Wash Site of Lake Mead National Recreation Area, Nevada for a period of fifteen (15) years from November 1, 1987 through October 31, 2002.

This proposed contract requires a construction and improvement program which was previously described in the Environmental Impact Statement (September 11, 1986 FES-86-27) for the General Management Plan for Lake Mead National Recreation Area.

The foregoing concessioner has performed its obligation to the satisfaction of the Secretary under an existing contract which expires by limitation of time on October 31, 1987, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR, Part 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Western Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102, for information as to the requirements of the proposed contract.

Dated: July 28, 1987.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 87-19130 Filed 8-20-87; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31069]

Railroad Operation, Acquisition; Exemption George C. Betke, Jr., and J.P.R., and Farmrail System, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission under 49 U.S.C. 10505 exempts from prior

approval under 49 U.S.C. 11343, *et seq.*, the continuance in control of Farmrail Corporation and Grainbelt Corporation by Farmrail System, Inc., and in turn by the persons controlling Farmrail System, Inc., George C. Betke, Jr. and J.P.R., a partnership controlled by Richard A. Peters and Robert D. Johnson.

DATES: This decision is effective on August 31, 1987. Petitions to reopen must be filed by September 10, 1987.

ADDRESSES: Send petitions referring to Finance Docket No. 31069 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's representative: William P. Quinn, 1800 Penn Mutual Tower, 510 Walnut Street, Philadelphia, PA 19106.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. (TDD for hearing impaired: (202) 275-1721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423 or call (202) 289-4357 (assistance for the hearing impaired is available through TDD services (202) 275-1721) or by pickup from TSI in Room 2229 at Commission headquarters.

Decided: August 10, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley concurred in the separate expression of Commissioner Simmons. Commissioner Simmons dissented with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 87-19174 Filed 8-20-87; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-102X)]

Railroad Services; Exemption; The Chesapeake & Ohio Railway Co.; Abandonment in Marion County, WV

The Chesapeake & Ohio Railway Company (C&O) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 4.03-mile line of railroad consisting of its Palatine Branch between milepost 0.04 and milepost 2.57 and its Hickman Run Branch between milepost 0.00 and milepost 1.50, near Fairmont, in Marion County, WV.

C&O has certified that (1) no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or engergy impacts are likely to result from this abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).[1]

The exemption will be effective on September 20, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by August 31, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 10, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representatives:

Patricia Vail, 500 Water Street, Jacksonville, FL 32202

and

Lawrence H. Richmond, 100 North Charles Street, Baltimore, MD 21201.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: August 13, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-19175 Filed 8-20-87; 8:45 am]

BILLING CODE 7035-01-M

[1] The Railway Labor Executives' Association filed a request for labor protection. Since this transaction involves an exemption from 49 U.S.C. 10903, whereby the imposition of labor protective conditions is mandatory, those conditions have been routinely imposed.

[Docket No. AB-18; Sub-No. 100X]

The Chesapeake and Ohio Railway Company Notice of Exemption

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments, to abandon its 21.2-mile line of railroad between milepost 136.71, v.s. 7213+44 at Red Diamond, and milepost 157.93, v.s. 8335+53 at Athens, in Athens and Vinton Counties, OH.

Applicant has certified that: (1) no local traffic has moved over the line for at least 2 years and that the line does not handle overhead traffic; and (2) no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from this abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).[1]

The exemption will be effective on September 19, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by August 31, 1987, and petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by September 10, 1987, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representatives: Lawrence H. Richmond, Peter J. Shudtz, 100 North Charles St., Baltimore, MD 21201.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

[1] The Railway Labor Executives' Association filed a request for labor protection. Since this transaction involves an exemption from 49 U.S.C. 10903, whereby the imposition of labor protective conditions is mandatory, those conditions have been routinely imposed.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-19359 Filed 8-20-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Registration; Applied Science Laboratories

By Notice dated December 4, 1986, and published in the **Federal Register** on December 11, 1986; (51 FR 44697), Applied Science Laboratories, Divisions of Alltech Associates, Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, Pennsylvania 16801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of control substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315)	I
Dihydromorphine (9145)	I
D-iso-lysergic acid diethylamide (7307)	I
D-lysergic acid Methylpropylamide (7328)	I
3, 4 Methylenedioxyamphetamine HCL (7402)	I
Mescaline HCL (7387)	I
Cyclohexamine (PCE) HCL (7456)	I
3, 4 Methylenedioxymethamphetamine HCL (7406)	I
1-phenylcyclohexylpyrrolidine HDL (7461)	I
Thiophene Analog of PCP (HCL salt) (7469)	I
Normorphine HCL (9360)	I
1-phenylcyclohexylamine (7460)	II
1-piperidinocyclohexanecarbonitrile (PCC) (8603)	II
Morphine (9300)	II
Dihydrocodeine (9120)	II
Phencyclidine HCL (7472)	II
Codeine-6-glucuronide (9069)	II
Norcodeine HCL (9115)	II
Ecgonine methyl ester (9185)	II
Ecgonine HCL (9189)	II
6-Monoacetylmorphine (9316)	II
Benzoylecgonine (9187)	II

Mallinckrodt, Inc., Mallinckrodt and Second Street, St. Louis, Missouri 63147, filed a comment, dated January 9, 1987, with the Deputy Assistant Administrator, Office of Diversion Control, in response to the application of Applied Science Laboratories. Mallinckrodt took exception to the registration of Applied Science Laboratories as a bulk manufacturer of morphine and dihydrocodeine. Mallinckrodt indicated that there are two bulk manufacturers of morphine and one bulk manufacturer of dihydrocodeine in addition to itself in the United States, and that these manufacturers produced sufficient quantities of these materials to cover the needs of Applied Science Laboratories. Mallinckrodt also indicated that it would provide these substances to Applied Science Laboratories. In the alternative, Mallinckrodt requested assurances that Applied Science be restricted to production of only those quantities needed to meet the requirements for research and testing. Mallinckrodt did not request a hearing.

Applied Science Laboratories produces small quantities of controlled substances to be used in research and analytical testing as standards. They have been previously registered as a bulk manufacturer of morphine and dihydrocodeine. There has been no substantial increase in the quota because of this registration.

The Deputy Assistant Administrator therefore finds that the registration of Applied Science Laboratories as a bulk manufacturer of morphine and dihydrocodeine is consistent with the public interest because Applied Science Laboratories manufactures these controlled substances for research and analytical purposes in small quantities, and this activity does not affect the commercial market of these cotrolled substances.

The Deputy Assistant Administrator hereby orders that the application submitted by Applied Science Laboratories for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: August 14, 1987.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 87-19105 Filed 8-20-87; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of recordkeeping/reporting requirements under review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract descibing the need for and uses of the information collection.

Comments and questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Office, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, D.C. 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics

Pricing Collective Bargaining Settlements—Public Sector 1220-0048; BLS 3116B, BLS 3116C

Annually, biennially, or other (usually every 2 or 3 years)

State or local governments

250 responses, 150 hours, 2 forms

The Bureau of Labor Statistics series on State and local government collective bargaining agreements provides data on the size of negotiated changes in wages and compensation. This series covers about half of the unionized non-Federal public sector work force. The data are

used by Federal policymakers, State and local government officials, and labor groups.

Employment and Training Administration

Request for Additional UI Contingency Staff years for the Quarter 1205–0169; ETA 2103
Quarterly
State or local governments
53 respondents; 212 burden hours; 1 form
The ETA 2103 serves as a worksheet to develop the data needed for the UI–3 to provide SESAs with administrative resources to perform duties relating to processing unemployment insurance workload.

Extension

Bureau of Labor Statistics

Hours at Work Survey
OMB No. 1220–0076; BLS 2000N, 2000P
Annual
Business or other for-profit; small busineses or organizations
2925 responses; 15 minutes; 2 forms (1 per establishment)
Hours at work information is vitally needed in order to construct labor input measures for purposes of measuring productivity. Presently, labor input is measured using hours paid. The collection of information of hours at work began in March 1982 and must be collected annually. Ratios of hours at work to hours paid are calculated as adjustment factors for concurrently published measures.

Employment and Training Administration

Interstate Claims Bypass Data Exchange
1205–0189; ETA RC 46
Weekly; Monthly
State or local governments
53 respondents; 782 hours; no forms
The Interstate Claims Bypass Data Exchange provides for the exchange of interstate claims counts and claimants characteristics among the States. This data is necessary to the operation of the Interstate Benefit Program and is needed for a number of ETA reports. No new data is involved, only the method of collection change.

Employment and Training Administration

Governor's Requests for Advances from the Federal Unemployment Account or request for Voluntary Repayment of Such Advances
1205–0199
As needed
State or local governments
4 respondents; 36 hours; no forms
When State unemployment funds become insolvent funds needed to continue unemployment benefits without interruption can be borrowed from the Federal Unemployment Account. To trigger a request for advances or a voluntary repayment the Governor or the person so delegated by the Governor must forward a formal letter to the Secretary of Labor.

Employment and Training Administration

Unemployment Compensation for Ex-Servicepersons (UCX) Handbook
1205–0176; ETA 841, 842, 843
As Needed
Individuals or households; State or local governments
103,333 respondents; 2,669 burden hours; 3 forms
Federal Law (5 U.S.C. 8521 et. seq.) provides unemployment insurance protection, to former members of the Armed Forces (ex-servicepersons) and is referred to in abbreviated form as "UCX." The forms in Chapter V through VIII of the *UCX Handbook* are used in connection with the provisions of this benefit assistance.

Employment and Training Administration

Benefits Appeals
1205–0172; ETA 5130
Monthly
State or local governments
53 respondents; 2,544 burden hours; 1 form
This report is used to monitor the benefit appeals process, to evaluate compliance with appeals promptness standards and to develop plans for remedial action. The report is also needed for budgeting and for workload figures.

Employment and Training Administration

Annual State WIN Plans
1205–0214; ETA 8480, 8484, 8485, 8479
Annually
State or local governments
25 respondents; 1,925 burden hours; 4 forms
The State WIN Plan is the basic planning and management tool utilized by the national and regional offices to ensure State compliance with legislation, regulations and national office goals. It is the vehicle for providing allocation levels to State agencies. Respondents are State staff.

Reinstatement

Occupational Safety and Health Administration

Maritime Employment Regulations
1218–0003; OSHA 70, 71 and 72
Annually
Businesses or other for profit; Small businesses or organizations
10,040 responses; 35,754; 3 forms
OSHA needs this information to accredit companies to inspect and provide certification for cranes, derricks and accessory gear used in longshoring and shipyard industries and marine terminals. Use of the OSHA forms 70, 71 and 72 has proven successful, and their use has served as an aid to the agency and the industry in tracking conditions germane to employee safety and health.

Signed at Washington, DC, this 18th day of August, 1987.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 87–19206 Filed 8–20–87; 8:45 am]

BILLING CODE 4510-30-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Ames Oil and Gas Corp. et al.

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitoners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 31, 1987.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to

the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 31, 1987.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC, this 10th day of August 1987.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or firm	Location	Date received	Date of petition	Petition No.	Articles produced
Ames Oil & Gas Corp. (Workers)	Pawnee, Ok	8/10/87	7/24/87	19,987	Oil and gas.
Ames Oil & Gas Corp. (Workers)	Houston, TX	8/10/87	7/24/87	19,988	Oil and gas.
AnaMag, Inc. (IUE)	Shelbyville, IN	8/7/87	7/16/87	19,989	Wire.
Armstrong Tire (URW)	Des Moines, IA	8/7/87	7/28/87	19,990	Tires.
Barad & Company (Workers)	Thayer, MO	8/7/87	8/28/87	19,991	Gowns and robes.
Bryant Electric (UE)	Bridgeport, CT	8/10/87	7/30/87	19,992	Circuit devices.
Cedar Coal Company (UMWA)	S. Charleston, WV	8/10/87	8/3/87	19,993	Electricity.
Daco, Inc. & Plemons (Workers)	Borger, TX	8/7/87	7/28/87	19,994	Oil and gas.
EDCO Drilling & Producing (Workers)	Mt. Gilead, OH	8/7/87	7/29/87	19,995	Oil and gas.
General Housewares Corporation (USAW)	Terre Haute, IN	8/10/87	7/29/87	19,996	Cookware.
George Seelman & Sons Co. (Company)	Milwaukee, WI	8/7/87	7/29/87	19,997	Stationary products.
Phoenix Abrasive & Mfg., Inc. (Workers)	Jamaica, NY	8/7/87	7/28/87	19,998	Chemicals.
Raymond Schall Coal Co. (UMW)	Kittanning, PA	8/7/87	7/24/87	19,999	Coal.
Tejas Gas Corporation (Workers)	Corpus Christi, TX	8/7/87	7/30/87	20,000	Gas.
W.R. Grace & Co. (Workers)	Tulsa, OK	8/7/87	7/9/87	20,001	Fertilizer.

[FR Doc. 87-19204 Filed 8-20-87; 8:45 am]

BILLING CODE 4510-30

[TA-W-19, 610]

Negative Determination Regarding Application for Reconsideration; Vickers, Inc., Joplin, MO

By an application dated June 29, 1987, the Allied Industrial Workers of America (AIW) requested administrative reconsideration of the Department's negative determination on the subject petition for trade adjustment assistance for workers at the Joplin, Missouri plant of Vickers, Inc. The denial notice was signed on June 1, 1987 and published in the **Federal Register** on June 16, 1987 (52 FR 22861).

Pursuant to CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The union claims that a Vickers' contract made with China in 1983 shows a transfer of knowledge with intent to build similar products in China as that produced in Joplin. The union also claims that Vickes has two plants in India producing identical products as that produced in Joplin and that a five gallon gear produced in America was being transferred to Germany.

Workers at the Joplin plant produce several hundred different types of pumps and motors. Investigation findings show that the basis for the Department's denial was that the "contributed importantly" test of the increased import criterion of Section 222 of the Trade Act of 1974 was not met. The planned closure in early 1988 of the Joplin, Missouri plant of Vickers was the result of a major reorganization and consolidation of operations. Joplin's production will be transferred to other domestic facilities of Vickers. Corporate domestic production of hydraulic pumps and motors increased in 1986 compared to 1985 and in the first quarter of 1987 compared to the same period in 1986.

The Chinese contract is for a piston pump and motor technology transfer between the Chian National Machinery and Equipment Import and Export Corporation and Vickers, Inc. The products produced as a result of the contract are for the Chinese market. Although some motors and pumps entered the U.S. they were for testing and not the domestic market.

With respect to the two Indian plants producing identical products to those produced at Joplin, none of these have entered the U.S. The Indian production is for the Indian market only.

The Department sees no basis for certification of workers producing the 5 gallon gear pump. Until 1983, this pump was produced at a Vickers' plant in Germany. In 1983, the Joplin plant began proto-type production of this pump; however, difficulties developed and most of the production on the components for the 5 gallon gear pump remained in Germany. However, the Joplin plant succeeded in obtained the assembly of this pump. The transfer back of prototype component production on this pump to Germany occurred in 1983 (b)(1) of the Trade Act does not permit the certification of workers prior to one year of the date of the petition, which is April 15, 1987. When the Joplin plant closes in early 1988, the assembly of the 5 gallon gear pump is scheduled to return to Germany. However, this pump production accounts for less than 3 percent of total 1986 pump production at Joplin. The workers are not separately identificable by product.

The Trade Adjustment Assistance program addresses the needs of workers who lose their jobs because of increased imports. Worker separation because of lost export sales and production would not form a basis for certification under the Trade Act.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 10th day of August 1987.

Barbara Ann Farmer,

Acting Director, Office of Program Management, UIS.

[FR Doc. 87-19205 Filed 8-20-87; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination; Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3504, Washington, DC 20210.

New General Wage Determination Decisions

the numbers of the decisions being added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State, and page number(s).

Volume III

Idaho:
ID87-5—pp. 164a-164b

Withdrawn General Wage Determination Decision.

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination No. NY87-16 dated January 2, 1987 and Modification No. 5 dated August 21, 1987, Bingham, Bonneville, Butte and Jefferson Counties, Idaho from General Wage Determination No. ID87-4 dated January 2, 1987.

Agencies with construction projects pending to which this wage decision would have been applicable should utilize General Wage Determination No. NY87-5 and ID87-5. See Regulations Part 1 (29 CFR), Section 1.5. Contracts for which bids have been opened shall not be affected by this notice. Also consistent with 29 CFR 1.6 (c)(2)(i)(A), the incorporation of the withdrawal decision in contract specifications, the opening of bids is within ten (10) days of this notice, need not be affected.

Modifications to General Wage Determination Decisions

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

New Jersey:
NJ87-2 (Jan. 2, 1987)—p. 616, pp. 620-621, p. 631
NJ87-4 (Jan. 2, 1987)—p. 660
New York:
NY87-5 (Jan. 2, 1987)—pp. 719-726b
NY87-13 (Jan. 2, 1987)—pp. 800-803
Tennessee:
TN87-1 (Jan. 2, 1987)—p. 1078
TN87-4 (Jan. 2, 1987)—p. 1090
West Virginia:
WV87-2 (Jan. 2, 1987)—pp. 1194, p. 1197-1210
Listing by Location (index)—p. xxxvii
Listing by Decision (index)—p. lvii

Volume II

Iowa:
IA87-5 (Jan. 2, 1987)—p. 42
Illinois:
IL87-12 (Jan. 2, 1987)—pp. 164-167
Kansas:
KS87-6 (Jan. 2, 1987)—p. 348
KS87-7 (Jan. 2, 1987)—p. 354
KS87-8 (Jan. 2, 1987)—p. 356
Missouri:
MO87-5 (Jan. 2, 1987)—p. 622
MO87-7 (Jan. 2, 1987)— p. 634
MO87-10 (Jan. 2, 1987)—pp. 652-654
Ohio:
OH87-1 (Jan. 2, 1987)—pp. 720-721, p. 723
OH87-2 (Jan. 2, 1987)—pp. 734-738, pp. 740-742
OH87-3 (Jan. 2, 1987)—p. 756
OH87-28 (Jan. 2, 1987)—pp. 812-813
OH87-29 (Jan. 2, 1987)—pp. 817a-858a
Oklahoma:
OK87-20 (Jan. 2, 1987)—p. 912n

Volume III

Idaho:
ID87-4 (Jan. 2, 1987)—pp. 161, 163
ID87-5 (Jan. 2, 1987)—pp. 164a-164b
Utah:
UT87-3 (Jan. 2, 1987)—p. 318
Listing by Location (index)—pp. xxv-xxvi
Listing by Decision (index)—pp. xxxiii-xxxiv

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, D.C. 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 14th day of August 1987.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 87–19003 Filed 8–20–87; 8:45 am]

BILLING CODE 4510–27–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–6]

Proposed Issuance of Order Terminating Facility License; Battelle Columbus Division

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an Order to Battelle Columbus Division (the licensee), terminating Facility License No. R–4, in accordance with the licensee's March 6, 1987 application to amend Materials License SNM–7 and the resulting Amendment No. 2 to Materials License SNM–7 dated June 2, 1987.

The Order would be issued following completion of the staff's review of the licensee's application. Prior to issuance of an Order, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

By September 21, 1987, the licensee may file a request for a hearing with respect to issuance of the subject Order 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 a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" 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 by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or 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 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 action 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 Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC by the above date. Where petitions are filed during the last ten (10) days of the notice period, it 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 Herbert N. Berkow: Petitioner's name and telephone number; date petition was mailed; Battelle Columbus Division; and publication date an page number of the **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee, Mr. Jerome R. Bahlmann, Vice President and General Counsel for Battelle Columbus Laboratories, Battelle Columbus Division, 505 King Avenue, Columbus, Ohio 43201.

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 licensee's application dated March 6, 1987, and Amendment No. 2 to Materials License SNM–7, dated June 2, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Dated at Bethesda, Maryland, this 14th 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 an Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 87-19202 Filed 8-20-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-412]

Issuance of Facility Operating License; Duquesne Light Co. et al.

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Facility Operating License No. NPF-73 to Duquesne Light Company, Ohio Edison Company, the Cleveland Electric Illuminating Company, and The Toledo Edison Company (the licensees) which authorizes operation of the Beaver Valley Power Station, Unit 2, at reactor core power levels not in excess of 2652 megawatts thermal in accordance with the provisions of the license, the Technical Specifications, and the Environmental Protection Plan.

On May 28, 1987, the Commission issued Facility Operating License No. NPF-64 to the licensees which authorized operation of Beaver Valley Power Station, Unit 2, to five percent of reactor core power (133 megawatts thermal). License No. NPF-73 supersedes NPF-64.

Beaver Valley Power Station, Unit 2, is a pressurized water reactor located on the southern shore of the Ohio River in Beaver County, Pennsylvania, approximately 22 miles northwest of Pittsburgh and 5 miles east of East Liverpool, Ohio.

The application for the license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter 1, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license was published in the **Federal Register** on June 1, 1983 (48 FR 24488). The power level authorized by this license and the conditions therein are encompassed by that prior notice.

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of relief and issuance of the exemptions included in this license will have no significant impact on the environment. These determinations were published in the **Federal Register** on March 27, 1987 (52 FR 9979) and May 11, 1987 (52 FR 17651).

For further details with respect to this action, see (1) Facility Operating License No. NPF-73; (2) the Commission's Safety Evaluation Report, dated October 1985 (NUREG-1057), and Supplements 1 through 6; (3) the Final Safety Analysis Report and Amendments thereto; (4) the Environmental Report and supplements thereto; and (5) the Final Environmental Statement, dated November 1985.

These items are available at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the B.F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001. A copy of the Facility Operating License NPF-73 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II. Copies of the Safety Evaluation Report and its supplements (NUREG-1057) and the Final Environmental Statement (NUREG-1094) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161 or by calling (202) 275-2060 or (202) 275-2171 or by writing to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082. All orders should clearly identify the NRC publication number and the requester's GPO deposit account, or VISA or Mastercard number and expiration date.

Dated at Bethesda, Maryland, this 14th day of August 1987.

For The Nuclear Regulatory Commission.

Peter S. Tam,

Project Manager, Project Directorate I-4, Division of Reactor Projects I/II.

[FR Doc. 87-19201 Filed 8-20-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 030-19025, License No. 04-19644-01, EA 87-28]

Order Imposing Civil Monetary Penalty; Radiation Sterilizers, Inc.

I

Radiation Sterilizers, Incorporated (Licensee) is the holder of Byproduct Materials License No. 04-19644-01 (License) issued by the Nuclear Regulatory Commission (Commission or NRC) on July 2, 1981. The License is currently under timely renewal. The License authorizes the Licensee to irradiate materials other than explosives or highly flammable products in accordance with the conditions specified therein.

II

Inspections of the Licensee's activities at its facilities in Schaumburg, Illinois, and Westerville, Ohio, were conducted on January 14 and 27, 1987, respectively. The results of those inspections indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated March 17, 1987. The Notice stated the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalty proposed for the violations. The Licensee responded to the Notice of Violation and Proposed Imposition of Civil Penalty by letters dated April 29 and 30, 1987.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the Deputy Executive Director for Regional Operations has determined, as set forth in the Appendix to this Order, that six of the eight violations occurred as stated in the Notice and that the penalty proposed for the violations designated in the Notice should be reduced by 25 percent and imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, It is hereby ordered that:

The Licensee pay a civil penalty in the amount of Seven Thousand Five Hundred Dollars ($7,500) within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

The Licensee may request a hearing within 30 days of the date of this Order. A request for hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be

addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555, with a copy to the Assistant General Counsel for Enforcement at the same address and to the Regional Administrator, Region III.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the Licensee was in violation of the Commission's requirements as set forth in the Notice of Violation and Proposed Imposition of Civil Penalty referenced in Section II above and modified by this Order, and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland this 18th day of August 1987.

For the Nuclear Regulatory Commission.

James M. Taylor,

Deputy Executive Director for Regional Operations.

[FR Doc. 87-19200 Filed 8-20-87; 8:45 am]

BILLING CODE 7590-01-M

Meeting of the Advisory Committee on Reactor Safeguards Extreme External Phenomena

The ACRS Subcommittee on Extreme External Phenomena will hold a meeting on September 17, 1987, Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, September 17, 1987—9:00 A.M. until the conclusion of business

The Subcommittee will discuss the NRC Staff's Seismic Design Margins Program and the application of the methodology to Maine Yankee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Dr. Richard Savio (telephone 202/634-3267) between 8:15 A.M. and 5:00 P.M. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: August 17, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87-19217 Filed 8-20-87; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

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.

Approval

Form N-1A
File No. 270-21

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 OMB approval proposed amendments to Form N-1A under the Investment Company Act of 1940 and the Securities Act of 1933. Form N-1A is the registration statement for use by open-end management investment companies, except small business investment companies and insurance separate accounts. There are approximately 2300 registrants using Form N-1A, with an estimated compliance time of 1055 hours per registrant. The proposed amendments would add one additional hour to the time necessary for each registrant to comply with the form's requirements.

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.

August 18, 1987.

[FR Doc. 87-19170 Filed 8-20-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24436]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

August 6, 1987.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by September 8, 1987, to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the addresses specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if orderd, and will receive a copy of any notice or other issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

New England Energy Inc., et al. (70–7405)

New England Energy Incorporated ("NEEI"), and its parent, New England Electric System ("NEES"), a registered holding company, both located at 25 Research Drive, Westborough, Massachusetts 01582, have filed an application-declaration pursuant to sections 6, 7, 9, 10 and 12 of the Act and Rules 43 and 45 thereunder.

NEES and NEEI seek Commission authorization (i) for NEEI to make loans of up to $25 million to New England Collier Company ("NECCO"), a joint venture for NEEI and Keystone Shipping Co., which owns a self-unloading, coal-fired collier ("Vessel"), such loans to provide funds for redemption by NECCO of outstanding high interest bonds, pursuant to the optional redemption provisions thereof; and (ii) for NEES and NEEI to enter into an equity funding agreement under which NEES may provide an amount not exceeding $15 million to NEEI through noninterest-bearing loans, advances, capital contributions, purchases of NEEI's common stock, or any combination of the above, the proceeds to be used by NEEI to make loans to NECCO for redemption purposes, and under which NEEI may issue common stock or noninterest bearing notes to be purchased by NEES. The bonds to be redeemed by NECCO were issued in two series as part of the permanent financing of the Vessel and are guaranteed by the United States Government under Title XI of the Merchant Marine Act 1936 ("MARAD Bonds"; "A Bonds"; "C Bonds") (HCAR Nos. 22526 and 22991, June 4, 1982 and June 30, 1983, respectively).

As of March 31, there were outstanding $24.4 million principal amount of A Bonds 14.4%, with an annual interest cost to NECCO of $3.5 million; and $25.6 million of C Bonds 11.9%, with an annual interest cost of $3 million. Thus, NECCO is currently paying a total of $6.5 million of annual interest charges on its outstanding MARAD Bonds. An annual guaranty fee is also payable on the MARAD Bonds in the amount of 0.5% of the outstanding principal amount.

Both the A Bonds and the C Bonds are subject to optional redemption by NECCO, in whole or in part, at any time or from time to time upon at least 30 (but not more than 60) days' prior notice to bondholders, at a declining optional redemption price, provided that they cannot be redeemed prior to July 15, 1992 (A Bonds) or 1993 (C Bonds) using borrowed funds at an effective interest cost of less than the rate of interest payable on each series of bonds. Therefore, in order to comply with these no-call provisions, NECCO will redeem the MARAD Bonds using funds borrowed from NEEI at a rate equal to the applicable interest rate, plus a .5% guarantee fee for an effective interest cost in excess of that interest rate.

General Public Utilities Corp. (70–7407)

General Public Utilities Corporation ("GPU"), 100 Interpace Parkway, Parshippany, New Jersey 07054, a registered holding company, has filed a declaration with this Commission pursuant to Section 12(b) under the Act and Rule 45 thereunder.

GPU Service Corporation ("GPUSC") and GPU Nuclear Corporation ("GPUNC") (collectively, "Employers"), two subsidiaries of GPU, have adopted employee benefit plans, which plans provide benefits for all or certain of their officers and employees. These plans are the GPUSC and GPUNC Elected Officers Deferred Compensation Plan and Short-Term and Long-Term Disability Plans, and the GPUSC Senior Officers Deferred Compensation Plan. In addition, the Employers maintain other non-qualified deferred compensation plans pursuant to which excess benefits under the GPUSC and GPUNC Employees Pension Plans are payable on a non-funded basis. The Employers anticipate adopting additional employee benefit plans in the future. In order to avoid constructive receipt of income for Federal income tax purposes, certain amounts payable pursuant to these plans are not or will not be funded.

To provide for greater assurance of payment of these non-funded benefits to the participants under such present and future plans ("Plans"), GPU proposes to make appropriate provision for it to make any payment of such non-funded benefits due under such Plans and not made by the Employer liable for such payment, as GPU may from time to time determine. Additionally, GPU proposes to guarantee those portions of the Plans that provide that upon the failure of any Employer to make a payment to any participant under any of the Plans, the full amount of all deferred compensation then owed by each of the Employers and the present value of any or all benefits accured under the Plans will each become immediately due and payable.

Appalachian Power Co. (70–7421)

Appalachian Power Company ("APCo"), 40 Franklin Road, S.W., Roanoke, Virginia 24011, a subsidiary of American Electric Power Company, Inc., a registered holding company, has filed a declaration with this Commission pursuant to sections 6(a) and 7 of the Act and Rules 50 and 50(a)(5) thereunder.

APCo purposes to issue and sell, in one or more transactions from time to time through December 31, 1988, up to $180 million aggregate principal amount of its First Mortgage Bonds ("Bonds"), in one or more new series, each with a maturity of not less than 5 years and not more than 30 years. As an alternative to the issuance of an equal principal amount of Bonds, APCo also purposes to issue and sell one or more new series of its Cumulative Preferred Stock ("Preferred"), from time to time through December 31, 1988, with an aggregate involuntary liquidation price of up to $60 million. A cumulative sinking fund may be provided for one or more of the series of Preferred to be sold. If market conditions should not be propitious for the sale of the Bonds and/or the Preferred on a competitive bidding basis, APCo proposes, subject to further authorization, to either place the Bonds and/or Preferred privately or to negotiate with underwriters for the sales of the Bonds and/or Preferred.

As an alternative to the issuance of an equal principal amount of the Bonds, APCo proposes, subject to receipt of appropriate authorization, to issue from time to time through December 31, 1988, up to $180 million principal amount of its unsecured notes with a maturity in excess of twelve months ("Notes") to one or more commercial banks pursuant to a proposed term loan agreement. The proposed term loan agreement would provide that the Notes would bear interest at a rate per annum not in excess of 250 basis points above the yield to maturity of U.S. Treasury obligations of comparable maturity at the time of the issuance of the Notes.

APCo has requested an exception to the competitive bidding rules pursuant to Rule 50(a)(5) with respect to a possible placement fee under the term loan agreement with respect to the issuance of the Notes, not to exceed .5% of the principal amount borrowed.

The Connecticut Light and Power Co., et al. (70–7422)

The Connecticut Light and Power Company ("CL&P"), 107 Selden Street, Berlin, Connecticut 06037, and Western Massachusetts Electric Company ("WMECO"), 170 Brush Hill Avenue, West Springfield, Massachusetts 01089, subsidiaries of Northeast Utilities, a registered holding company, have filed a declaration pursuant to sections 6 and 7 of the Act.

CL&P and WMECO propose to enter into a credit agreement ("Credit Agreement") under the terms of which

CL&P and WMECO may borrow and reborrow, at any time and from time to time, up to an aggregate of $350 million for both declarants from a syndicate of commercial banks, with $350 million available to CL&P and $105 million to WMECO.

The Credit Agreement will replace a 1982 revolving credit/term facility of up to $200 million and a 1984 revolving revolving credit/term loan facility of up to $150 million (HCAR Nos. 22682 and 23540, November 2, 1982, and December 5, 1984, respectively).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-19171 Filed 8-20-87; 8:45am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1023]

Public Information Collection Requirements Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

SUMMARY: The following summarizes the information collection proposals submitted to OMB:

1. Title of information collection—Application for Passport.
Originating office—Bureau of Consular Affairs.
Form number—DSP-11.
Type of request—Revision.
Frequency—On occasion.
Respondents—Passport applicants.
Estimated number of responses—4,000,000.
Estimated number of hours needed to respond—466,666.

2. Title of information collection—Application for Passport by Mail.
Form number—DSP-82.
Originating office—Bureau of Consular Affairs.
Type of request—Revision.
Frequency—On occasion.
Respondents—Passport applicants.
Estimated number of responses—1,500,000.
Estimated number of hours needed to respond—125,000.

Section 3504(h) of Pub. L. 96-511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed form and supporting documents may be obtained from Gail J. Cook (202) 647-4086. Comments and questions should be directed to (OMB) Francine Picoult (202) 395-7340.

Date: August 5, 1987.

Donald J. Bouchard,

Assistant Secretary for Administration.

[FR Doc. 87-19149 Filed 8-20-87; 8:45 am]

BILLING CODE 4710-24-M

[Public Notice 1024]

Public Information Collection Requirements Submitted to OMB for Review

AGENCY: Department of State.

ACTION: The Department of State has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

Title of information collection—Application for Employment as a Foreign Service National.
Originating office—Bureau of Personnel, Office of Foreign Service National Personnel.
Form number—OF-174.
Type of request—Extension.
Frequency—On occasion.
Respondents—Foreign nationals and Americans seeking employment with Foreign Service posts.
Estimated number of responses—5,000.
Estimated number of hours needed to respond—2,500.

Section 3504(h) of Pub. L. 96-511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed form and supporting documents may be obtained from Gail J. Cook (202) 647-4086. Comments and questions should be directed to (OMB) Francine Picoult (202) 395-7340.

Date: August 5, 1987.

Donald J. Bouchard,

Assistant Secretary for Administration.

[FR Doc. 87-19150 Filed 8-20-87; 8:45 am]

BILLING CODE 4710-24-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA) Special Committee 151, Airborne Microwave Landing Systems (MLS) Area Navigation Equipment; 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 151 on Airborne Microwave Landing Systems (MLS) Area Navigation Equipment to be held on September 10-11, 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 Introductory Remarks; (2) Approval of Minutes of the Third Meeting held on June 16-17, 1987; (3) Report on Radio Technical Commission for Marine Services Special Committee 108 Activities; (4) Review of Draft Material for Sections 1, 2 and 3 of Committee Report; (5) Assignment of Tasks; and (6) Other Business.

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 August 10, 1987.

Martin T. Pozesky,

Deputy Associate Administrator for NAS Programs.

[FR Doc. 87-19108 Filed 8-20-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA) Executive Committee; 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 the RTCA Executive Committee to be held on September 18, 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 and Introductions; (2) Approval of Minutes of the Meeting Held on July 17, 1987; (3) Executive Director's Report; (4) Special Committee Activities Report for July/August 1987; (5) Approval of RTCA Operations and Special Budgets for 1988; (6) Consideration of Proposals to Establish New Special Committees; (7) Consideration of FAA Proposal for Editorial Change to MOPS Drafting Guide; and (8) Other Business.

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 August 17, 1987.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 87-19109 Filed 8-20-87; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 87-12]

Rail-Highway Crossing Study; Opening of Docket

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: This notice requests comments from interested persons and organizations regarding national highway-railroad crossing improvement and maintenance needs and how these crossing needs can be addressed in a cost-effective manner. Section 159 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100-17, 101 Stat. 132) directs the Department of Transportation to conduct a study of these needs and report to the Congress by April 1989, on the results and recommendations.

DATE: Comments are requested on or before October 15, 1987.

ADDRESS: Submit signed, written comments, preferably in triplicate, to FHWA Docket No. 87-12, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street SW., Washington, DC 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Howard C. Hanna, Program Development Division, Office of Highway Safety, (202) 366-2131; or Ms. Julie A. White, Office of the Chief Counsel, (202) 366-1353, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

SUPPLEMETARY INFORMATION:

Study Mandate

Pursuant to section 159 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) (Pub. L. 100-17, 101 Stat. 132, 211), the FHWA is preparing a study and recommendations to the Congress regarding national highway-railroad crossing improvement and maintenance needs and how these crossing needs can be addressed in a cost-effective manner. A final report is to be submitted to the Congress by April 2, 1989.

Section 159 requires that the issues to be addressed by the study shall include, but not be limited to the following:

1. An examination of any correlation which may exist between existing conditions at highway-railroad crossings and accident data at such crossings.

2. An examination of existing hazards to motorists and railroad personnel and community impacts resulting from mobility and capacity constraints at such crossings, including delays of police, fire, and emergency medical services.

3. An analysis of the most cost-effective methods of protecting the public at crossings including a review of the impact of Federal funds expended at crossings; division of cost of improvements and maintenance between Federal, State and local government and railroads; cost effectiveness of the railroad relocation demonstration program conducted under Section 163 of the Federal-Aid Highway Act of 1973 (Pub. L. 93-87, 87 Stat. 250, 280) as compared to the railroad-highway crossing program conducted under section 130 of Title 23, United States Code; and the cost of upgrading existing equipment at crossings to the latest technology.

4. An examination of driver behavior at such crossings and what technologies are most effective in changing behavior and preventing accidents.

5. An examination of what effect the shift in rail traffic patterns, including abandonments, mergers, and increased demand in certain corridors, has on railroad-highway crossing needs.

6. A review of any other potential costs associated with such crossings, including accident liability, increased truck size and weight, and maintenance responsibilities.

7. An examination of railroad and highway needs relating to crossing safety, capacity, and mobility and the needs of communities affected by railroad-highway crossings.

8. An examination of the feasibility of addressing these needs on a corridor or system basis.

9. An examination of the responsibility of rail and highway authorities in addressing these needs.

Background

A previous nationwide assessment of rail-highway crossing needs was conducted in the early 1970's by the FHWA and the Federal Railroad Administration, and reported to the Congress at that time.[1] Section 203 of the Federal-Aid Highway Act of 1973 subsequently initiated special funding for a program to eliminate hazards at rail-highway crossings. Since its passage, $1.94 billion of these special Federal funds have been authorized to improve rail-highway crossing safety. In section 106(a)(13) of the STURAA, the Congress recently authorized added funding for this program, now under section 130 of Title 23, United States Code, at $160 million annually at least through fiscal year 1991. In addition, a substantial amount of other Federal-aid highway, State, local and railroad funds continues to be invested in improving and maintaining traffic safety and mobility at rail-highway crossings.

In section 159, the Congress has provided for a new study to be undertaken of developments since the earlier report, including an evaluation of the present programs and current conditions affecting rail-highway crossing safety. In addition, the study will examine other concerns such as mobility, community effects, financial responsibilities, and other costs associated with rail-highway crossing improvement and maintenance needs.

[1] U.S. Department of Transportation, Federal Highway Administration and Federal Railroad Administration, "Railroad-Highway Safety, Part I: A Comprehensive Statement of the Problem," November 1971, and "Railroad-Highway Safety, Part II: Recommendations for Resolving the Problem," August 1972.

Study Procedures

The Federal Railroad Administration currently is custodian of a completed inventory of all rail-highway crossings in the United States, updated periodically by information voluntarily supplied by the State highway agencies and railroads.[2] The FHWA intends to use this national rail-highway crossing inventory as a base for collecting and summarizing condition and needs information on a national basis, and encourages the States and railroads to review and update where necessary the information concerning crossings under their jurisdictions or responsibility. In addition, the FHWA intends to examine historic trends, past research and reports, and conduct additional studies as required to adequately respond to the issues raised.

So that all concerned parties have an opportunity to express their views and concerns, the FHWA is soliciting comments at this time on the overall scope and conduct of the study. Comments may address any or all of the above issues, or recommend other issues considered pertinent. Supplementary information such as the availability of data, pertinent research or studies that address any of the above issues, or other information believed significant in assessing needs and trends would be very helpful to the FHWA in implementing this study. As the study progresses, the FHWA expects to provide additional opportunities for comment at various phases of study completion.

In addition to soliciting written comments, the FHWA is considering holding public meetings for the purpose of obtaining information and the viewpoints of interested persons and organizations and, at at a later stage, to review the preliminary findings prior to completion of the study. Additional notifications will be issued prior to the dates of any public meetings.

As required by section 159 of the STURAA, the FHWA will consult with the State highway administrations, the Association of American Railroads, highway safety groups and other appropriate entities in carrying out the study.

Individuals or organizations who wish to be advised of additional information, issuances or consultations regarding this study may request that their names and addresses be added to a mailing list being developed for this purpose.

All comments and related information should be submitted to FHWA Docket 87-12 at the address provided above.

Issued on: August 14, 1987.

Robert E. Farris,

Deputy Administrator.

[FR Doc. 87-19163 Filed 8-20-87; 8:45 am]

BILLING CODE 4910-22-M

[2] U.S. Department of Transportation, Federal Railroad Administration, "Rail-Highway Crossing Accident/Incident and Inventory Bulletin," 1978 to present.

Federal Railroad Administration

Petitions for Exemption or Waiver; Algers, Winslow & Western Railway et al.

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that six railroads have petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with the provisions of the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)).

The Hours of Service Act currently makes it unlawful for a railroad to require specified employees to remain on duty for a period of in excess of 12 hours. However, the Hours of Service Act contains a provision that permits a railroad which employs not more than 15 employees who are subject to the statute to seek an exemption from the 12 hour limitation.

Algers, Winslow & Western Railway (AW&W)

FRA Waiver Petition Docket No. HS-87-5

The AW&W seeks a continuation of a previously issued exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The AW&W states that it is not their intention to employ a train crew over 12 hours per day under normal operating conditions, but that this exemption if granted, would help their operation if they encountered unusual operating conditions or circumstances. The AW&W provides service over approximately sixteen miles of track in southern Indiana. The function of this railroad is to serve two coal mines, both of which are located in Pike County, Indiana.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Louisiana and Delta Railroad (L&D)

FRA Waiver Petition Docket No. HS-87-6

The L&D seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The L&D provides service over 94 miles of track in the State of Louisiana, serving industries on six former branch lines of the Southern Pacific Transportation Company.

The L&D states that it is not their intention to employ a train crew over 12 hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Kankakee, Beaverville & Southern Railroad (KB&S)

FRA Waiver Petition Docket No. HS-87-7

The KB&S seeks a continuation of a previously issued exemption to that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The KB&S states that it is not their intention to employ a train crew over 12 hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances. The KB&S provides switching service to six grain elevators and stores empty cars for two private railcar owners. The railroad extends from Iroquois Junction, Illinois, to Kankakee, Illinois, and from Iroquois Junction, Illinois, to Danville, Illinois, for a total of 78 miles of main track.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

AT&L Railroad Co. (AT&L)

FRA Waiver Petition Docket No. HS-87-8

The AT&L seeks a continuation of a previously issued exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The AT&L states that it is not their intention to employ a train

crew over 12 hours per day under normal operating conditions, but that this exemption, if granted, would help their operation if they encountered unusual operating conditions or circumstances. The AT&L provides switching service between Watonga, Oklahoma, and El Reno, Oklahoma, a distance of 39.7 miles.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety.

Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Huron and Eastern Railway (H&E)

FRA Waiver Petition Docket No. HS–87–9

The H&E seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The H&E provides service on an 82-mile system extending from Bad Axe, Michigan, to Crosswell, Michigan, and on several small branch lines.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Dixie River Railroad Company (DR)

FRA Waiver Petition Docket No. HS–87–10

The DR seeks this exemption so that it can permit certain employees to remain on duty not more than 16 hours in any 24-hour period. The DR expects to commence operation on July 1, 1987, on two lines it is in the process of purchasing from the Missouri Pacific Railroad. One line runs from Huttig, Arkansas, to Sterlington, Louisiana, a distance of 30 miles. The second line runs from McGehee, Arkansas, to Vidalia, Louisiana, a distance of 168 miles.

The petitioner asserts that it employs not more than fifteen employees and had demonstrated good cause for granting this exemption.

Interested persons are invited to participate in these proceedings by submitting written views and comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning the proceeding should identify the docket number and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 29590.

Communications received before October 7, 1987, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comment received will be available for examination both before and after the closing date for comments during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC, on August 17, 1987.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 87–19166 Filed 8–20–87; 8:45 am]

BILLING CODE 4910–06–M

Petition for Exemption or Waiver of Compliance; Ganz-Mavag Locomotive and Carriage Manufacturers

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for an exemption from or waiver of compliance with a requirement of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provision involved, and the nature of the relief being requested.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning this proceeding should identify the appropriate docket number (e.g., Waiver Petition Docket Number RST–84–21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received before October 7, 1987, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning this proceeding are available for examination during regular business hours (9 a.m.–5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The individual petition seeking an exemption or waiver of compliance are as follows:

Ganz-Mavag Locomotive and Railway Carriage Manufacturers

Waiver Petition Docket Number LI–86–6

Ganz-Mavag Locomotive and Railway Carriage Manufacturers, Mechanical Engineers (Ganz-Mavag) seeks a permanent waiver of compliance with a provision of the Locomotive Safety Standards (49 CFR Part 229) for a railbus that they hope to introduce and sell to commuter railroad systems in the United States. Ganz-Mavag has designed the underframe to meet the parameters of the total vehicle load and power plant. This has resulted in a structure that does not meet the requirements of 49 CFR 229.141(b)(1), which requires that a body structure resist a minimum static end load of 400,000 pounds at the rear draft stops ahead of the bolster on the centerline of draft, without developing any permanent deformation in any member of the body structure when operated in trains having a total empty weight of less than 600,000 pounds. Ganz-Mavag tested and documented that the railbus underframe will withstand a static end load of 220,000 pounds without deformation.

Issued in Washington, DC, on August 17, 1987.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 87–19167 Filed 8–20–87; 8:45 am]

BILLING CODE 4910–06–N

Petition for Exemption or Waiver of Compliance; Terminal Railroad Association of St. Louis

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for an exemption from or waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, and the nature of the relief being requested.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver

Petition Docket Number RST–84–21) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Communications received before October 7, 1987, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The individual petition seeking an exemption or waiver of compliance is as follows:

Terminal Railroad Association of St. Louis

Waiver Petition Docket Number PB–87–8

Terminal Railroad Association of St. Louis (TRRA) seeks a permanent waiver of compliance with the provisions of the Railraod Power Brakes Regulation, 49 CFR 232.13(a)(1), "Transfer train and yard train movements not exceeding 20 miles."

The waiver sought by the TRRA would permit train movements between the north end of Madison Yard and the Hook Yard at Granite City, Illinois, without the benefit of a train air brake test.

The movements in question are normally made during daylight hours, consisting of industry cars being taken to the Hook Yard for classification purposes to spot at industries in the Granite City area.

The petitioner states that the safety of the crew and public is not in any way impinged by the move with or without air brakes. The maximum speed is 10 mph. The only public crossing is protected by gates and flashes, and degree of grade is not a factor as the area is relatively flat.

The petitioner also states that the efficiency of the industrial assignment is decreased by the necessity of working up the air brake system and testing it when leaving for a trip distance of 5,630 feet.

Issued in Washington, DC, on August 17, 1987.

J. W. Walsh,

Associate Administrator for Safety.

[FR Doc. 87–19168 Filed 8–20–87; 8:45 am]

BILLING CODE 4910–06–M

National Highway Traffic Safety Administration

[Docket No. IP–87–02; Notice 2]

Grant of Petition for Determination of Inconsequential Noncompliance; The Uniroyal Tire Co.

This notice grants the petition by the Uniroyal Goodrich Tire Company of Akron, Ohio to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the grant is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on April 8, 1987 and an opportunity afforded for comment (52 FR 11391).

Paragraph S6.5(d) of Standard No. 119 requires that the tires be marked on both sidewalls with the maximum load rating and corresponding inflation pressure of the tire. Uniroyal Goodrich Tire Company manufactured and shipped 3,922 31 X 10.50R15 All-Terrain Radial tires that have the incorrect load range stamped on the serial number side of the tire.

From August 31, 1986 to December 12, 1986, Uniroyal Goodrich stamped the following load range on tires:

Load Range G—Max. Load 2,250 Lbs. at 50 PSI Cold.

The correct load range is Load Range C—Max. Load 2,250 Lbs. at 50 PSI Cold.

Uniroyal Goodrich believes this noncompliance is inconsequential to motor vehicle safety because all identification located above the bead on both sides of the tire correctly states the maximum load in terms of pounds and pressure and the highest load range available in the family of flotation tire sizes is load range "C". Also the correct load range identification appears on the opposite serial number sidewall and is imprinted on each paper label adhered to the tread of the tire.

No comments were received on the petition.

The petitioner has indicated that the following safeguards are present to inform consumers of the correct load range: proper information on one of the two sidewalls and paper tread labels, load pounds and pressure indicated above the bead on both sides of the tire. The agency concurs with the petitioner that this compensates for the mistake in indicating Load Range G when Load Range C was meant.

Accordingly, in consideration of the foregoing, it is hereby found that petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1479 (15 U.S.C. 1417); delegation of authority at 49 CFR 501.8)

Issued on August 17, 1987.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 87–19164 Filed 8–20–87; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 79–17; Notice 34]

New Car Assessment Program; Optional Testing by Manufacturers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Establishment of criteria for optional New Car Assessment Program (NCAP) testing by manufacturers.

SUMMARY: This notice establishes criteria for an optional NCAP test program for motor vehicle manufacturers. This program will provide the manufacturers with an opportunity to retest any of their vehicles that have been tested in the NCAP program and subsequently modified with production changes to improve occupant protection. This optional testing will be conducted at the manufacturers' expense, but under the criteria established in this notice. These criteria require that the testing be conducted at the same testing facilities and according to the same controls and procedures used for the agency's NCAP testing. The test results obtained under this optional program will be published by the agency in its NCAP press releases.

EFFECTIVE DATE: These criteria become effective August 21, 1987.

FOR FURTHER INFORMATION CONTACT: Charles L. Gauthier, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590 (202–366–4805).

SUPPLEMENTARY INFORMATION: Title II of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941 *et seq.*) requires the development and dissemination of comparative information on the crashworthiness, damage susceptibility, and ease of diagnosis and repair of motor vehicles. The foundation of Title II is the belief that, if consumers have valid comparative information on important motor vehicle characteristics, they will

use that information in their vehicle purchase decisions, thereby encouraging motor vehicle manufacturers to improve the safety and reliability of their products.

The experimental New Car Assessment Program (NCAP) addresses the crashworthiness ratings aspect of Title II by providing comparative safety performance information, in the form of dummy injury measurements, on selected vehicles that are crashed head-on into a fixed barrier at 35 mph. Consumers are informed of this crashworthiness information through news releases, the NHTSA Hotline, and media coverage of NCAP test results.

For the experimental NCAP program, the agency generally selects 30 vehicle models at the start of each model year. These vehicles are tested at several independent testing facilities, and the results of these tests are disseminated by the agency through its own facilities and the media.

On several occasions in the past, manufacturers whose vehicles had not done as well as the manufacturers expected in the NCAP testing have made small but significant production line changes to those vehicles. After these changes were incorporated into the vehicles, subsequent NCAP retests showed noticeable improvements in the dummy injury measurements.

The agency concluded that it would be helpful both to consumers and the vehicle manufacturers if the information about improved NCAP test results for the modified vehicles were made public as soon as possible. However, this is frequently not possible, because the agency's limited resources preclude an immediate retest of every redesigned vehicle. Since retesting is not generally conducted, the public is provided with outdated NCAP test results for these vehicles.

To remedy these shortcomings, the agency published a notice on November 19, 1986 (51 FR 41888) seeking comments on eight specific criteria that would form the basis for an optional NCAP retest program. Under this optional retest program, manufacturers that had made production line changes to NCAP tested vehicles would be allowed to arrange for a retest of the "improved" vehicle at their own expense. The eight criteria proposed by the agency were intended to ensure that any vehicle retests were conducted as identically as possible to the original NCAP test. Thus, random purchase of test vehicles, independent laboratory testing, and publication of all retest results must be assured. All retests that satisfied the proposed criteria would be disseminated by the agency, along with its own NCAP test results. NHTSA stated in the notice its belief that the benefits of this optional retesting program would include up-to-date crashworthiness information for consumers, fairness to manufacturers that have made vehicle safety improvements, and minimum expense to taxpayers.

The agency received comments from 15 groups in response to this notice. All of these comments were considered in developing these final criteria and the most significant are discussed below.

The NCAP Program in General

A number of commenters objected to the notice's statement that NCAP test results provide comparative safety performance information on the selected vehicles. These commenters argued that a 35 mph frontal barrier crash is not representative of most accidents, that the NCAP results do not represent real world accident performance of the selected vehicles, that the test results show an unacceptably high level of variability, and that the public misunderstands and misuses NCAP test results. Comments to this effect were submitted by Ford, Chrysler, Volkswagen, AMC, Volvo, the Automobile Importers of America, Inc. (AIA), General Motors (GM), Renault, Mazda, BMW, Austin Rover, the Motor Vehicle Manufacturers Association (MVMA), and Mercedes Benz.

These commenters have repeatedly made these points in connection with the NCAP program. The notice requesting comments on an optional retesting program was not seeking comments on any changes to the basic NCAP program, so these comments are not responsive to the issues raised in the notice. To briefly reiterate the agency's position, NHTSA has always characterized NCAP as an experimental program. The agency has been evaluating and will continue to evaluate the NCAP program for possible improvements. NHTSA agrees that a frontal barrier crash does not represent all types of accidents. However, it does provide information on an accident type and severity that accounts for a significant number of occupant fatalities and serious injuries. The agency believes that the inability to correlate NCAP results with real world accident injuries is due to insufficient data, and not any unrepresentativeness of the NCAP tests. The agency believes that more data for restrained occupants in 35 mph frontal crashes will become available in the near future, as a result of mandatory belt use laws and the phase-in of automatic restraints. When these data are available, NHTSA will undertake a rigorous correlation of NCAP results with accident injury data. The variability issue is addressed at length in the Standard No. 208 final rule (49 FR 28962, at 29004–29006; July 17, 1984), and will not be repeated here. Finally, agency research has indicated that there is strong consumer interest in NCAP data. The agency has continually made improvements to the formats and methods of dissemination to minimize the likelihood that the information will be misunderstood or misused by consumers.

The Retesting Program in General

The Center for Auto Safety (CFAS) commented that it supported the optional retesting program, if the program were modified in one significant respect. CFAS admitted that the agency's budget will not allow it to significantly expand its own NCAP testing and that fact means that the NCAP program does not always provide consumers with up-to-date information. However, CFAS was concerned with the agency's proposal to have the manufacturers themselves bear the expenses of retesting, stating that this procedure would call into question the integrity of the program and its results.

The agency disagrees with this statement. NHTSA will not take any actions to undermine public confidence in the continuing integrity of the NCAP program, and has not proposed to do so. This optional NCAP testing program has been structured so that it will adhere strictly to the NCAP procedures in all respects. Whether the testing is funded by the agency or a manufacture, the vehicle to be tested will be randomly purchased by the testing facility, all testing will be done by an independent facility, and all results that follow the testing protocol will be made public. Manufacturers will not be allowed any greater access to the vehicles to be tested under this program than they are to the vehicles to be tested under the initial NCAP series. The agency concludes that this optional program has been structured carefully so that there will be no legitimate basis for questioning the impartiality of its test results.

Vehicles Eligible to be Included in this Optional Retesting Program

VW, Renault, Nissan, Mazda, BMW, Austin Rover, and Subaru commented that retesting should be permitted without any changes to the vehicles. Such testing would, in the words of VW, "legitimately expose and amend one of the weaknesses of the current program." These commenters believe that the test variability is so high that an unchanged

vehicle might show significantly different dummy injury results if retested according to the NCAP procedures. Volvo suggested that manufacturers be allowed to retest unchanged vehicles twice, and the average of the original NCAP tests and the two retests should be published for the vehicle. As explained above, the agency disagrees with the assertions of overly high variability. More to the point, however, any manufacturer that wishes to undertake testing to conclusively demonstrate this alleged variability in test results is free to do so, and the agency would carefully examine the data. The agency will *not*, however, disseminate such variability test data in a piecemeal fashion to consumers as a part of the NCAP data.

In its comments, Ford asked that the agency allow, in two specific instances, optional testing of vehicles not tested in the NCAP program. The first situation described by Ford was when a model with certain optional equipment was tested as a part of the initial NCAP tests and the manufacturer had reason to believe that the same or other models of that car line, with different options, would produce lower NCAP results. Nissan raised a similar point in its comments, when it asserted that changes in the "quality of seat cloth, floor carpeting, or surface material of the instrument panel" might influence NCAP test results.

As stated above, the agency is not going to disseminate information about essentially repetitive testing of unchanged models. Thus, to the extent that these commenters are seeking to have the optional testing program extended to include models with different non-safety options, whether engine, transmissions, seat cloth, or carpeting, NHTSA sees no reason to disseminate such information as a part of its NCAP testing.

However, to the extent that the manufacturers were urging the agency to extend the optional testing program to include vehicles equipped with features that could be shown to significantly improve the crashworthiness of the vehicles, the agency believes there is merit to the comments. The purpose of the NCAP program is to encourage manufacturers to improve the crashworthiness of their vehicles. If the optional testing program were extended to allow manufacturers to conduct testing on vehicles that were not tested under the NCAP, but that incorporate safety options and innovative restraint system designs that significantly improve frontal crashworthiness, the optional testing program could serve to promote the installation of these designs in other vehicles, either as an optional feature or as standard equipment. Thus, such an extension would further the purposes of the NCAP program. The agency has therefore amended these final criteria to allow optional testing of models not tested in the initial NCAP testing if the model to be tested incorporates optional safety equipment or innovative restraint system designs (e.g., air bags, webbing clamps, a different type of energy-aborbing webbing, and so forth). Such models would still have to satisfy all of the other criteria for this optional testing program, including the requirement that the manufacturer provide reasons why the optional or innovative safety equipment is likely to significantly improve NCAP test results.

Ford's other suggestion in this area concerned a situation where a manufacturer had added or deleted options to a vehicle line that was tested in the initial NCAP series, so that the line no longer includes the identical model and equipment tested in the initial series. In such a case, Ford urged that the manfacturer should be allowed to sponsor a retest of a vehicle chosen at random by the manufacturer from the models currently in production for that vehicle line. As the agency understands this comment, Ford was not suggesting that a vehicle be retested simply because of the addition of an option to or deletion of one from the tested model. Instead, Ford is suggesting the retesting of the model because it satisfies the criterion that changes have been made that are likely to significantly improve the NCAP test results. However, it would be impossible to retest the exact model that was previously tested. NHTSA agrees that some modification of the proposed optional testing is necessary to address such a situation. If a manufacturer had made production changes likely to significantly improve the frontal crashworthiness of a model and if the identical model were no longer in production, the agency would allow a different model in that line to be retested. However, the *agency*, not the manufacturer, would select the particular, model that would be retested under this program.

Manufacturers Must Explain Why NCAP Results are Likely to Significantly Improve for All Vehicles Selected for This Program

With respect to vehicles that are eligible for this optional testing program, the manufacturer must provide the agency with technical data describing the production design changes made to the vehicle *or* the optional safety equipment or innovative restraint system used in the vehicle, the reasons why the manufacturer believes these changes, optional equipment or innovative restraint system are likely to *significantly* improve NCAP results, and the manufacturer's estimate of the expected NCAP results for the vehicle. This criterion is very similar to the proposed criterion 1. It is intended to ensure that the results of this optional testing, which will be publisehd with the agency's imprimateur, will be useful and timel for consumers, not simply repetitious of previous testing.

The previous notice sought comments on establishing some minimum level of improvement in a retest, if the results were to be published under this program. GM, Ford, Mazda, and Austin Rover commented that there was no need to establish any minimum level of improvement for this program. Ford commented that manufacturers would be reluctant to pay for a retest unless an improvement of greater than ten percent was expected. Ford asserted that, because of the inherent variability of the test procedure, any lesser improvement would expose the manufacturer to a "substantial possibility" that the retest would be worse than the initial test. GM made the same point. CFAS, on the other hand, commented that retest results should be published only if the retest data showed improvements of 35 percent for the HIC, 20 percent for the chest accleration, and 40 percent for the femur loads. CFAS explained this comment by stating that its adoption would ensure that only those vehicles showing meaningful improvement in their test scores would be given new NCAP listings.

After considering this issue further, the agency has concluded that no minimum level of improvement should be specified for publication under this program. A manufacturer must explain and demonstrate why it believes that changes made to a vehicle will *significantly* improve NCAP results, or the test results will *not* be published by the agency. Hence, only vehicles that have been demonstrated as likely to significantly improve will be covered in this program. Once a manufacturer has satsified that burden, the notice proposed that the test results "will be made publicly available regardless of their magnitude." NHTSA sees no reason to make the results publicly available regardless of magnitude, yet publish those results only if they were of a certain magnitude.

The approach suggested by CFAS would be overly rigid. Under it, HIC improvements of 30 percent would not

be published, for instance. The agency believes that many consumers would find such information significant. Moreover, CFAS did not explain how it arrived at the conclusion that HIC improvements of less than 35 percent were not significant, nor did it explain what benefit it believes would result from withholding such imformation from the public. Accordingly, no such provision is included in these final criteria.

CFAS further commented that the agency ought to provide the public with notice and opportunity to comment on any manufacturer's request for optional retesting of a vehicle. CFAS suggested that it was appropriate to allow public comment on whether a vehicle should be retested, just as the agency seeks comments on petitions for defect investigations and petition for inconsequentiality

The agency agrees that it is sound policy to seek public input whenever possible, and has often done so even when public comment is not required by law. However, the agency is not persuaded that it would be wise policy to seek public comment before this retesting program. First, a public comment period before permitting retesting would introduce delay into any retesting efforts. This delay would hinder the chances of providing the public with more timely crashworthiness information for the vehicle model in question, thereby undercutting a reason for allowing retests. Additionally, once a model has been determined to be eligible for inclusion in this optional testing program, the only real issue will be whether the manufacturer has demonstrated that the NCAP results for the model are likely to be significantly improved. The agency anticipates that most, if not all, of the technical information submitted to substantiate the manufacturer's belief that the NCAP test results are likely to be significantly improved would not be available to the public, because it would be accorded confidential treatment. Thus, the public would have little opportunity to offer meaningful comments.

In evaluating petitions submitted under 49 CFR Part 543, which relates to exemption from the marking requirements of the motor vehicle theft prevention standard if a line is equipped with an antitheft device, the agency also confronted a situation where most of the technical details of the petition would be confidential and where delay in responding to the petition would be contrary to the public interest. The agency decided *not* to provide a comment period in connection with such petitions, and has reached the same conclusion in connection with this program. The agency will make available to the public in the docket section notice of *all* manufacturer requests for optional testing under this program, together with all publicly available portions of such requests.

Optional Testing Must Be Conducted at an Independent Testing Facility That has Proven its Capability to Conduct Tests in Accordance With the NCAP Procedures

The second proposed criterion was that the test be conducted at an independent test facility that has the capability of conducting crash tests in conformance with NCAP test procedures. The agency sought comments on establishing objective standards for assessing the NCAP capability of a test facility. GM supported this proposed criterion, stating that "if manufacturers are permitted to select laboratories other than those used by NHTSA for NCAP testing, the program may be criticized as being controlled by the manufacturers." To stave off any such criticism, GM recommended that only the laboratories used by NHTSA for its NCAP testing should be allowed to conduct any retesting. Ford commented that the agency should ask the National Bureau of Standards, which has experience in certifying test laboratories, to develop some objective criteria.

NHTSA has concluded that these criteria should not include a process for objectively evaluating the capabilities of independent testing facilities. Even assuming that such criteria could be developed, this process would necessarily force the agency to assess the capabilities of any new or different independent test facility suggested by the manufacturers before permitting the retesting. Such a process would necessarily force the agency to devote significant amounts of staff time to a task that would not enhance vehicle safety or consumer awareness thereof. In addition, su;ch a process would delay the start of optional NCAP testing, whenever a manufacturer suggested a test facility that had not been previously approved. This delay would deny the public the benefits of more timely crashworthiness information for the vehicles in question. Accordingly, NHTSA has concluded that it would be inappropriate to require the agency to make such asssessments on a continual basis.

The NCAP test procedures were updated in 1985. Since that time, the agency has entered into contracts for NCAP testing with three different independent testing facilities. Each of those facilities has already been determined by the agency to be capable of conducting testing in conformance with the NCAP procedures. To expedite the process under this optional program, the final criteria limit the facilities that can be used for testing to those facilities that have conducted NCAP testing for the agency since 1985. This limitation will ensure that any optional testing is conducted by facilities that have been adjudged capable of conducting NCAP testing, without introducing any time delays.

Mazda alleged that any requirements that testing be conducted at testing facilities in the United States would raise the issue of unfair trade practices. This commneter alleged that, if the manufacturer is required to pay for any retesting, the manufacturer should be allowed to benefit from the efficient and maximum use of its engineering resources and the lower costs if such retesting is conducted near its headquarters. The implicit argument here is that if the U.S. manufacturers enjoy this efficiency, foreign manufacturers should be permitted the same benefits.

NHTSA disagrees with Mazda's assertion that requiring testing under this program to be done in the United States represents and unfair trade practice. Section 402 of the Trade Agreements Act of 1979 (19 U.S.C. 2532) specifies that each Federal agency shall ensure that, in applying standards-related activity to any imported product, such product is treated no less favorable than are like domestic or imported products in a number of areas, including the siting of test facilities. Even if NCAP were to be regarded as a "standards-related acitivity," section 401 of that Act (19 U.S.C. 2531) makes clear that no standard-related activity shall be deemed to constitute an unecessary obstacle to imported products if the demonstrable purpose of the standardf-related activity is to achieve the protection of legitimate safety or consumer interests. The legislative history of these sections includes the following language:

> With respect to product testing and related administrative procedures, Parties are to accept foreign products for testing under nondiscrininatory conditions. Moreover, they are to ensure that central governmental bodies accept, whenever possible, foreign test results or certificates or marks of conformity, *but only if they are satisfied with the technical competence and methods employed by foreign entities.* [Emphasis added; S. Rep. No. 249, 96th Cong., 1st Sess., at 150 (1979)].

In the case of this optional retesting program, NHTSA could not be assured that the test results obtained by domestic facilities other than those that have been selected for NCAP testing would be impartial or accurate. This difficulty would be compounded in the case of foreign facilities. If a vehicle to be tested were transported from a dealership in the U.S. to the country of manufacturer and then to the test facility, NHTSA would have to practical way of ensuring that the vehicle had not been specically selected or modified prior to the test. Further, the agency has no obvious means of assessing the extent to which the foreign test facilities are independent of the manufacturers or assessing the capability of foreign testing facilities to conduct NCAP testing. Hence, the reason for permitting optional testing only at facilities that have conducted NCAP testing for NHTSA since 1985 is to ensure the continuing integrity of the NCAP program and to ensure that optional tests are conducted as identically as possible to the original NCAP tests sponsored by NHTSA. Since these purposes are fully consistent with and permitted by the Trade Agreements Act of 1979, NHTSA rejects Mazda's assertion that this constitutes an unfair trade practice.

CFAS commented that the agency should set guidelines for examining the financial connections of potential test facilities as part of its assessment of the facilitiy's qualifications for handling NCAP testing. NHTSA agrees with this commenter's point that the test facilities used by the agency must not be under the control of a member of the auto industry. If the agency learned of such a relationship, it could not allow the facility to conduct further testing for the agency. However, NHTSA has for many years use independent testing facilities not just for NCAP testing, but for compliance testing as well. In all that time, no one has even alleged that one of these facilities is somehow under the control of the auto industry. In fact, the fact that they are not controlled by an interested group is central to the business of these facilities. Therefore, the agency does not believe there is any need to revise the NCAP procedure along the lines suggested in this comment.

Current NCAP Test Procedures Must be Strictly Adhered to in any Optional Testing

The notice proposed that the current NCAP test procedures as specified in Docket No. 79–17 must be used in any optional testing. The only commenter that addressed this issue was GM and it agreed that those procedures should be followed. Accordingly, to ensure that any test results obtained under this program are comparable to other NCAP results, such a criterion is included in this notice.

NHTSA Must be Notified of the Day and Time of the Test and any Test Preparation Activities and Have a Representative Present for the Test and any Vehicle/Dummy Preparation

This criterion was proposed to further ensure that any optional testing results would be fully comparable to the initial series of NCAP tests. The presence of the agency representative will serve as a double check that the NCAP procedures are strictly followed.

GM stated that it concurred with the purpose of this proposed criterion. However, GM suggested that the proposed criterion be modified to allow testing to proceed without a NHTSA representative present under the following conditions:

1. A test date has already been scheduled and approved by NHTSA; and

2. A NHTSA representative is uanble to witness the test because of circumstances beyond the control of the manufacturer and the testing facility.

GM commented that a delay in testing in these circumstances would cause additional expenses for the manufacturer conducting the test. GM asserted that since only experienced NCAP test facilities would be conducting any retests, the absence of a double check in the unusual situation described above should not call into question the integrity of the test results.

NHTSA understands the concern expressed in this comment and agrees that it would increase the manufacturer's costs for optional NCAP testing through no fault of the manufacturer or the testing facility. However, this optional testing program has been carefully structured to ensure that there is no legitimate basis for questioning the impartiality or objectivity of the test results obtained thereunder. In order to maintain public confidence in the testing conducted under this optional program, the agency believes it is necessary that all optional testing be conducted with an agency representative present. Further, since the test results will be published under the agency's aegis, it is important that the agency itself be assured that the testing complied with all of the criteria set forth in this notice. Therefore, GM's suggested revision has not been incorporated in these final criteria.

CFAS commented that the criterion should be modified to provide for a minimum of two, and preferably three, NHTSA representatives present at each optional test "to guarantee the integrity of the NCAP." The agency agrees with the commenter's point that the impartiality and accuracy of the published NCAP results must be beyond question in order to maintain public confidence in the program. However, the agency has successfully monitored NCAP testing with a single representative for the past eight years. CFAS did not explain why, nor does the agency know of any reason why, more than one representative would be needed to monitor testing by the same test facilities following the same procedures. Hence, this optional program will continue the agency's practice of having a single representative present at every NCAP test.

The Test Vehicle Must Be Purchased at Random by the Testing Facility

The notice requesting comments noted that promoting public confidence in the NCAP program and the published test results requires that there be no possibility that a manufacturer could preselect the individual vehicle to be tested. Accordingly, the test vehicle would be purchased at random by the testing facility from a dealer. Since the only changes for which optional testing would be permitted must be production changes, the test vehicle would have to be available at any dealership.

GM commented that it supported this proposed criterion. Ford commented that a vehicle that was truly purchased "at random" might not contain the production changes that were the basis for the retest. Ford explained this comment further, by stating that some of its dealers stock large numbers of each model, and those dealers might still have vehicles of the earlier design in stock for several months after the change has gone into production. If the test facility purchased a vehicle manufactured before the production change, it would be a needless waste of time and money. To address this situation, Ford suggested that the manufacturer whose vehicle is being retested be required to inform NHTSA and the test facility of the month during which the production change was made. The test facility could then be sure that the vehicle it purchased actually incorporated the production change. The agency concludes that Ford has raised a valid point. The final criteria specify that the manufacturer must inform both this agency and the test facility of the month and year in which the subject production change was made.

Electronic Test Data, Test Films, and Test Report Must Be Completed in Accordance with Current NCAP Procedures and Copies Must Be Provided Directly to NHTSA for Analysis and Validation

This criterion was proposed to allow the agency a final opportunity to ascertain that the testing was conducted in conformance with the NCAP procedures before publicizing the results. GM commented that it supported this proposal, but recommended that it be expanded so as to provide the manufacturer that is paying for the retesting with the test information at the same time as the agency. Since the manufacturer is paying for the testing in question, the agency believes it should give the manufacturer the same opportunity to examine the date to ensure that the test was conducted in accordance with the NCAP procedures. Accordingly, the final criteria provide that the test data will be provided to both NHTSA and the sponsoring manufacturer.

After Validation, the Test Results Will Be Published as Part of NCAP Results

The notice proposed that, after validation by the agency, the test results would be published as part of the NCAP results, along with a summary of the production changes made to the retested vehicle. CFAS supported the proposal to include a summary of production changes, and suggested the agency use abbreviations to identify changes in general categories. For instance, SB would indicate a change to the shoulder belt, SC would indicate a change to the steering column, and so forth.

Other commenters opposed the proposal to publish a summary of the production changes made to the vehicle. GM commented that it opposed this proposal for two reasons. First, the production changes were likely to be proprietary information. Thus, the agency could not disclose the particular production changes in most cases, anyway. Second, GM argued that the information "is of no value to prospective purchasers". Ford and Nissan elaborated on this second point in their comments. Ford stated that the information would not be meaningful to consumers, because NCAP test results "are affected by many kinds of vehicle changes, and test score improvements typically result from a complex interaction of several changes." Nissan stated that publication of a summary of production changes would mislead consumers into believing that there exists proof of some casual relationship between certain changes and NCAP test results. In fact, according to Nissan, it is very difficult to isolate the effects of design changes that may influence NCAP test results from the numerous minor design changes that are routinely implemented in response to consumer demand. Nissan listed as examples of changes that might influence NCAP test results changes in the quality of seat cloth, carpeting or instrument panel surface.

After considering these comments, NHTSA has decided not to publish a summary of production changes along with the retest results. First, the agency believes that GM was correct when it observed that the production change information was very likely to be proprietary information. NHTSA is prohibited by Title II of the Cost Savings Act from disclosing proprietary information to the public; 15 U.S.C. 1944(f). Thus, the information would almost never be available for publication, regardless of the criteria for this optional retesting program.

Even assuming that the information was not eligible for confidential treatment, it would give rise to the potential for misrepresenting a cause and effect relationship between the identified changes and NCAP results. The complex interrelationships among the various systems in the vehicle mean that design changes that improve NCAP test results for one model would not ncessarily have any effect on the NCAP test results of any other models on which the change might be implemented. However, if consumers were to see that some simple design change, such as an improved steering column, had yielded better NCAP test results for one model, those consumers could mistakenly conclude that this same design change would improve NCAP test results for all comparable models. The purpose of this optional testing program is to provide consumers with more accurate and timely NCAP information, not to potentially mislead them. Accordingly, the proposal to provide a summary of production changes for vehicles tested under this optional program is not included in these final criteria.

CFAS commented that the published information for vehicles tested under this optional program should include the date after which the production change was made to the vehicles. Since these final criteria specify that the manufacturer inform the agency and the test facility of the date when the subject production changes were made to ensure that a "changed" vehicle is purchased for testing, it is appropriate to ensure that consumers can also be certain of purchasing a "changed" vehicle. Accordingly, these criteria include this change suggested by CFAS.

The notice also proposed to annotate the NCAP press releases in some manner to indicate which test data were obtained from optional testing sponsored by the vehicle manufacturers, and sought public comment on how to best identify optional test data in the press releases. Ford commented that the agency itself has conducted retesting on its own in the past, yet has not routinely provided any special annotation of that fact in the press releases. An implicit point of this comment is that since tests under this optional program will strictly adhere to the same NCAP procedures as agency-sponsored retesting, there is no reason to treat them any differently than the agency-sponored retesting. The agency believes this point is persuasive.

However, the primary purpose for proposing this special annotation was to ensure that consumers would know to which vehicles the retest results applied. Ford acknowledged this purpose in its comments, but stated that the retest results could achieve this purpose by identifying the retest results by model year, month of production, restraint system, etc. GM commented that, "The model year itself would provide sufficient distinction for customer use." NHTSA believes that the underlying premise of the Ford and GM references to the model year allowing consumers to distinguish vehicles to which NCAP results apply is that it is highly unlikely that all of the following events would be completed within the timeframe of a single model year:

1. A vehicle would be selected for testing by NHTSA in the NCAP program.
2. Testing would be completed by the facility and validated by NHTSA.
3. NCAP test results would be published.
4. The manufacturer would analyze the NCAP results and make certain design changes to improve the NCAP test results of the vehicle.
5. The design changes would be incorporated into production.
6. The manufacturer would request retesting of the changed vehicle and NHTSA would approve the request.
7. The retesting would be conducted, and the results validated by this agency.
8. The retest results would be published.

NHTSA agrees that it is highly improbable that all 8 of these steps could be completed in the space of a single model year. In almost all cases, the vehicle model for which the initial NCAP results were published would have an earlier model year designation

than the model for which the retest results were published. Accordingly, the consumer would be able to readily distinguish the vehicles to which the initial NCAP results apply from the vehicles to which the retest results apply simply by the model year of the vehicles, so there would be no need for any additional annotation. Therefore, the agency sees no reason to provide any special annotation with retest results.

All Retest Results Must be Made Publicly Available, Regardless of Their Magnitude, Unless There is a Violation of Test Protocol or an Equipment Failure

The proposed criteria specified that all retest results would be made publicly available, regardless of the magnitude of the difference in dummy injury results, unless there was a violation of test protocol or an equipment failure during the retest. This is the policy to which the agency has adhered since the inception of the NCAP program. It is essential that this optional testing program follow all of the procedures of the NCAP program, since the results obtained under it will be disseminated by the agency as NCAP testing.

GM was the only commenter that directly addressed this proposed criterion. GM supported the proposal, stating, "Without this requirement, the program could be criticized as being under the control of the manufacturer." Such a provision is included in these final criteria.

Criteria for Optional NCAP Testing

NHTSA will publish test results that are obtained in accordance with the following criteria as part of an NCAP press release.

1. The following vehicles are eligible for testing under this program:

a. Any model that has previously been tested under the NCAP program, and, at some time after the NCAP test results were released, the manufacturer has made production design changes to the model that are likely to significantly improve its NCAP test results.

b. A model selected by NHTSA that is in the same line as a model that was previously tested under the NCAP program, but the tested model is no longer in production, and, at some time after the NCAP test results were released, the manufacturer has made production design changes to the line of vehicles that are likely to significantly improve the NCAP test results.

c. Any model, whether or not previously tested under NCAP, that incorporates optional safety equipment or an innovative restraint system design (e.g., air bags, webbing clamps, a different type of energy-absorbing webbing, etc.).

2. The manufacturer must provide technical data to the agency describing the production design changes or the optional safety equipment or innovative restraint system, the reasons why the manufacturer believes that such design changes, safety equipment, or restraint system are likely to significantly improve the NCAP results for the vehicle, and the estimated or actual test results anticipated by the manufacturer if the vehicle were tested. The agency will analyze the submitted data and justification to decide if it indicates the vehicle is likely to show significantly improved NCAP results, and inform the manufacturer whether the vehicle is approved for testing under this program.

3. All approved testing must be conducted at an independent test facility that has conducted NCAP testing for NHTSA at any time in 1985 or later.

4. The NCAP procedures, as specified in Docket No. 79–17 and current as of the date of testing, must be followed.

5. NHTSA shall be notified of the day and time of the test and any prior test preparation activities, and shall have a representative present for the actual crash test and any vehicle/dummy preparation.

6. To ensure that the sponsoring manufacturer cannot preselect the vehicle to be tested, the test vehicle must be purchased at random by the test facility from a retail dealer. To ensure that the vehicle purchased for testing incorporates the changes or options that are the basis for the testing, the manufacturer shall notify the test facility and the NHTSA of the production date on and after which the change or options were incorporated into the vehicle. The test vehicle should be available through any dealership.

7. The electronic test data, test films, and test report must be completed according to the current NCAP test procedures. Copies of the electronic test data, test films, and test report are provided to the sponsoring manufacturer, and directly to NHTSA for analysis and validation in accordance with current agency procedures.

8. After validation, the test results would be published as part of NCAP results. If the tested model bears the same model year designation as a model tested under the initial series of NCAP testing, or if the changes that were the basis for retesting are not incorporated in all vehicles of that model type for the model year, the published NCAP results will indicate the production date on and after which the test results apply.

9. Absent violations in the test protocol or an equipment failure, all test results obtained under this program will be made public, regardless of their magnitude.

The agency will implement these criteria for optional testing on the day this notice is published in the **Federal Register**. Thus, any manufacturer that wishes to have one or more of its models tested under these criteria may submit its justification under criteria 2 at any time after the date this notice is published.

Issued on August 18, 1987.

Diane K. Steed,

Administrator.

[FR Doc. 87–19165 Filed 8–20–87; 8:45 am]

BILLING CODE 4910–59–M

Saint Lawrence Seaway Development Corporation

Advisory Board; 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 the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 2:00 p.m., September 17, 1987, at the Corporation's Operations Headquarters, Massena, NY. The agenda for this meeting will be a brief business meeting and a tour of the facilities.

Attendance at the meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than September 14, 1987, Joan C. Hall, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590; 202/366–0118.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, DC, on August 14, 1987.

Joan C. Hall

Advisory Board Liaison.

[FR Doc. 87–19160 Filed 8–20–87; 8:45 am]

BILLING CODE 4910–61–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: August 13, 1987.

The Department of the Treasury has

submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB number: New
Form number: 33
Type of review: New Collection
Title: Affidavit of Individual Surety on Bond
Description: Form 33 is required under Regulations section 301.7101–1(b)(3)(v) to provide information on the adequacy of security of individual surety given when posting a bond. This form is attached to Form 928, Gasoline Bond
Respondents: Individuals or households
Estimated burden: 25 hours

OMB number: 1545–0219
Form number: 5884
Type of review: Revision
Title: Jobs Credit
Description: Internal Revenue Code section 38(b)(2) allows a credit against income tax to employers hiring individuals from certain targeted groups (such as welfare recipients, etc.). The employer uses Form 5884 to figure this jobs credit. IRS uses the information on the form to verify that the correct amount of credit was claimed
Respondents: Farms, Businesses or other for-profit, Small businesses or organizations
Estimated burden: 55,913 hours

OMB number: 1545–0725
Form number: 928
Type of review: Revision
Title: Gasoline Bond
Description: Certain sellers of gasoline are required under sections 4101 to post bond before they incur liability for the gasoline excise tax imposed by section 4081. This form is used by taxpayers to give bond and provide other information required by Regulations section 48.4101–1
Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations
Estimated burden: 172,975 hours
Clearance officer: Garrick Shear, (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224
OMB reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,
Departmental Reports, Management Officer.
[FR Doc. 87–19136 Filed 8–20–87; 8:45 am]
BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Veterans' Advisory Committee on Rehabilitation; Notice of Meeting

The Veterans Administration gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by 38 U.S.C. 1521, will be held in Room 1010, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420, September 1–2, 1987. The sessions will begin at 8:30 a.m. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and provide recommendations to the Administrator.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Dr. Carole J. Westerman, Executive Secretary, Veterans' Advisory Committee on Rehabilitation (phone 202–233–2886) prior to August 31, 1987.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 9:30 a.m. on September 2, 1987. Administrative concerns delayed the timely publication of this notice.

Dated: August 17, 1987.

By direction of the Administrator.

Rosa Maria Fontanez,
Committee Management Officer.
[FR Doc. 87–19117 Filed 8–20–87; 8:45 am]
BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 162
Friday, August 21, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b) notice is hereby given that at 4:05 p.m. on Monday, August 17, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider matters relating to the possible failure of certain insured banks: Names and locations of banks authorized to be exempt from disclosure pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

At that same meeting, the Board also considered requests for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B).

Dated: August 19, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87-19336 Filed 8-19-87; 8:45 am]

BILLING CODE 6714-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 30765, August 17, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Thursday, August 20, 1987.

CHANGES IN THE MEETING: Addition of the following open item(s) to the meeting:

Proposed Board statement regarding report required under the Competitive Equality Banking Act of 1987 of certain companies owning nonbank banks.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

William W. Wiles,

Secretary of the Board.

Dated: August 18, 1987.

[FR Doc. 87-19220 Filed 8-18-87; 4:44 pm]

BILLING CODE 6210-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, August 26, 1987.

PLACE Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW, Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed Federal Reserve Bank salary structure adjustments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

William W. Wiles,

Secretary of the Board.

Date: August 18, 1987.

[FR Doc. 87-19227 Filed 8-18-87; 4:44 pm]

BILLING CODE 6210-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:30 a.m., Wednesday, August 19, 1987. The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS CONSIDERED: Preliminary consideration of testimony on banking issues.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Date: August 19, 1987.

William W. Wiles,

Secretary of the Board.

[FR Doc. 87-19283 Filed 8-19-87; 12:48 pm]

BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION

Audit and Appropriations Committee Meeting; Amendment of Agenda

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published August 19, 1987, 52 FR 31121.

PREVIOUS ANNOUNCED TIME AND DATE OF MEETING: The meeting is to be held on Friday, Augsut 28, 1987. It will commence at 9:00 a.m. and continue until all official business is completed.

EXPLANATION OF CHANGE: Item number two will be added in between item numbers one and three under Matters To be Considered. It will read as follows:

2. Approval of the Minutes—Meeting of June 26, 1987.

CONTACT PERSON FOR MORE INFORMATION: Maureen R. Bozell, Executive Office (202) 863-1839.

DATE ISSUED: August 19, 1987.

Maureen R. Bozell,

Acting Secretary.

[FR Doc. 87-19338 Filed 8-19-87; 4:03 pm]

BILLING CODE 6820-35-M

LEGAL SERVICES CORPORATION

Board of Directors Meeting; Amendment of Agenda

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published August 19, 1987 (52 FR 31121).

PREVIOUS ANNOUNCED TIME AND DATE OF MEETING: Board of Directors meeting will commence at 8:00 p.m. on Thursday, August 27, 1987, with a closed Executive Session, which will be held in the Board Room, 4th Floor. The public meeting of the Board will commence at 10:30 a.m.

on Friday, August 28, 1987, and reconvene at 3:15 p.m. until all official business is completed.

EXPLANATION OF CHANGE: Item number nine will be added to Page Two under Matters to Be Considered and will read as follows:

EXPLANATION OF CHANGE: Item number nine will be added to Page Two under Matters To Be Considered and will read as follows:

9. Update on National Commission for Legal Services
—Discussion
—Public Comment

CONTACT PERSON FOR MORE INFORMATION: Maureen R. Bozell, Executive Office (202) 863–1839.

DATE ISSUED: August 19, 1987.

Maureen R. Bozell,

Acting Secretary.

[FR Doc. 87–19255 Filed 8–19–87; 12:56 pm]

BILLING CODE 6820–35

Corrections

Federal Register
Vol. 52, No. 162
Friday, August 21, 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-3244-2]

National Ambient Air Quality Standards for Particulate Matter

Correction

In rule document 87-17983 beginning on page 29382 in the issue of Friday, August 7, 1987, make the following corrections:

1. On page 29383, in the first column, in paragraph 20, under formula (4), in the second line of text, "x_i" should read "$\bar{x}_i$".

2. In the second column, in the first line, insert a closed parenthesis after "63.2".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51681; FRL-3225-1]

Certain Chemicals Premanufacture Notices

Correction

In notice document 87-14914 beginning on page 24525 in the issue of Wednesday, July 1, 1987, make the following correction:

On page 24526, in the first column, insert the following entries between the 18th and 19th lines:

"P 87-1286, 87-1287, 87-1288 and 87-1289—August 15, 1987."

BILLING CODE 1505-01-D

federal register

Friday
August 21, 1987

Part II

Department of Energy

Office of the General Counsel

Second Plan of Action To Implement the International Energy Program; Notice

DEPARTMENT OF ENERGY

Office of the General Counsel

Second Plan of Action To Implement the International Energy Program

AGENCY: Department of Energy.

ACTION: Public hearing and request for comments on the draft "Second Plan of Action to Implement the International Energy Program."

SUMMARY: The Department of Energy will hold a public hearing on a draft "Second Plan of Action To Implement the International Energy Program" and invites oral and written public comment on whether this plan of action should be approved by the Secretary of Energy and the Attorney General. The document describes the types of substantive actions which the U.S. oil companies participating in the existing Voluntary Agreement and Plan of Action To Implement the International Energy Program, which was adopted in 1976, may take during implementation of emergency international oil sharing as provided in the Agreement on an International Energy Program (IEP). The IEP emergency oil sharing system, operated by the International Energy Agency (IEA), can be activated only when the IEA group of countries as a whole or an individual IEA country experiences an oil supply emergency involving at least a seven percent supply shortfall.

Section 252 of the Energy Policy and Conservation Act makes available a limited antitrust defense with respect to actions taken by U.S. oil companies to implement the information and allocation provisions of the IEP, provided that such actions are described in a voluntary agreement or plan of action. A plan of action is required to be as specific in its description of proposed substantive actions as is reasonable in light of known circumstances.

The draft "Second Plan of Action To Implement the International Energy Program," which we publish today as an appendix to this notice, is the product of extensive interchanges over a period of years involving representatives of U.S. oil companies participating in the Voluntary Agreement, the IEA's Secretariat, and staffs of the Department of Energy, the Department of Justice, the Department of State and the Federal Trade Commission. The document also reflects public comments on earlier drafts solicited by the Department of Energy on May 8, 1981, and again on October 28, 1983. The draft Second Plan of Action was considered by U.S. oil companies participating in the Voluntary Agreement at a meeting of the IEA's Group of Reporting Companies held at the Department of State on July 29, 1987. At the conclusion of that meeting, the IEA Secretariat advised the U.S. Government that the Group of Reporting Companies favored proceeding with adoption of this Plan of Action.

Approval of the Secretary of Energy, and of the Attorney General after he has consulted with the Federal Trade Commission, is required before a plan of action may be carried out. Comments submitted in response to this Notice will be considered in reviewing the Plan of Action, prior to its consideration by the Secretary of Energy, the Attorney General, and the Federal Trade Commission.

If approved by the Secretary of Energy and by the Attorney General, after consultation with the Federal Trade Commission, the "Second Plan of Action To Implement the International Energy Program" would go into effect only if the President finds that an "international energy supply emergency" exists.

DATES:

Written comments by: September 21, 1987.
Hearing: 9:30 a.m.; September 22, 1987.
Requests to speak by: September 16, 1987.

ADDRESSES: Written comments and requests to speak to: Samuel M. Bradley, Deputy Assistant General Counsel for International Affairs (GC–41), Department of Energy, Forrestal Building, Room 6A–167, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: (202) 586–2900. Hearing: Room 6E–069, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Craig S. Bamberger, Assistant General Counsel for International Affairs, Department of Energy, Forrestal Building, Room 6A–167, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: (202) 586–2900.

James R. Weiss, Chief, Transportation, Energy & Agricultural Section, Antitrust Division, Department of Justice, Judiciary Center, 555 4th Street NW., Room 9824, Washington, DC 20044, Telephone: (202) 724–6526.

Ronald B. Rowe, Assistant Director, Bureau of Competition, Federal Trade Commission, 601 Pennsylvania Avenue NW., Room 3303, Washington, DC 20580, Telephone: (202) 326–2622.

David H. Small, Assistant Legal Adviser for Economic, Business and Communications Affairs, Office of the Legal Advisor, Department of State, 2201 C Street NW., Room 6420, Washington, DC 20520, Telephone: (202) 647–5242.

SUPPLEMENTARY INFORMATION:

I. Background

Following the oil embargo of 1973, the United States and certain other members of the Organization for Economic Cooperation and Development (OECD) entered into the Agreement on an International Energy Program (IEP), TIAS 8278, which provided for creation of the International Energy Agency (IEA), headquartered in Paris, France, as an autonomous agency of the OECD. The IEP's main purposes include reducing the Free World oil consuming nations' vulnerability to supply disruptions by encouraging self-sufficiency in oil supplies; avoiding competition for short supplies of available oil during a disruption through an Emergency Sharing System for equitably allocating those supplies among the signatory countries; establishing a comprehensive international information system; and creating a forum for cooperation with governments and consultation with oil companies. There are now 21 IEA member countries, consisting of all OECD members except France, Finland and Iceland. The IEP provides that the IEA's Emergency Sharing System (ESS) may be activated only when the IEA group of twenty-one member countries as a whole or an individual IEA country experiences a seven percent or greater shortfall of available petroleum supplies, measured against a specified base period.

The oil companies of the U.S. and the other IEA countries would play a vital role in the implementation of the Emergency Sharing System, providing essential information, advising the IEA on supply and logistical matters, and

actually effectuating international oil allocation. It has been recognized from the outset that the performance of these functions at the behest of governments could expose companies to antitrust and breach of contract risks under U.S. law. To facilitate U.S. company participation in the IEA, the Congress in 1975 enacted section 252 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6272, which authorizes the development of voluntary agreements and plans of action to implement the allocation and information provisions of the IEP, and makes available a limited antitrust defense and a breach of contract defense with respect to actions taken to develop or carry out voluntary agreements and plans of action.

A Voluntary Agreement and Plan of Action to Implement the International Energy Program (Voluntary Agreement) was agreed to in 1976 by a number of U.S. oil companies. *See* 41 FR 13998 (April 1, 1976) and 2 CCH Federal Energy Guidelines, para. 15,845. At the present time the following seventeen companies, which have agreed to be IEA Reporting Companies, are participants in the Voluntary Agreement:

Amerada Hess Corporation
Amoco Corporation
ARCO
Ashland Oil, Inc.
Caltex Petroleum Corporation
Chevron Corporation
CONOCO, Inc.
Exxon Corporation
Mobil Oil Corporation
Occidental Petroleum Corporation
Phillips Petroleum Company
Shell Oil Company
The Standard Oil Company
Sun Company, Inc.
Texaco Inc.
Union Pacific Resources Company
Unocal Corporation

Section 6(c)(1) of the Voluntary Agreement provides for the development of plans of action elaborating and applying IEA allocation principles and measures, and describing the types of substantive actions which may be taken under the plan, in the event that the Emergency Sharing System is triggered by an oil supply emergency.

Section 252 of the EPCA, and the existing Voluntary Agreement, contemplate that the oil companies which participate in the Voluntary Agreement will play a role in developing plans of action. Before a plan of action can be made effective, it must be approved by the U.S. Government: EPCA section 252(d) requires approval by the Attorney General, after he has consulted with the Federal Trade Commission, and the Voluntary Agreement itself calls for approval of plans of actions by the Secretary of Energy. The existing Voluntary Agreement contains a plan of action describing company actions which may be taken when IEP oil sharing has been triggered. However, the provisions of that plan of action understandably are very broad and general, since it was adopted in 1976 while the IEP Emergency Sharing System was in an early stage of development, whereas EPCA section 252(d)(3) requires that a plan of action describe the "types of substantive actions" which may be taken under the plan, and calls for a plan of action "as specific in its description of proposed substantive actions as is reasonable in light of known circumstances." For that reason, efforts have been under way for a period of years to prepare a new draft plan of action setting out in much more precise detail those activities in which industry would engage while implementing IEP emergency oil sharing, and to which the limited antitrust and breach of contract defenses would apply.

The oil company participants in the Voluntary Agreement several years ago indicated their desire that the Executive Branch take the lead in drafting a new plan of action. Accordingly, staff of the Department of Energy (DOE), in cooperation with staff of the Departments of Justice and State and the Federal Trade Commission, initially performed this function, preparing draft texts for consideration by the participating companies; the first two such drafts were published in the **Federal Register** on May 8, 1981 (46 FR 26026), and October 28, 1983 (48 FR 49906), respectively, to solicit public comments. Subsequently, the companies elected to play a greater role in drafting the proposed plan of action, and the Plan of Action published below is the product of an extensive interchange at meetings of Subcommittee C of the IEA's Industry Advisory Board (IAB) involving representatives of U.S. Reporting Companies, the IEA's Secretariat, and staffs of the concerned U.S. Government agencies.

The Plan of Action was essentially finalized at a meeting of Subcommittee C, held in White Plains, New York, on April 2, 1987, and at a subsequent meeting of the IAB in Paris on June 9, 1987. The final draft of the Plan of Action was considered by U.S. Voluntary Agreement participants at a meeting of the IEA Group of Reporting Companies held at the Department of State on July 29, 1987. At that meeting some concerns were voiced that the Plan of Action was less flexible than might be desired in order to facilitate oil company implementation; in particular, the recordmaking and recordkeeping provisions were perceived as burdensome, and questions were raised as to the operational effects of omitting Plan of Action coverage for so-called "Type 1 activities" (discussed below). Nonetheless, at the conclusion of the meeting the IEA Secretariat advised the Department of Energy that, on balance, the Group of Reporting Companies favored proceeding with adoption of this Plan of Action.

II. Agenda for the Hearing

A DOE official will be designated to preside at the hearing, and representatives of the Departments of Justice and State and the Federal Trade Commission also will serve on the hearing panel. The following is the agenda for the hearing:

1. Description of the Plan of Action.
2. Responses to questions from attendees.
3. Oral presentations by attendees.

For more details concerning the hearing procedures, see Section V of this Notice.

III. Discussion of the Plan of Action

Section 6(a) of the existing Voluntary Agreement authorizes the participating oil companies, during an "international energy supply emergency," to "take such actions as may be necessary or appropriate to implement emergency allocation programs of the IEA," including certain specified actions. The Plan of Action which appears below at Appendix 1, if adopted, would replace paragraph (B) of section 6(a), which specifies as one type of action the participating companies are authorized to engage in, "Arrangements among the participants for the purchase, loan, sale, or exchange of petroleum by and among themselves, or with other persons or entities."

Because of the length and complexity of the Plan of Action, it would be placed in an appendix (Appendix B) to the Voluntary Agreement, and incorporated by reference into the Voluntary Agreement. All of the remaining provisions of the Voluntary Agreement would apply to the Plan of Action as though its full text physically were within the Voluntary Agreement, including the Voluntary Agreement's section 6 provisions for carrying out the Plan of Action only following a Presidential determination that there exists an "international energy supply emergency."

The Plan of Action consists of ten sections and two annexes; in addition to the Plan of Action *per se*, there are several implementing amendments to the Voluntary Agreement. Much of the Plan of Action is devoted to describing the IEA Emergency Sharing System which the participating oil companies would help carry out, in the event that the Sharing System were active during an emergency; certain other provisions deal with administrative arrangements.

There are three key sections of the Plan of Action. In terms of conveying legal protection to the companies for their participation in the IEA System, the most significant provisions are in Section 5, "Specification of Substantive Actions," and Section 6, "Confidential or Proprietary Information Which May Be Communicated by or to Voluntary Agreement Participants and Their Employees," each as limited by a provision in Section 2.2 which excludes from the Plan of Action all so-called "Type 1 activities" (explained below). The third key section is Section 8, "Requirements for Recordkeeping, Reporting and Monitoring."

1. Coverage of the Plan of Action

Section 252(f) of the EPCA makes available a limited defense to a legal action brought under the antitrust laws, in respect to actions taken to carry out a properly approved plan of action, unless such actions to carry out the plan of action were taken "for the purpose of injuring competition."[1] However, this defense is available "only if the person asserting the defense demonstrates that the actions were specified in, or within the reasonable contemplation of, an approved plan of action." And as noted above, section 252(d)(3) conditions the Government's approval of any plan of action on its describing with specificity the substantive actions which may be taken under it. The function of Section 5, therefore, is to specify the substantive actions which may be taken under the Plan of Action by participating U.S. Reporting Companies and those of their affiliates which participate in the Voluntary Agreement, inclusive of activities undertaken through the IAB or in the Industry Supply Advisory Group (ISAG), which is comprised of industry technical experts who would advise the IEA Secretariat in Paris on oil allocation during an emergency.

The function of Section 6 is to specify what types of confidential or proprietary information or data may be communicated, either in writing or orally, when the Voluntary Agreement participants take substantive actions that are covered by the Plan of Action. This section is based on similar provisions that have been used in U.S. Government approval letters for IEA Allocation Systems Tests. *See, e.g.*, 50 FR 41383 (October 10, 1985).

2. Exclusions From the Plan of Action

The coverage provided by Sections 5 and 6 is, however, subject to certain express exclusions. A question which has received considerable attention in the development of the new Plan of Action is whether there should be antitrust protection for the communication by participating U.S. oil companies to the IEA's Emergency Management Organization (EMO), consisting of the ISAG and the Secretariat, of transactional oil price information. Section 5.5 specifically excludes such oil price communications from the Plan of Action, with certain very narrow exceptions for special functions of the IEA Secretariat. In addition, Section 6.15 excludes from Plan of Action coverage, the communication of confidential or proprietary information or data concerning company oil costs, market shares, or long-term programs for investment, divestment, refining, operating, transportation or marketing.

Another important exclusion from the Plan of Action, alluded to above, is contained in Section 2.2: "Notwithstanding any other provision of this Plan of Action, specifically excluded from this Plan of Action are all Type 1 activities." Simply stated, "Type 1 activities" are those oil supply transactions and related activities which oil companies would undertake voluntarily and independently of the EMO and of the IEP Emergency Sharing System procedures for EMO approval of proposed oil transactions ("voluntary offers"). "Type 2 activities," in contrast, involve the submission of proposed "voluntary offers" to the EMO for review by the ISAG and IEA Secretariat, and Type 2 supply transactions are not to be implemented unless and until they have been approved by the EMO.[2] And until the recent adoption by the IEA Governing Board of a proposal described below, the Emergency Sharing System was structured so that the "voluntary offers" could not be submitted to the EMO by participating oil companies until roughly mid-way through each monthly allocation cycle, when each IEA member country's exact oil allocation right or allocation obligation under the Sharing System formula would be known.

The question of antitrust and breach of contract protection for Type 1 activities has been the most controversial issue raised during preparation of the Plan of Action. The issue gained prominence after the IEA's Second Allocation Systems Test (AST-2) in 1978, as the participating U.S. oil companies observed increasing EMO emphasis on the use of Type 1 transactions within the IEP Emergency Sharing System, and in that connection on the role of the IEA Secretariat and the ISAG in exhorting Reporting Companies to redirect oil to countries thought likely to have rights to receive it under the IEP Sharing System's formula. Over time, the U.S. Reporting Companies became more worried that efforts of the Secretariat or the ISAG to influence their Type 1 transactions could expose the companies to antitrust risks like those arising from their Type 2 transactions, which it is generally recognized need antitrust protection. Because the IEP Emergency Sharing System depends upon the voluntary participation of oil companies, which was being thrown into doubt by Type 1 legal risks, in 1984 the Department of Energy, with the concurrence of the Department of Justice, began to explore with the IEA Secretariat and the U.S. Reporting Companies whether it was possible to develop some selective form of Type 1 coverage; that is, whether a narrowly constructed, carefully monitored Type 1 coverage could be developed in the Plan of Action which would allay the concerns of the companies and facilitate the operation of the Sharing System, without overextending antitrust and breach of contract protections to normal commercial transactions that might have occurred without regard to IEA oil allocation.

In 1985, however, while these efforts were under way, apprehension developed on the part of the General Accounting Office and in the Congress that overly broad Type 1 Plan of Action coverage might ultimately be allowed. As a result, in the course of enacting legislation to extend the EPCA, the Congress added a new subsection (m) to section 252. Under this provision, any Plan of Action which made the section 252 defenses available to Type 1 activities would have to be submitted to Congress under a prescribed Congressional review procedure, in order for the Type 1 coverage to be

[1] The contract breach defense under section 252(j) applies where the breach was caused "predominantly by action . . . to carry out" a plan of action.

[2] There also is a category of "Type 3 activities," involving government-mandated supply actions, as a last resort if the voluntary system fails.

valid. Pub. L. No. 99–58, section 105 (July 2, 1985).

Although consideration of proposals for Type 1 coverage in the Plan of Action subsequently resumed, what now has made possible the completion of a Plan of Action which excludes Type 1 coverage, is a significant innovation in the IEP Emergency Sharing System with respect to *Type 2* activities. On November 6, 1986, the IEA Governing Board adopted a proposal of the IEA Secretariat which was designed to enhance the operational effectiveness of the IEP Emergency Sharing System, and which had corollary benefits for the potential development of a Plan of Action satisfactory to the U.S. Government, the IEA Secretariat, and the U.S. oil companies participating in the Voluntary Agreement.

The operational problem with which the proposal was meant to deal, was that the current oil allocation system as well as the voluntary offer procedure were established more than ten years previous, at a time when a relatively small number of large, integrated oil companies accounted for a greater share of the world oil market than today and when long-haul crude oils traded via long-term contracts were still the main element in the markets. At that time, it was believed that decisions to eliminate or reduce supply imbalances among IEA member countries through redirection of floating crude oil cargoes could be made without undue haste in view of the long travelling times and the small number of main players. But the increased importance since then of short-haul oil cargoes and of spot crude oil and refined product transactions has changed this situation, and now necessitates a faster responding decision process. Furthermore, technical improvements (*e.g.*, current computing capabilities) permit a more flexible EMO operating approach than was considered possible ten years before.

The Secretariat's proposal, known as the "Wider Window" concept, dealt exclusively with the so-called "closed-loop" form of Type 2 voluntary offers—*i.e.*, with proposed international supply transactions that already have been worked out with a prospective trading partner, either within the same international oil company or with an independent company. This is in contradistinction to an "open-loop" type of voluntary offer, which is a firm's proposal to either supply oil to or receive oil from another country, without predesignation of a trading partner, so that its offer may be matched up with a proposed trading partner by the EMO. Under the "Wider Window" proposal, as adopted by the Governing Board, "closed-loop voluntary offers" could be submitted to the ISAG or the IEA Secretariat at any time during an allocation cycle, not just at specified times, as in the case of "open-loop" voluntary offers. Moreover, the Secretariat and the ISAG, on an expedited basis (within a period of no more than 48 hours after receipt of the "closed-loop" voluntary offer), are to process each proposed Type 2 transaction and notify the proposing company or companies of the EMO's approval, disapproval, or determination that there is insufficient information to act upon a voluntary offer.

In adopting the IEA Secretariat's proposal, the IEA Governing Board requested the Secretariat to prepare draft implementing amendments to the IEA Emergency Management Manual (EMM), an IEA-classified document which codifies Governing Board decisions on the operation of the IEP Emergency Sharing System. In the interim, the Governing Board agreed to apply these Emergency Sharing System modifications on a provisional basis, in order to enable the U.S. Government to proceed with a Plan of Action which takes them into account.

The Plan of Action which appears below reflects the IEA's adoption of the "Wider Window" concept. By allowing Type 2 activities to occur at any time during a monthly allocation cycle, it gives the participating companies a means to avoid the antitrust risks previously associated with Type 1 activities.

At the July 29 meeting of the Group of Reporting Companies, some concern was expressed that disallowance of coverage for Type 1 activities, combined with adoption of the "Wider Window" approach, could result in overloading the Emergency Sharing System with "closed-loop voluntary offers," beyond the capacity of the EMO to process them. We are not convinced that this is a serious risk, but would give consideration to further comments on the issue.

3. Recordkeeping, Reporting and Monitoring

In order to enjoy the benefits of the legal defenses contained in Section 252, a participating oil company must comply with the conditions of this Plan of Action applicable to it. Section 8 of the Plan of Action, "Requirements for Recordkeeping, Reporting and Monitoring," imposes such conditions. It is basically through this section that there is to be established and maintained the "full and complete record of any meeting held," and of "any communication (other than in a meeting) made, between or among participants or potential participants," which is required by EPCA section 252(c)(3), and by regulations of the Departments of Energy and Justice at 10 CFR Parts 209 and 28 CFR Part 56, respectively.

Provisions for recordkeeping, reporting and monitoring have been included in the U.S. Government's approval letters for each of the IEA's five Allocation Systems Tests (ASTs). *See e.g.*, 50 FR 41383 (October 10, 1985). These AST approval letters, which gradually have been improved and clarified over the years, were used as a starting point in the preparation of Section 8. As Section 8 was developed, all parties concerned were conscious of the desirability of simplifying and clarifying its provisions, and of removing burdens on industry to the maximum extent possible consistent with the Government's antitrust responsibilities. Extensive drafting efforts repeatedly have been made toward that end.

Nonetheless, it is recognized that the recordmaking and recordkeeping provisions of the Plan of Action are complex. While most of the issues raised by these requirements already have been the subject of substantial discussion, the Government will remain receptive, following adoption of a new Plan of Action, to any suggestions for lightening or simplifying them in a manner consistent with the Government's responsibilities under the EPCA and the antitrust laws. It should be noted that the provisions at Annex I to the draft Plan of Action, for the disposition and retention of "computer documents", are of more recent origin and are considered to be tentative in nature. As the Annex explains, it is intended that these provisions be tested in the IEA's next Allocation Systems Test, AST–6, presently scheduled for late 1988, in order to evaluate whether companies are capable of complying with these requirements without undue burden.

IV. U.S. Government Approval of the Plan of Action

Section 252(d) of the Energy Policy and Conservation Act provides that before a plan of action which has been approved by the U.S. Voluntary Agreement participants can be made effective, it must be approved by the Attorney General, after consultation with the Federal Trade Commission, which is required to publish in the **Federal Register** its views as to whether the plan of action should be approved. Section 6(c)(1) of the existing Voluntary

Agreement further requires that the Secretary of Energy approve a plan of action, before it may be carried out. After considering public comments received in response to this Notice, the staffs of the concerned government agencies will then be prepared to address the question of recommending, in accordance with these procedures, official Government approval of the Plan of Action.

As indicated above, section 252(m)(1) of the EPCA, added in 1985, provides with respect to a new plan of action that only after the Congressional review prescribed in that subsection shall the section 252 antitrust and breach of contract defenses be applicable to Type 1 activities. Even though the Plan of Action which we publish today at Appendix 1 to this notice does not provide for the kind of so-called "Type 1" coverage which as a legal matter would necessitate submission to Congress, under prescribed procedures for Congressional review, we nonetheless would expect to transmit a copy of the Plan of Action to Congress.

Following approval by the Secretary of Energy and the Attorney General, after he has consulted with the Federal Trade Commission, the "Second Plan of Action to Implement the International Energy Program" would go into effect only if the President finds that an "international energy supply emergency" exists. EPCA section 252(k)(1) defines this term as meaning a period when the President determines that oil allocation to IEA countries is required by the IEP.

V. Comment Procedures

A. Written Comments

You are invited to submit your comments on the draft Plan of Action set forth in the appendix to this Notice and, in addition, your views on whether it should be approved by the U.S. Government. Comments should be in writing, identified on the outside envelope and on the documents submitted with the designation "Second Plan of Action to Implement the International Energy Program." Comments should be submitted by the date indicated in the **"DATES"** section of this Notice and to the address indicated in the **"ADDRESSES"** section. Ten copies should be submitted. Any information or data submitted and which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination. We will consider all comments received by September 21, 1987.

B. Public Hearing

The time and place for the public hearing are indicated in the **"DATES"** section of this Notice. You may make an oral or written request to make an oral presentation at the hearing. Such requests must be submitted to the individual whose name appears in the **"ADDRESSES"** section by the date indicated in the **"DATES"** section. Persons scheduled to speak at the hearing must bring 25 copies of their statement to the hearing room on the date of the hearing.

We reserve the right to schedule the oral presentations, to assure that proposed presentations are sufficiently relevant to the subject of the hearing, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. Each person who has made an oral statement will be given the opportunity, if he or she desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may ask questions of any U.S. Government official participating in the hearing or of any person making a statement at the hearing. Although oral questions will be permitted, we request that questions be submitted in writing to the presiding officer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made, and we will retain the entire record of the hearing, including the transcript, which will be made available for inspection at the DOE Freedom of Information Reading Room, Room lE-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of the hearing from the reporter.

Issued in Washington, DC, August 14, 1987.

J. Michael Farrell,

General Counsel.

Appendix 1—Second Plan of Action to Implement the International Energy Program

1.0 Definitions

For purposes of this Plan of Action:

"Allocation site" means that space in IEA headquarters or elsewhere designated by the Allocation Coordinator as the area in which the Emergency Management Organization shall conduct its operations.

"Communication" means any written or unwritten disclosure, provision or exchange of information or data relating to the carrying out of this Plan of Action.

"Confidential or proprietary information or data" means information or data relating to an oil company or group of oil companies that: (A) May tend to cause harm to competition or to the competitive position of that company or group if disclosed and (B) customarily (i) is not disclosed by that company or group to other persons or (ii) is disclosed to other persons pursuant to a restriction on further disclosure of such information or data.

"Document" means any material substance containing information or data relating to the carrying out of this Plan of Action, including "computer documents" (as defined in Annex I hereto) but excluding voice recordings.

"Emergency Management Organization" means any or all of the functional offices or groups at the allocation site which will supervise IEA oil allocation, and includes the Standing Group on Emergency Questions, the Standing Group on Emergency Questions Emergency Group, the Allocation Coordinator and his team, various task forces of the IEA Secretariat, the Industry Advisory Board, including its subcommittees, and the Industry Supply Advisory Group.

"EMM" means the Emergency Management Manual approved by the IEA Governing Board and issued by the IEA, as in effect during an international energy supply emergency.

"Employee" means any employee or director of a Voluntary Agreement participant. A person serving on the Industry Supply Advisory Group who is an employee or director of an affiliate of a Voluntary Agreement participant shall be deemed an employee of such participant without regard to whether such affiliate is covered pursuant to section 9(b)(3) of the Voluntary Agreement.

"IEA oil allocation" means international allocation of petroleum activated and taking place in accordance with Chapters III, IV and the Special Section of Chapter V of the IEP, as in effect during an international energy supply emergency.

"ISOM" means the Industry Supply Advisory Group/IEA Secretariat Operations Manual describing activities of the Industry Supply Advisory Group

and the IEA Secretariat during a period when the IEA Secretariat and the Industry Supply Advisory Group are assisting the Allocation Coordinator in IEA oil allocation.

"Questionnaire A" means the monthly data submission by a Reporting Company to the IEA Secretariat, which provides for the current month, the two prior months and the two following months, specified data on imports by country of origin, exports by country of destination, indigenous production, bunkers, stocks at sea and inventories to, from or in the IEA countries as prescribed in the EMM and denominated therein as "Questionnaire A".

"Questionnaire B" means the monthly data submission by the National Emergency Sharing Organization ("NESO") or other governmental agency of an IEA country to the IEA Secretariat which provides for the current month, the two prior months and the two following months, specified data on imports by country of origin, exports by country of destination, indigenous production, bunkers, stocks at sea and inventories for all oil companies engaged in such activities in the country concerned, as prescribed in the EMM and denominated therein as "Questionnaire B".

"Type 1 activities" means those communications and other actions of Reporting Companies and their affiliates, and of Non-Reporting Companies, defined or described as "Type 1" activities in the EMM. They include activities of such companies to rearrange their supply systems in response to the emergency situation, including sale or exchange transactions with or by affiliated or non-affiliated companies, undertaken voluntarily and independently of the Emergency Management Organization and of the voluntary offer procedures set forth in the EMM. In undertaking these activities, such companies may take into account information on IEA countries' allocation rights and allocation obligations.

"Type 2 activities" means those communications and other actions of Reporting Companies and their affiliates, and of Non-Reporting Companies, defined or described as "Type 2" activities in the EMM. They also include submission of data to NESOs or other governmental agencies of IEA countries and to the IEA Secretariat; communication with NESOs, the Emergency Management Organization, or other Reporting or Non-Reporting Companies in connection with the making of voluntary offers to reallocate or redirect oil supplies in accordance with the procedures set forth in the EMM; and implementation of voluntary offers which have been approved by the Allocation Coordinator ("Type 2 transactions"). Type 2 activities do not include the implementation of oil supply arrangements other than those for which voluntary offers have been approved by the Allocation Coordinator.

"Type 3 activities" means those communications and other actions of Reporting Companies and their affiliates, and of Non-Reporting Companies, defined or described as "Type 3" activities in the EMM. Generally, these will include all actions to implement IEA oil allocation mandated by governments of IEA countries ("Type 3 transactions").

"Voluntary Agreement" means the "Voluntary Agreement and Plan of Action to Implement the International Energy Program" as amended or modified (to which this Plan of Action is Appendix B).

"Voluntary Agreement participant" means an oil company whose participation in the Voluntary Agreement has been approved pursuant to section 9(b)(1) thereof, and also any affiliate of that oil company covered, pursuant to section 9(b)(3) of the Voluntary Agreement, through the approval of that oil company.

See section 3 of the Voluntary Agreement for additional definitions.

2.0 Scope of This Plan of Action

2.1 This Plan of Action describes and specifies substantive actions of Voluntary Agreement participants and their employees in advising and assisting the IEA in implementing oil allocation during an international energy supply emergency. Actions taken to carry out this Plan of Action are entitled to the antitrust defense accorded under section 252(f) of EPCA provided that the person taking them has complied with the applicable requirements of section 252 of EPCA, the regulations implementing section 252 of EPCA, the Voluntary Agreement, and the conditions of this Plan of Action applicable to such person.

2.2 *Exclusion.* Notwithstanding any other provision of this Plan of Action, specifically excluded from this Plan of Action are all Type 1 activities.

3.0 Description of Entities Involved

This section describes the entities presently expected to participate in IEA oil allocation during an international energy supply emergency.

3.1 The Standing Group on Emergency Questions ("SEQ"), composed of representatives of IEA countries, carries out functions assigned to it in the IEP, and any other function delegated to it by the IEA Governing Board. The SEQ Emergency Group ("SEQ–EG") is an IEA body reporting to the IEA Governing Board, composed of representatives from each IEA country, which is convened during the period of IEA oil allocation. The SEQ–EG is responsible for ensuring intergovernmental agreement or consensus as regards decisions taken in implementation of the IEP during an emergency; it also is responsible for maintaining communications between the IEA and IEA countries on matters of emergency policy or problems.

3.2 The Allocation Coordinator is the Executive Director of the IEA. The Allocation Coordinator is assisted by a small team and may designate one or more members of this team to act on his behalf on particular matters. The Allocation Coordinator and his team will be responsible to the SEQ–EG for the supervision and direction of IEA oil allocation. This responsibility will include reviewing and approving proposed allocation actions, coordinating with the SEQ–EG on policy guidance and on problems, and ensuring that the implementation of allocation is consistent with the principles and objectives of the IEP and the EMM. The Allocation Coordinator is responsible for approving for implementation those voluntary offers he deems most suitable in the circumstances.

3.3 The IEA Secretariat, consisting of the Executive Director and the staff, will be organized as appropriate to deal with various aspects of IEA oil allocation.

3.4 NESOs are governmental organizations in each IEA country which will be responsible for national oil reallocation, other national energy emergency measures, and liaison with the IEA on matters of international oil allocation in an emergency. They may at times include oil company personnel.

3.5 The Industry Supply Advisory Group ("ISAG") is an *ad hoc* group of the Industry Advisory Board made up of employees of Reporting Companies or their affiliates (including Voluntary Agreement participants), which is responsible to the IEA. The ISAG will serve as an advisory group to the Allocation Coordinator during IEA oil allocation. It is composed of oil company supply, logistics, maritime and other experts and includes an ISAG Manager, a Deputy Manager and the heads and members of the following subgroups:

(A) The Supply Coordination Group, each of whose members is assigned to communicate with and process the

material received from a specified number of Reporting Companies. A Supply Coordination Group member will not serve as liaison with his own Voluntary Agreement participant employer unless the Allocation Coordinator determines otherwise for reasons of efficiency.

(B) The Country Supply Group, each of whose members is assigned, together with a member of one of the Secretariat's task forces, to communicate with and process the material received from a specified number of IEA country NESOs.

(C) The Supply Analysis Group, which assists the analytical efforts of the Supply Coordination Group and the Country Supply Group as assigned, and is responsible for all other ISAG analytical work on supply reallocation problems or potential problems identified in the course of the supply emergency.

3.6 The Reporting Companies are a group of oil companies which have consented to be so designated by the IEA, including all oil companies whose participation in the Voluntary Agreement has been approved pursuant to section 9(b)(1) thereof (but excluding their affiliates). During each monthly cycle the Reporting Companies are responsible for the submission of appropriate Questionnaires A to the IEA Secretariat, and they carry out Type 1, Type 2 and Type 3 activities.

3.7 The Non-Reporting Companies are firms which are not Voluntary Agreement participants or other Reporting Companies, or affiliates thereof, which may submit data comparable to that reported on Questionnaire A, and may make voluntary offers to redirect petroleum supplies. These submissions and offers are made to NESOs but not to the IEA Secretariat directly.

3.8 The Industry Advisory Board together with its subcommittees ("IAB"), whose members are drawn from the group of Reporting Companies, has been established by the IEA to provide advice and consultation on emergency oil sharing and related questions. When IEA oil allocation is activated the IAB may be consulted on specific oil sharing and related questions by the Allocation Coordinator and his team and by the ISAG, as described in section 4.9. It also may be consulted from time to time by the ISAG Manager on ISAG organizational, administrative and personnel matters.

4.0 Description of IEA Oil Allocation

IEA oil allocation generally is governed by a cycle of scheduled activities set by the Allocation Coordinator, based principally upon the calculation of IEA countries' allocation rights and allocation obligations monthly or at changed intervals as necessary. While normal commercial activities of the Reporting Companies and Non-Reporting Companies, both within countries and in international trading, will go forward and change throughout the allocation cycle in response to changing circumstances, the actions of Reporting Companies and of the ISAG which are described in this Plan of Action are guided by this cycle as to both timing and type of activity undertaken. Unless circumstances require modification by the Allocation Coordinator, the timetable governing operations typically would be in accordance with sections 4.1 through 4.10. However, in the case of IEA oil allocation carried out pursuant to Article 17 of the IEP (a "selective trigger"), the SEQ–EG would be convened to discuss with the Allocation Coordinator, in consultation with the IAB, the most suitable means to fulfill IEA countries' allocation rights and allocation obligations and in this context whether a partial or full application of the general procedures for allocation implementation is required; thus some modifications in the activities described in this Plan of Action may be necessary in connection with a selective trigger.

4.1 As soon as a trigger finding to activate IEA oil allocation has been made, the IEA Secretariat or the ISAG or both will notify Reporting Companies of the finding and of the need to consider rearranging supply programs. The IEA Secretariat or the ISAG also may provide preliminary calculations of IEA countries' supply rights and advice as to the general direction of reallocation likely to be required. Based on this information, the Reporting Companies, their affiliates, and Non-Reporting Companies will ascertain whether their supplies can be reallocated in order to assist in the reallocation process, through "closed-loop" voluntary offers (*i.e.*, proposed transactions with affiliates or with other oil companies or NESOs) to divert quantities of oil from a specified country to another specified country. Commencing with the finding, and possibly prior to the submission and processing of Questionnaires A and B described in sections 4.2 and 4.3, and continuing throughout each allocation cycle, Reporting Companies and Non-Reporting Companies, on their own initiative or upon the request of the Emergency Management Organization, may submit to the IEA Secretariat or to the ISAG "closed-loop" voluntary offers. The IEA Secretariat or the ISAG, on an expedited basis (within a period of no more than forty-eight hours after receipt of the offer), will process "closed-loop" voluntary offers as described in sections 4.6 and 4.7, and the IEA Secretariat or the ISAG will notify the appropriate Reporting Companies and NESOs of the Allocation Coordinator's approval or disapproval, or determination of insufficient information to act upon, such voluntary offers.

4.2 Reporting Companies will submit Questionnaires A to the IEA Secretariat after the beginning of each allocation cycle; Questionnaire A submissions may be made before the trigger finding upon the request of the Executive Director of the IEA and, in the case of a Voluntary Agreement participant, pursuant to approval under section 5 of the Voluntary Agreement. At the same time, they or their affiliates in IEA countries will submit to their NESOs or other governmental agencies similar information or data on operations in those countries. These data will be incorporated, along with aggregate information with respect to domestic Non-Reporting Companies, in Questionnaires B which will be submitted to the IEA Secretariat by IEA countries.

4.3 The ISAG, but mainly the Supply Coordination Group, with its counterparts from the IEA Secretariat, will analyze Questionnaires A for errors, and ISAG, but mainly the Country Supply Group, with its counterparts from the IEA Secretariat, will do the same with Questionnaires B. Possible errors in the questionnaires, as well as discrepancies between Questionnaires A and B, then will be discussed with the appropriate Reporting Companies and NESOs.

4.4 The questionnaire data will be processed by the IEA Secretariat to obtain the supply right, and the allocation right or allocation obligation, of each IEA country for the allocation cycle, taking into account adjustments provided for in the EMM. The resulting allocation rights and allocation obligations together with the total supplies of crude oils and crude oil equivalents, by country of origin, for each IEA country are available to the Allocation Coordinator, the IEA Secretariat, the SEQ–EG and the ISAG, and are transmitted to NESOs and Reporting Companies and through NESOs to Non-Reporting Companies. The ISAG or the IEA Secretariat or both also may provide to Reporting Companies and NESOs, preliminary indications of the effect of the supply disruption on individual IEA countries,

and other general comments and calculations as to the general type and direction of voluntary offers needed to balance allocation rights and allocation obligations.

4.5 Based on the information or data received from the ISAG or the IEA Secretariat as described in Sections 4.1 and 4.4, each Reporting Company, each of its affiliates, and each Non-Reporting Company may ascertain whether its supplies can be reallocated or further reallocated in order to assist in balancing allocation rights and allocation obligations. Each of them may further explore with non-affiliated companies whether this result can be accomplished through sale or exchange with those companies. A Reporting Company may notify the ISAG of its potential voluntarily to meet IEA countries' allocation rights or allocation obligations, and may submit to the ISAG a number of voluntary offers to reallocate supplies. These may be "open-loop" voluntary offers ("open-supply" voluntary offers to supply a quantity of petroleum to any destination recommended by ISAG or chosen by the Allocation Coordinator or "open-receive" voluntary offers to receive oil from any available source). They also may be additional "closed-loop" voluntary offers, as described in Section 4.1. ISAG may solicit such "open-loop" voluntary offers and additional "closed-loop" voluntary offers, and NESOs will seek to develop such voluntary offers from Non-Reporting Companies in their jurisdiction and submit them to the ISAG.

4.6 The ISAG, but mainly the Supply Coordination Group, or the IEA Secretariat, or both, will analyze all of the voluntary offers received from Reporting Companies, and may contact the Reporting Companies for clarification of details, to suggest possible modifications, or to explore the possibility of additional voluntary offers. The ISAG and its Country Supply Group and its IEA Secretariat counterparts will do the same for voluntary offers to be submitted by NESOs.

4.7 In accordance with criteria set forth in Sections 5.3(I) and 5.3(J), ISAG and IEA Secretariat personnel will undertake a balancing of allocation rights and allocation obligations, including a matching of "open-supply" and "open-receive" voluntary offers and an examination of "closed-loop" voluntary offers for suitability, for the periods covered under the current allocation cycle, for future allocation cycles where applicable, and to fulfill unsatisfied allocation rights or allocation obligations from prior allocation cycles.

4.8 In addition to notifying the appropriate Reporting Companies and NESOs of the Allocation Coordinator's action with respect to "closed-loop" voluntary offers, as described in Section 4.1, ISAG and the IEA Secretariat also will notify the appropriate Reporting Companies and NESOs of all "open-loop" voluntary offers matched or approved by the Allocation Coordinator. The notified entities will advise whether they are implementing approved "open-loop" and "closed-loop" Type 2 transactions. If appropriate, the Reporting Companies and NESOs also will confirm whether they have been able to develop any additional voluntary offers previously suggested to them by ISAG or the IEA Secretariat. All these results are to be reported by ISAG to the Allocation Coordinator, who in turn may report the information to the SEQ–EG.

4.9 If substantial unfulfilled allocation rights and allocation obligations remain among IEA countries, the SEQ–EG may request the ISAG and Allocation Coordinator to consult with the IAB, and with others, on ways to elicit further voluntary offers to balance these allocation rights and allocation obligations. If the imbalances remain after subsequent efforts by ISAG to implement the advice agreed on by the Allocation Coordinator and the IAB, and cannot be resolved on a voluntary basis, the Allocation Coordinator will so inform the SEQ–EG.

4.10 The SEQ–EG then will undertake intergovernmental consultation and, after contacts by the Allocation Coordinator or his team with the Reporting Companies concerned, will determine whether corrective measures should be taken under the IEP by IEA country governments. As a last resort IEA countries having jurisdiction over the Reporting Companies and Non-Reporting Companies may order them to carry out Type 3 activities.

5.0 Specification of Substantive Action

5.1 *Voluntary Agreement Participants.* Except as otherwise provided in this Plan of Action, the following substantive actions of a Voluntary Agreement participant and its employees are specified in this Plan of Action:

(A) Preliminary communications with the Emergency Management Organization to ensure that communication channels are working and to discuss schedules for submission of Questionnaires A and of other information required for IEA oil allocation.

(B) Preparation and submission to the IEA Secretariat of Questionnaires A, and subsequent discussion with ISAG or the IEA Secretariat of these and of other relevant information reasonably required to confirm Questionnaire A data, including provision of amplifying or collateral information.

(C) The receipt of preliminary calculations of IEA countries' supply rights and allocation rights and allocation obligations, of final supply rights and allocation rights and allocation obligations, of comments originated by the ISAG or the IEA Secretariat on the general type and direction of voluntary offers needed to balance preliminary or final allocation rights and allocation obligations, and of other information, data or suggestions regarding the development or modification of voluntary offers as described in Sections 4.1, 4.4, 4.5, 4.6 and 4.8; communications and other actions to develop voluntary offers to supply or receive petroleum; and the submission, to the ISAG or the IEA Secretariat, at any time during an allocation cycle, of "closed-loop" voluntary offers and, at specified times, of "open-loop" voluntary offers. The voluntary offers may consist of sales or exchanges with other companies as well as intracompany and interaffiliate movements.

(D) Communications with other Reporting Companies or their affiliates or with Non-Reporting Companies, or with the ISAG, the IEA Secretariat, or NESOs, following receipt of preliminary or final allocation rights and allocation obligations or of other information or data as described in Sections 4.1 and 4.4, and other actions to develop or modify voluntary offers for the current allocation cycle, or for a future cycle where applicable, even if a voluntary offer cannot be agreed on by the parties or subsequently is not approved by the Allocation Coordinator.

(E) Discussion with ISAG or the IEA Secretariat to clarify aspects of a voluntary offer submitted, to consider possible modification of a voluntary offer which is seen as needed by ISAG to balance supplies among IEA countries more effectively, or to explore and identify possible additional voluntary offers.

(F) The receipt of notification by ISAG or the IEA Secretariat regarding the Allocation Coordinator's approval, disapproval, or determination of insufficient information to act upon, "closed-loop" voluntary offers, and matching or approval of certain "open-loop" voluntary offers, and any

communications and other actions to implement any Type 2 transaction.

(G) Communications with ISAG or the IEA Secretariat to report that Type 2 transactions are or are not being implemented and to confirm whether it has been possible to develop any additional voluntary offers previously suggested by ISAG or the IEA Secretariat.

(H) Any other communications or other actions taken to develop or implement Type 2 activities.

(I) Consultations with the SEQ–EG, interested NESOs and Reporting Companies about possible or actual mandatory shipments of petroleum to implement IEA oil allocation, and communications and other actions regarding the development or implementation of Type 3 activities.

(J) Communications with ISAG or the IEA Secretariat dealing with study or appraisal of the allocation cycle.

(K) Communications with the Allocation Coordinator in connection with his giving advice in a price dispute arising out of a Type 2 or Type 3 transaction specified in this Section 5.1.

(L) Any other communications or other actions as may be necessary or appropriate to the carrying out of international emergency allocation as described in Section 4, elsewhere in this Section 5.1, and Sections 5.2 and 5.3.

(M) The unsolicited receipt of any information or data not specified in this Plan of Action. However, if the information or data is confidential or proprietary, prompt written notice of such receipt must be given to the Department of Justice and the Federal Trade Commission, and the recipient of such information or data shall not provide it to his company or to any other person, except as necessary in connection with providing written notice of such receipt to the Department of Justice and the Federal Trade Commission.

5.2 *IAB Members.* Except as otherwise provided in this Plan of Action, the following substantive actions of a Voluntary Agreement participant member of the IAB and its employees are specified in this Plan of Action:

(A) Participation in meetings of the IAB or in communications with the SEQ–EG or other bodies of the IEA, the Allocation Coordinator, ISAG representatives or the IEA Secretariat, to develop and transmit advice on the substantive issues set forth in Section 4.9 or on other issues on which the IAB may be consulted pursuant to Article 19.7 of the IEP.

(B) Participation in communications with the ISAG concerning ISAG organizational, administrative or personnel matters.

(C) The unsolicited receipt of any information or data not specified in this Plan of Action. However, if the information or data is confidential or proprietary, prompt written notice of such receipt must be given to the Department of Justice and the Federal Trade Commission, and the recipient of such information or data shall not provide it to his company or to any other person, except as necessary in connection with providing written notice of such receipt to the Department of Justice and the Federal Trade Commission.

It is understood that during the course of an international energy supply emergency, other meetings of the IAB, or of other industry bodies created by the IEA, may be scheduled, possibly to advise on matters unrelated to, or only marginally related to, the emergency. Such meetings are not specified in this Plan of Action. The provisions of Section 5 of the Voluntary Agreement continue to apply to them as if no emergency had occurred.

5.3 *ISAG Members.* Except as otherwise provided in this Plan of Action, the following substantive actions of a Voluntary Agreement participant's employees serving on the ISAG, and of a Voluntary Agreement participant, to the extent carried out through such employees, are specified in this Plan of Action:

(A) Communications with other offices or groups of the Emergency Management Organization, Reporting Companies and NESOs, to ensure that communication channels are working and to discuss schedules for submission of Questionnaires A or B and of other information required for IEA oil allocation, and with NESOs with respect to domestic policies, practices or issues which may affect IEA oil allocation.

(B) Receipt and analysis of Reporting Company Questionnaires A to assist in IEA oil allocation, including detection of possible errors, and subsequent communications with Reporting Companies and with NESOs to resolve them.

(C) Receipt and analysis of NESO Questionnaires B to assist in IEA oil allocation, including detection of possible errors, and subsequent communications with NESOs and Reporting Companies to resolve them.

(D) Receipt of preliminary and final allocation rights and allocation obligations and other allocation right/allocation obligation information from the IEA Secretariat, the transmission to Reporting Companies of preliminary and final allocation rights and allocation obligations and preliminary assessments of the impact of the crisis in terms of available supplies and supply rights and other information as described in Sections 4.1 and 4.4; and analytical discussions within ISAG and with Reporting Companies or NESOs, as well as study of ISAG work formats as required, in order to identify the types of actions which may be needed to correct the imbalances in available supplies among IEA countries.

(E) Communications with Reporting Companies or NESOs and with the IEA Secretariat on formulations of voluntary offers; the receipt and analysis of voluntary offers, and discussion of them within ISAG; and follow-up communications with Reporting Companies or NESOs to clarify aspects of voluntary offers submitted, to consider possible modification of a voluntary offer which is seen as needed by ISAG to balance supplies among IEA countries more effectively, or to explore and identify possible additional voluntary offers.

(F) Analytical work to develop a country supply/demand profile for any IEA country and to study general product imbalance problems within any IEA country in order to advise the IEA Secretariat or a NESO on possible resolution of these problems. To assist this study of product imbalance problems within a country, Voluntary Agreement participant employees serving on the ISAG may receive from the government of that IEA country, or from the IEA Secretariat, data on historical supply patterns for that country, including indigenous production, imports of crude and products by country of origin, exports of crude and products to country of destination, stocks at sea and crude and product inventory profiles. Data or information with respect to regions of a country may be provided as required.

(G) Other analytical work on country or company supply plans as requested by the Allocation Coordinator, including with respect to such plans, following, analyzing and forecasting shipping tonnage availability and requirements, during the course of an emergency, in addition to communications within ISAG or with outside persons in order to develop necessary information for such shipping analyses.

(H) Coordination, under the guidance of the Allocation Coordinator, of the voluntary offers of Reporting and Non-Reporting Companies, including independent efforts to encourage the development of voluntary offers in order better to direct supplies to meet IEA calculated supply rights. Participation in

the ISAG/IEA Secretariat process of balancing allocation rights and allocation obligations of IEA countries for the periods covered in an allocation cycle, or for a future cycle where applicable, including matching available "open-supply" and "open-receive" voluntary offers and examining "closed-loop" voluntary offers for suitability.

(I) The ISAG in consultation with the IEA Secretariat will evaluate the voluntary offers by Reporting Companies and by NESOs for Non-Reporting Companies. In making its evaluation and recommendations to the Allocation Coordinator, it may be guided by technical factors including the following, in addition to specific guidance from the Allocation Coordinator:

(i) The volumes of petroleum required to balance the allocation rights and allocation obligations of individual IEA countries;

(ii) The petroleum logistics system of each country, including port facilities, storage capacity, and barge/pipeline facilities;

(iii) The specifications of the crude oil being delivered in relation to the refining capability within the country to process that oil;

(iv) Product imbalance problems in IEA countries as compared with the supply mix scheduled for these countries;

(v) Insofar as possible and consistent with Section 5.3(J), maintenance of normal supply patterns for various IEA countries and normal supply proportions between crude oil and products and among different categories of crude oil and products;

(vi) Minimization of transportation costs, for example, by avoidance to the greatest possible extent of logistical disadvantages arising from unduly long voyages; and by utilization of backhaul voyages for vessels; and

(vii) The need for priorities in considering offers, as among such voluntary offers.

If, after such an evaluation process, there remain alternative allocation possibilities for an IEA country or too many voluntary offers so that a selection must be made, such alternatives may be discussed with the relevant NESO and Reporting Companies as well as with the IEA Secretariat for the purpose of exchanging views on the choices to be made.

(J) In evaluating potential alternative actions to balance allocation rights and allocation obligations, ISAG is not to take into account the economic benefit or penalty to any Reporting Company or IEA country (but see Section 5.3(I)(vi)), or the market share of any Reporting or Non-Reporting Company in any country. National oil reallocation of available supply is solely a matter for decision by each IEA country.

(K) Notification of appropriate Reporting Companies and NESOs of the Allocation Coordinator's approval, disapproval, or determination of insufficient information to act upon, specified voluntary offers, and communications with regard to the implementation of Type 2 transactions and, if appropriate, with regard to any additional voluntary offers previously suggested to them by the ISAG or the IEA Secretariat.

(L) Participation in consultations and meetings with the IAB on specific oil sharing and related questions, as described in Section 4.9, and on ISAG organizational, administrative and personnel matters.

(M) Consultations with the SEQ–EG, interested NESOs and Reporting Companies about possible or actual mandatory shipments of petroleum to implement IEA oil allocation, and communications and other actions regarding the development or implementation of Type 3 activities.

(N) Participation in development of an ISAG appraisal of the allocation cycle.

(O) Participation in meetings of ISAG, of the ISAG Manager and Deputy Manager with subgroup heads, and of ISAG subgroups, as well as joint work sessions.

(P) Communications and other actions as contemplated in the ISOM.

(Q) Any other communications or other actions as may be necessary or appropriate to the carrying out of international emergency allocation as described in Sections 4, 5.1, 5.2 and elsewhere in this Section 5.3.

(R) The unsolicited receipt of any information or data not specified in this Plan of Action. However, if the information or data is confidential or proprietary, prompt written notice of such receipt must be given to representatives of the Department of Justice and the Federal Trade Commission at the allocation site, and such information or data shall be considered to be confidential or proprietary information or data for purposes of Section 7.1.

5.4 *Other Actions.* Such additional communications or other actions as may be needed to meet specific problems as they arise in implementing IEA oil allocation, provided that such actions are approved by the U.S. Government representatives at the allocation site or in such other manner as may be provided for pursuant to Section 10.

5.5 *Exclusion.* Except as otherwise provided in Sections 5.1 (K) and (M), 5.2(C), and 5.3(R), specifically excluded from this Plan of Action are the communication by any Voluntary Agreement participant or its employees to ISAG or the IEA Secretariat, and the communication by any Voluntary Agreement participant employee serving on ISAG to any person, of prices, credit terms, or other information effectively disclosing prices or credit terms, relating to any proposed or actual transaction.

6.0 Confidential or Proprietary Information or Data Which May Be Communicated by or to Voluntary Agreement Participants and Their Employees

The following types of information or data which may be or may reveal confidential or proprietary information or data may be communicated by or to Voluntary Agreement participants or their employees in carrying out the substantive actions specified in this Plan of Action:

6.1 Disaggregated Questionnaire A or B data submitted by Reporting Companies or NESOs, *i.e.*, data as required by the Questionnaire A and B reporting instructions specified in the EMM, and ISAG work formats derived from such data, including:

(A) indigenous production of crude oil, natural gas liquids (NGLs) and feedstock;

(B) imports and exports of crude oil, NGLs and feedstock;

(C) petroleum product imports and exports (in crude oil equivalents);

(D) international marine bunkers;

(E) Inventory levels and changes; and

(F) Stocks at sea.

6.2 Capability of a refinery to process crude oil or specific crude oils, and the capability of a pipeline, dock or terminal or other storage or transit facility to receive, store, or throughput crude oil or specific crude oils or petroleum products or specific petroleum products.

6.3 Capability of a port, installation, or waterway to receive or move vessels of various sizes and configurations.

6.4 The availability of tankers and barges, including their location, routing, size, specifications and operating characteristics.

6.5 Main characteristics of crude grades and product specifications.

6.6 Actual and estimated historical production data on crude oils and NGLs for individual countries.

6.7 Historical country supply patterns for crude oil, NGLs and petroleum products, *e.g.*, imports by

country of origin, exports to country of destination, and inventory profiles.

6.8 Specific refinery considerations that prevent acceptance or release of certain crudes, *e.g.*, the inability of a refinery to process specific types of crude oil or to make certain specialty products for which the crude oil is particularly suited; the inability of a type of crude oil to meet certain product specifications; hazards to refinery operations which processing of a particular type of crude oil might cause; or the need for a refinery to operate at a minimum throughput level.

6.9 Identification of supply logistics problems relating to certain countries or regions of countries.

6.10 Identification, without disclosure of specific costs, prices or financial information, or other underlying facts, of the existence of certain individual company considerations which would preclude or make impracticable a proposed movement of oil, involving:

(A) Commercial policy;

(B) Supply or transportation factors;

(C) Affiliate, third-party, concessional or other contractual arrangements; or

(D) Constraints relating to actions or policies of governments.

6.11 Identification of differences between the crude oil and petroleum product supply mix and demand for products in certain countries or regions of countries.

6.12 Information or data, including (as limited by Section 5.5) petroleum prices and other commercial terms, concerning: voluntary offers made by Reporting Companies or Non-Reporting Companies; or the implementation of Type 2 or Type 3 transactions.

6.13 Clarification, amplification, correction, explanation or supplementation of the types of information or data specified in Sections 6.1–6.12, provided that this Section 6.13 does not supersede any specific exclusion contained in this Plan of Action.

6.14 Such additional types of confidential or proprietary information or data as may be needed in implementing IEA oil allocation as guided by the EMM and the ISOM, (i) if a communication of such types of information or data is approved in advance by a representative of the Department of Energy, after consultations with the Departments of Justice and State and the Federal Trade Commission or (ii) if communication of such types of information or data is needed on a timely basis and receipt of such advance approval is not practicable, provided, in the latter case, that prompt written notice of such communication together with a description of the circumstances necessitating such communication without such advance approval must be given to representatives of the Departments of Energy and Justice and the Federal Trade Commission. Approval for the continued communication of such types of information or data can be terminated prospectively by a representative of the Department of Energy, after consultations with the Departments of Justice and State and the Federal Trade Commission.

6.15 *Exclusion.* Notwithstanding any other provision of this Plan of Action, specifically excluded from this Plan of Action is the communication (but see Sections 5.1(M), 5.2(C) and 5.3(R) concerning unsolicited receipt of information or data) of the following types of information or data to the extent that they are or reveal confidential or proprietary information or data:

(A) Company costs or market shares of crude oil or petroleum products (other than those which can be derived from Questionnaire A or B data); or

(B) Individual company information or data regarding overall long-term programs for investment, divestment, refining, operating, transportation or marketing.

7.0 Disposition of and Access to Confidential or Proprietary Information or Data

7.1 In no case shall an employee of a Voluntary Agreement participant provide to his company or to any other person, any confidential or proprietary information or data obtained as a consequence of his membership in the ISAG, except such information or data as is necessary to be supplied in the course of carrying out IEA oil allocation. No Voluntary Agreement participant employee serving on the ISAG may remove any documents from the IEA premises, except (when otherwise permitted by the IEA Secretariat) as authorized by the U.S. Government representatives at the allocation site or in such other manner as may be provided for pursuant to Section 10.

7.2 Each Voluntary Agreement participant shall provide to the U.S. Government one copy of its Questionnaire A submitted to the IEA Secretariat in Questionnaire A format, as distinguished from telex format, in accordance with Section 8.8(A), or in such other manner as may be provided pursuant to Section 10.

8.0 Requirements for Recordkeeping, Reporting and Monitoring

8.1. *Introduction.* Section 252 of EPCA provides that a U.S. Government representative shall be present at all meetings to carry out a plan of action and that a full and complete record (where practicable, a verbatim transcript) of such meetings shall be made. For purposes of this Plan of Action, meetings of the IAB herein specified and allocation meetings will be subject to the foregoing requirement. Section 252 also requires that a full and complete record be made of communications, including face-to-face communications other than in the context of a meeting. The following sections implement the existing U.S. recordkeeping, reporting and monitoring requirements in section 252 of EPCA, 10 CFR Part 209, and 28 CFR Part 56, and apply such requirements to meetings, communications and other actions to carry out this Plan of Action. In addition, Annex I hereto contains special rules governing disposition and retention of computer documents which apply in lieu of certain specified provisions of this Section 8, as indicated at the appropriate places herein. These requirements apply, *inter alia*, to Voluntary Agreement participants and to their employees serving on the ISAG who will be participating in the allocation activities at the allocation site. These requirements apply to actions of Covered Foreign Affiliates to the extent provided in Sections 8.6, 8.7 and 8.8, except under the circumstances described in Annex II hereto, which concern the prevention of compliance by a foreign law prohibition, in which event the alternative requirements specified in Annex II will apply. Questions concerning the removal of records from the allocation site are outside of the scope of the following sections. If experience indicates the need, the U.S. Government observers at the allocation site will have discretion to allow alternative operating procedures and recordkeeping requirements consistent with section 252 of EPCA and existing regulations thereunder.

8.2 *Definitions.* For purposes of these requirements the following additional definitions apply:

(A) "Communication" and "document" exclude:

(i) The communication or documentation of administrative, procedural, or ministerial information or data such as scheduling of meetings, personnel assignments, arranging for support services, testing of communications links, and merely

routine implementation of previously-agreed petroleum sale or exchange transactions (*e.g.*, supply and vessel slating, cargo inspection and oil loss reports, insurance, third-party financing, and the like) (but see Sections 8.8(C) (1) and (2));

(ii) Communications or documents which are subject to the attorney-client or attorney work product privileges (but see Section 8.8(C)(3)); and

(iii) Communications with or the documentation of communications with U.S. Government observers at the allocation site.

(B) "Allocation site communication" means any unwritten face-to-face communication occurring on, or telephonic communication received at or sent from, the allocation site, other than in an allocation meeting.

(C) "Off-site communication" means any unwritten face-to-face communication which does not occur on, or any telephonic communication which is neither received at nor sent from, the allocation site.

(D) "Allocation meeting" means the following group meetings held at the allocation site (with or without IEA Secretariat participation):

(i) Meetings of the entire ISAG;

(ii) Meetings of the ISAG's Country Supply, Supply Coordination or Supply Analysis subgroups; and

(iii) Meetings of the ISAG Manager or Deputy Manager and ISAG subgroup heads.

(E) "U.S. Voluntary Agreement participant" means any oil company whose participation in the Voluntary Agreement has been approved pursuant to section 9(b)(1) of the Voluntary Agreement, and also any affiliate (other than a Covered Foreign Affiliate) of that oil company that is covered pursuant to section 9(b)(3) of the Voluntary Agreement.

(F) "Covered Foreign Affiliate" means any affiliate of a U.S. Voluntary Agreement participant that has its principal place of business outside the United States, that conducts the substantial majority of its activities outside the United States, and that is covered pursuant to section 9(b)(3) of the Voluntary Agreement. A Covered Foreign Affiliate's "parent company" means the oil company approved as a Voluntary Agreement participant under section 9(b)(1) thereof, which has designated the Covered Foreign Affiliate for coverage under section 9(b)(1) thereof.

(G) "Affiliate" means: (i) Any other company that receives Voluntary Agreement coverage through the approval of the participation of the same oil company pursuant to section 9(b)(1) of the Voluntary Agreement; and (ii) except as otherwise provided below in this paragraph, any other company that is eligible to be designated for coverage by the approved oil company pursuant to section 9(b)(3). Excluded from (ii) above is any company that is eligible to be designated for coverage pursuant to Section 9(b)(3)(ii), and any company (other than a company described in section 9(b)(3)(i)) that is eligible to be designated for coverage pursuant to section 9(b)(3)(iii), which, independently of the said Voluntary Agreement participant, is an oil company as defined in section 3(a) of the Voluntary Agreement; provided, however, that this exclusion shall not apply if such oil company has its principal place of business within the United States and there is 100% ownership under section 9(b)(3)(ii). Upon the request of a Voluntary Agreement participant, the Department of Energy, with the approval of the Department of Justice, for purposes of section 8, at any time may stipulate that a company is or is not an oil company for purposes of the above exclusion, or may designate any company as an affiliate.

8.3 U.S. Government Monitoring and Recordkeeping at the Allocation Site

(A) To the extent practicable, allocation activities of ISAG members shall be conducted at the allocation site, while a U.S. Government observer is in attendance at the allocation site. A U.S. Government observer must be present throughout all allocation meetings in which a Voluntary Agreement participant employee serving on the ISAG participates, and may elect to be present during any other allocation activities in which a Voluntary Agreement participant employee serving on the ISAG participates, including communications (except communications between an individual Voluntary Agreement participant employee and his legal counsel). It is intended that U.S. Government observers will be in attendance continuously at the allocation site to monitor allocation meetings and communications by Voluntary Agreement participant employees serving on the ISAG during such regular hours as ISAG adopts, and at any extraordinary hours if given reasonable notice. Voluntary Agreement participant employees serving on the ISAG shall provide advance notice whenever they anticipate that allocation meetings or allocation site communications will occur during extraordinary hours, or that communications (other than telephonic communications during extraordinary hours) will occur outside of the allocation site.

(B) A U.S. Government observer shall be responsible for keeping a written record of each allocation meeting, and of each communication held in the presence of such observer, in which a Voluntary Agreement participant employee serving on the ISAG participates, or for ensuring that a verbatim transcript of such meeting or communication is made. Failure of the U.S. Government to maintain a full and complete written record shall not vitiate the antitrust defense accorded by section 252 of EPCA for a Voluntary Agreement participant or its employees unless such failure is due to the willful act of the Voluntary Agreement participant employee serving on the ISAG or of the Voluntary Agreement participant.

(C) Unwritten communications of Voluntary Agreement participant employees serving on the ISAG which relate to allocation activities may occur outside of the allocation site only when circumstances make an off-site communication necessary, *i.e.*, when a need for an immediate communication arises unexpectedly or after normal working hours or otherwise makes a return to the allocation site impracticable or unreasonable, or when time zone differences involved in necessary communications otherwise would require early morning arrival or late night stay at the allocation site.

8.4 Unwritten Communications, Outside of Allocation Meetings, Involving Voluntary Agreement Participant Employees Serving on the ISAG

(A) These recordkeeping requirements for unwritten communications apply to allocation site communications and off-site communications by or to Voluntary Agreement participant employees serving on the ISAG, including communications with the IAB, but excluding communications with members of the SEQ–EG, official observers from the European Communities, IEA Participating Country representatives authorized by the IEA to be at the allocation site, or the U.S. and other NESOs. They apply to such communications with the IEA Secretariat only when those communications relate to activities specified in Section 5.1(K).

(B) Except when a U.S. Government observer is present, a Voluntary Agreement participant employee serving on the ISAG shall make a full and complete record of any allocation site communication or off-site

communication, by means of: (1) entering in a standardized log, the date, approximate time, identity of the parties (by name and organization) and a description of the communication in sufficient detail to convey adequately its substance, or (2) reporting at a subsequent meeting held no later than the next working day at which a verbatim transcript is kept, information sufficient to identify the parties and a description of the communication in sufficient detail to convey adequately its substance. The log entry also shall state the special circumstances which necessitated an off-site communication, or an allocation site communication despite the absence of a U.S. Government observer from the allocation site, if such absence was known to such employee at the time of such communication.

(C) When more than one Voluntary Agreement participant employee serving on the ISAG is involved in a communication, the employees may designate who shall make and supply the record.

Non-Voluntary Agreement participant employees serving on the ISAG may furnish the required records of communications with Voluntary Agreement participants and with Voluntary Agreement participant employees serving on the ISAG.

8.5 Disposition of Records by Voluntary Agreement Participant Employees Serving on the ISAG

(A) Each Voluntary Agreement participant employee serving on the ISAG shall provide to the U.S. Government observers at the allocation site, within three working days of the first day it covers, a copy of any log kept pursuant to Section 8.4(B), and within one working day of the occurrence, a copy of any other written communication which such employee prepares or receives that relates to allocation activities, except that any written communication which is prepared or received by such employee and which is expected to undergo one or more revisions (including incorporation in any other written communication), and each revision of any such communication, may be provided to the U.S. observers within one day of the close of the allocation cycle in which such communication is prepared or received by such employee. (With respect to computer documents, Annex I shall govern in lieu of the requirements contained in this Section 8.5(A).)

(B) The requirement imposed by paragraph (A) of this Section may be waived by the U.S. Government observers at the allocation site, to the extent that the IEA Secretariat will provide copies of such communications to the U.S. Government observers.

8.6 U.S. Government Monitoring at Voluntary Agreement Participant Offices

(A)(1) U.S. Government observers shall be permitted to interview, for a period of five years after the termination of an international energy supply emergency, all U.S. Voluntary Agreement participant employees who are or have been engaged in carrying out this Plan of Action, by telephone, and at the offices of, and upon reasonable advance notice to, the U.S. Voluntary Agreement participant involved. Any interviewed employee may have counsel present.

(2) U.S. Government observers shall be permitted to interview, for a period of five years after the termination of an international energy supply emergency, all Covered Foreign Affiliate employees who are or have been engaged in carrying out this Plan of Action, by telephone, and at the offices of the parent company U.S. Voluntary Agreement participant of such Covered Foreign Affiliate, or at the election of such Covered Foreign Affiliate and such parent company, at the offices of such Covered Foreign Affiliate, upon reasonable advance notice to such parent company and to such Covered Foreign Affiliate. Any interviewed employee may have counsel present.

(B) U.S. Government observers shall be permitted to examine and copy, at U.S. Voluntary Agreement participant headquarters during normal business hours and upon reasonable notice to the U.S. Voluntary Agreement participant involved, any document or other information source which relates to carrying out this Plan of Action which is not subject to the attorney-client or attorney work product privileges, and which is in the possession or custody of such U.S. Voluntary Agreement participant, including any Covered Foreign Affiliate records forwarded to such U.S. Voluntary Agreement participant pursuant to Section 8.8(C)(2).

8.7 Recordmaking Requirements for Voluntary Agreement Participants Other Than Employees Serving on the ISAG

(A)(1) Except as provided in Section 8.7(B), each U.S. Voluntary Agreement participant and each Covered Foreign Affiliate promptly shall make a full and complete record of all of the following unwritten communications:

(i) Communications with individuals serving on the ISAG (including any of its own employees serving on the ISAG);

(ii) Communications with another company (not including any of its affiliates); and

(iii) Communications with the IEA Allocation Coordinator or IEA Secretariat which relate to activities specified by Section 5.1(K).

(2) Records of such unwritten communications of a U.S. Voluntary Agreement participant should be made by the U.S. Voluntary Agreement participant by means of entering in a standardized log, the date, the approximate time, identity of the parties (by name and organization), and a description of the communication in sufficient detail to convey adequately its substance.

(3) Records of such unwritten communications of a Covered Foreign Affiliate may be made in the manner described in Section 8.7(A)(2) or, at the election of the Covered Foreign Affiliate, may consist of a bi-weekly summary:

(i) Identifying (a) each individual serving on the ISAG with whom the Covered Foreign Affiliate has had an unwritten communication, (b) each nonaffiliated company with which the Covered Foreign Affiliate has had an unwritten communication, (c) each Secretariat official with whom the Covered Foreign Affiliate has had an unwritten communication that is required to be recorded pursuant to Section 8.7(A)(1)(iii), and (d) each affiliate with which the Covered Foreign Affiliate has had an unwritten communication;

(ii) Describing with particularity each agreement entered into with any nonaffiliated company, and each agreement or other arrangement entered into with an affiliate, and each transaction performed, to carry out this Plan of Action, setting forth all significant terms, including volume, crude or product type, origin, destination, time of delivery and price; and

(iii) Describing in summary terms, for each category of unwritten communications listed in subparagraph (i) of this subsection, the substance thereof, to the extent not already disclosed pursuant to subparagraph (ii) of this subsection.

A bi-weekly summary may be made by the Covered Foreign Affiliate or, at the election of the Covered Foreign Affiliate and its parent company, by such parent company on behalf of the Covered Foreign Affiliate.

(B)(1) A Voluntary Agreement participant need not make a record pursuant to this Section 8.7 of any communication with any individual serving on the ISAG, when such

Voluntary Agreement participant has agreed with such individual that the record of the communication will be made by and provided to the U.S. Government by such individual in accordance with Section 8.5(A), or provided by the IEA Secretariat in accordance with Section 8.5(B).

(2) A Voluntary Agreement participant need not make a record pursuant to Section 8.7 of a communication with any other Voluntary Agreement participant if the latter makes a record of the communication and provides it to the U.S. Government in accordance with Section 8.8(B).

(C) To the extent that any information required to be set forth pursuant to Section 8.7(A) can be derived readily from a document deposited pursuant to Section 8.8, a specific cross-reference to such document shall suffice.

8.8 Disposition of Records by Voluntary Agreement Participants

(A)(1) Each U.S. Voluntary Agreement participant shall deposit with the U.S. Government, in accordance with this Section and with any further instructions that may be provided pursuant to Section 10, a copy of each record required to be made by it under Section 8.7(A)(1), and of:

(i) Each written communication with the ISAG (including any employee of the U.S. Voluntary Agreement participant serving on the ISAG);

(ii) each written communication with another company (not including any of the U.S. Voluntary Agreement participant's affiliates), and each document setting forth any agreement between the U.S. Voluntary Agreement participant and any such nonaffiliated company with respect to any Type 2 transaction (with the voluntary offer number and the date of the voluntary offer shown on the first page thereof) or Type 3 transaction; and

(iii) Each written communication with the IEA Allocation Coordinator or IEA Secretariat which relates to activities specified in Section 5.1(K).

Any portions of such records which are believed not to be subject to public disclosure should be specified.

(2) Each Covered Foreign Affiliate (or, at the election of the Covered Foreign Affiliate and of its parent company, such parent company) shall deposit with the U.S. Government, in accordance with this Section and with any further instructions that may be provided pursuant to Section 10, a copy of each record required to be made by the Covered Foreign Affiliate under Section 8.7(A)(1), and of:

(i) Each written communication with another company (not including any of the Covered Foreign Affiliate's affiliates), and each document setting forth any agreement between the Covered Foreign Affiliate and any such nonaffiliated company with respect to any Type 2 transaction (with the voluntary offer number and the date of the voluntary offer shown on the first page thereof) or Type 3 transaction; and

(ii) Each written communication with the IEA Allocation Coordinator or IEA Secretariat which relates to activities specified in Section 5.1(K).

Any portions of such records which are believed not to be subject to public disclosure should be specified.

(B) Records of unwritten communications, and copies of written communications or documents, of U.S. Voluntary Agreement participants shall be deposited with the U.S. Government within seven days after the close of the week (ending Saturday) in which they occur. In the case of communications or documents of Covered Foreign Affiliates, this period shall be extended to fourteen days. Computer documents shall be deposited in hard copy (paper) form. If possible, copies of written communications of a U.S. Voluntary Agreement participant shall be sent to the U.S. Government by the U.S. Voluntary Agreement participant simultaneously with and by the same means of transmission used to send the original.

(C)(1) Each U.S. Voluntary Agreement participant shall maintain in retrievable form, for a period of five years after the date of its preparation, a copy of each record required to be deposited pursuant to Section 8.8(A)(1) and copies of all other documents (including intracorporate documents). (With respect to computer documents, Annex I shall govern in lieu of the requirements contained in the preceding sentence.) If so requested by the U.S. Government observers in connection with an examination pursuant to Section 8.6(B), such U.S. Voluntary Agreement participant, within two weeks of such request, shall forward a copy of each requested document to an appropriate office at company headquarters, where the documents shall be maintained separately from other company records until completion of such examination; notwithstanding Section 8.2(A)(i), the U.S. Voluntary Agreement participant shall include among the documents forwarded to the appropriate company office pursuant to this section, a copy of each document which involves administrative, procedural or ministerial information or data and which is in the possession or custody of the U.S. Voluntary Agreement participant at the time of a U.S. Government examination request.

(2) Each Covered Foreign Affiliate shall maintain in retrievable form, for a period of five years after the date of its preparation, a copy of each record required to be deposited pursuant to Section 8.8(A)(2) and copies of all other documents (including intracorporate documents). (With respect to computer documents, Annex I shall govern in lieu of the requirements contained in the preceding sentence.) If so requested by the U.S. Government observers in connection with an examination pursuant to Section 8.6(B), such Covered Foreign Affiliate, within four weeks of such request, shall forward a copy of each requested document to an appropriate office at the headquarters of such Covered Foreign Affiliate's parent company, where the documents shall be maintained until completion of such examination; notwithstanding Section 8.2(A)(i), the Covered Foreign Affiliate shall include among the documents forwarded to the appropriate company office pursuant to this section, a copy of each document which involves administrative, procedural or ministerial information or data and which is in the possession or custody of the Covered Foreign Affiliate at the time of a U.S. Government examination request.

(3) Notwithstanding Section 8.2(A)(ii), copies of all Voluntary Agreement participant documents which are subject to the attorney-client or attorney work product privileges shall be included among the documents forwarded to the appropriate company office pursuant to Section 8.8(C) (1) and (2). Upon request, the Voluntary Agreement participant shall submit to the U.S. Government a list of the documents which the Voluntary Agreement participant claims are subject to the attorney-client or attorney work product privileges. The list shall specify for each document, the applicable privilege and all facts relied on in support thereof, the type of document (letter, telex, etc.), its date, author, addressee, title (unless the title vitiates the applicable privilege), a statement of the subject matter (but not including information that would vitiate the applicable privilege), and all recipients of the original and of any copies. Those documents which are not subject to the attorney-client or attorney work product privileges will be subject to U.S. Government examination during and after the allocation process, if so requested by U.S. Government observers, as provided elsewhere in this Section 8.

9.0 Meetings—Notice Requirements

9.1 Pursuant to the notice requirements of Section 5 of the Voluntary Agreement, the ISAG emergency activities at the allocation site will be conducted as a single ISAG meeting. Because it will be impracticable to notice all allocation meetings, or meetings of the IAB pursuant to Section 5.2(A), during the course of a supply emergency, there may be only one Federal Register notice at the beginning of an international energy supply emergency.

9.2 U.S. Government observers shall be notified in advance of the time and place of each allocation meeting, or meeting of the IAB pursuant to Section 5.2(A). If all or a portion of the allocation site is to be in a place other than IEA headquarters, the Allocation Coordinator and/or the ISAG Manager shall so notify the U.S. Government observers assigned to monitor activities of Voluntary Agreement participant employees serving on the ISAG during the allocation period, as much in advance as possible.

10.0 U.S. Government Monitoring

This Plan of Action shall be governed by monitoring guidelines that may be issued by the Secretary of Energy pursuant to the provisions of section 252 of EPCA, 10 CFR Part 209, and 28 CFR Part 56. Such monitoring guidelines may establish procedures for the approvals described in Sections 5.4, and 6.14 or 7.1, for notice to or from U.S. Government observers, or for other matters pertaining to implementation of this Plan of Action, and also may modify the requirements contained in Annex I hereto applicable to computer documents. Subject to further guidance from the Secretary of Energy, where in this Plan of Action a record or a copy of a record or document is required to be deposited with the U.S. Government, such copy shall be sent to the following address: The General Counsel, U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

Annex I to Second Plan of Action to Implement the International Energy Program: Requirements for the Disposition and Retention of Computer Documents

Requirements for the disposition and retention of computer documents are set out in this Annex in order to facilitate any modifications therein which may be indicated by experience with computer capabilities or changes in computer technology. The Departments of Energy, State and Justice and the Federal Trade Commission intend, in the context of the next IEA allocation systems test, to evaluate whether companies are capable of complying with these requirements without undue burden. Based on experience in the test, the Government will consider whether these requirements, including the provisions of paragraphs 3 and 4 of this Annex, should be modified.

1. "Computer document" means information or data relating to the carrying out of this Plan of Action in non-transitory storage on magnetic, optical, or other media or devices used by computers, including but not limited to computer diskettes, disks, and tapes, but excluding voice recordings and information or data on hard copy (paper) form. A communication by means of a computer document is considered to be a written communication. The exclusions in Section 8.2(A) (i)–(iii) applicable to "communication" and "documents" are applicable to computer documents.

2. Subject to Section 8.5(B), the following requirements apply to the disposition of computer documents by Voluntary Agreement participant employees serving on the ISAG, in lieu of the requirements contained in Section 8.5(A):

Each Voluntary Agreement participant employee serving on the ISAG shall (subject to the cooperation of the IEA Secretariat) provide to the U.S. Government observers at the allocation site, within one working day of its preparation, in hard copy (paper) form, a copy of any computer document requested specifically or by category by the observers.

3. Subject to paragraph 4 of this Annex, the following requirements apply to the retention of computer documents by Voluntary Agreement participants, in lieu of the requirements contained in the first sentences of Sections 8.8(C) (1) and (2):

a. Each U.S. Voluntary Agreement participant and each Covered Foreign Affiliate shall maintain in retrievable form, for a period of five years after the date of its preparation, a copy of each of the following computer documents:

i. in the case of a computer database or other ongoing computer document that is expected to be revised periodically in the ordinary course of business to update its contents, (A) the portions thereof relating to the carrying out of this Plan of Action that reflect the situation (1) at a time as close as practicable to the onset of the international energy supply emergency, and (2) at the end of each allocation cycle, and (B) the last version of such portions of the document;

ii. in the case of a computer document that is sent to or received by a person other than its listed author(s) (other than a computer document maintained pursuant to (i)), each version that is sent to or received by a person other than the listed author(s); and

iii. in the case of a computer document other than those described in (i) or (ii), the last version of the document.

b. The obligation to maintain a computer document may be satisfied by maintaining it in any retrievable form, including hard copy (paper) form.

4. In the event that, following the onset of an international energy supply emergency, a Voluntary Agreement participant ascertains that compliance with the requirements of paragraph 3 of this Annex by it or by any of its covered affiliates would be unreasonably burdensome, the Voluntary Agreement participant, promptly after ascertaining that such burden would affect the ability of the Voluntary Agreement participant or (as applicable) the covered affiliate thereof to comply with said requirements, shall so notify the Department of Justice and the Federal Trade Commission in writing. The notification shall specify the requirements in question, the extent and nature of the burden, and the types of computer documents that it would be unreasonably burdensome to retain, and shall propose alternative requirements that will achieve to the maximum extent practicable the purposes of the recordkeeping requirements contained in paragraph 3 of this Annex. If such notification is promptly made, and if the Voluntary Agreement participant or (as applicable) the covered affiliate thereof, for the period prior to the notification and for the ten-day period thereafter, either (1) complies with the proposed alternative requirements or (2) complies with the requirements of paragraph 3 of this Annex to the maximum extent practicable, the availability to them of the defenses accorded under section 252 of EPCA shall be unaffected by the lack of full compliance with the requirements of paragraph 3 of this Annex, for the period preceding the notification and for the ten-day period thereafter. To the extent that, after the ten-day period from such notification, the Voluntary Agreement participant or (as applicable) the covered affiliate thereof does not comply with the requirements of paragraph 3 of this Annex, the Voluntary Agreement participant or (as applicable) the covered affiliate thereof will not be entitled to the defenses accorded under section 252 of EPCA for

actions taken thereafter to carry out the Plan of Action, and may elect not to take such actions, unless the Voluntary Agreement participant has received and accepted, and there remains in effect, approval from the Department of Justice for compliance with alternative requirements.

Annex II to Second Plan of Action to Implement the International Energy Program: Suspension of Coverage Under Section 252 in the Event of Foreign Law Prohibition

In the event that a Covered Foreign Affiliate is prevented, as a result of a foreign law prohibition, from complying with any of the requirements of Section 8, the following alternative requirements will apply for so long as such foreign law prohibition remains in effect:

1. The Covered Foreign Affiliate will not be entitled to the defenses accorded under section 252 of EPCA for any actions taken by it after first learning of the foreign law prohibition that prevents compliance with the provisions of Section 8 relating to such actions.

2. The Covered Foreign Affiliate will be entitled to the defenses accorded under section 252 for actions taken by it before first learning of the foreign law prohibition, provided that the following alternative requirements are met:

a. The Covered Foreign Affiliate will comply in timely fashion with all Section 8 requirements not affected by the foreign law prohibition. Promptly upon termination of the foreign law prohibition, the Covered Foreign Affiliate must comply with all other requirements of Section 8 relating to the period prior to suspension of section 252 coverage pursuant to paragraph 1 of this Annex, to the extent not previously met, and with any supplemental U.S. Government request for production of documents (including intracorporate documents) relating to such period.

b. The Covered Foreign Affiliate or its parent company will inform the Department of Justice and the Federal Trade Commission of the existence of the foreign law prohibition as soon as possible or, in any event, on or before the due date for the first submission, following suspension of coverage pursuant to paragraph 1 of this Annex, that otherwise would have been required to be made to the U.S. Government by or on behalf of the Covered Foreign Affiliate pursuant to Section 8.7.

c. No later than twenty-one days following suspension of coverage pursuant to paragraph 1 of this Annex, the parent company will submit to the Department of Justice and the Federal Trade Commission:

i. a report of the nature of the foreign law prohibition, giving full particulars, including a description of the efforts being made to obtain a waiver from the competent foreign authorities, a statement that the Covered Foreign Affiliate made no attempt to have the foreign law prohibition invoked, and, to the extent permissible under applicable law, a detailed account of all oral communications with any foreign government authority concerning the requirements of the foreign law prohibition and compliance or noncompliance with them (including a copy of each document consisting of or relating to such communications);

ii. a report setting forth all of the information listed in Section 8.7(A)(3), to the extent known to such parent company, and describing in detail the efforts made by it to obtain any such information not set forth in such report;

iii. a report of all transactions to carry out the Plan of Action entered into by the Covered Foreign Affiliate during the period beginning as of the end of the period covered by the last report filed by or on behalf of the Covered Foreign Affiliate pursuant to Section 8.7 and ending as of the date of suspension of coverage pursuant to paragraph 1 of this Annex (the "covered period");

iv. a report describing such parent company's unwritten communications with the Covered Foreign Affiliate during such covered period; and

v. a copy of each written communication between such parent company and the Covered Foreign Affiliate during such covered period.

d. Within fourteen days following receipt of a request from the Department of Justice or the Federal Trade Commission, the parent company shall forward to the Department of Justice and the Federal Trade Commission copies of any documents requested by them (other than documents subject to the attorney-client or attorney work product privilege, but including intracorporate documents) in the possession of the parent company relating to the period prior to suspension of coverage pursuant to paragraph 1 of this Annex.

e. The Covered Foreign Affiliate and its parent company shall make good faith efforts to obtain the information necessary for the preparation of the reports pursuant to subparagraph 2.c.

f. The Covered Foreign Affiliate shall, until termination of the foreign law prohibition, continue to make good faith efforts to obtain a waiver of such prohibition and the parent company shall keep the Department of Justice and the Federal Trade Commission informed in a timely fashion of such efforts.

3. The provisions of paragraph 2 will not apply in the event that the Department of Justice, bearing the burden of proof, shows that the Covered Foreign Affiliate knowingly encouraged or facilitated the creation of the foreign law prohibition or that the reports submitted by the parent company pursuant to subparagraphs 2.c or 2.f of this Annex were materially incomplete in light of the information that was available to, or could lawfully be obtained by, such parent company at the time of their submission.

4. The provisions of paragraph 2 will not apply unless, at least thirty days prior to suspension of coverage pursuant to paragraph 1 of this Annex (or contemporaneously with the onset of the international energy supply emergency, whichever is later), the Covered Foreign Affiliate shall have been instructed by its parent company:

a. To forward to such parent company a copy of all written communications, and of all written reports of oral communications, with other oil companies (not including any of the Covered Foreign Affiliate's affiliates);

b. To keep such parent company continuously informed, at least in general terms, of its unwritten communications with other oil companies (not including the Covered Foreign Affiliate's affiliates); and

c. To forward to such parent company, at intervals of no more than three months, copies of the Covered Foreign Affiliate's other documents.

5. For purposes of this Annex, a "foreign law prohibition" shall be deemed to exist whenever compliance with any provision of Section 8 would, to the extent such provision would otherwise be applicable to the Covered Foreign Affiliate, contravene (or, in the opinion of the competent foreign government authority, would contravene) the laws of any foreign country or political subdivision thereof having jurisdiction over such Covered Foreign Affiliate.

Appendix 2.—Amendments to the Voluntary Agreement and Plan of Action to Implement the International Energy Program

Section 6(a)(1)(B) is amended to read: "The carrying out of the Second Plan of Action to Implement the International Energy Program, which is set out in Appendix B."

The second sentence of Section 6(e)(1) is amended to read: "Except where an approved plan of action contains other provisions for recordkeeping and reporting to the U.S. Government with respect to actions taken to carry out the

plan of action, each participant taking any joint or agreed action or agreeing to take any action pursuant to this subsection shall notify the Administrator and the Attorney General within 72 hours, or longer period as may be determined by the Administrator, after the end of the week in which such action is taken or agreed upon."

Section 9(b)(3) is amended to read: "Approval of any oil company's participation in this Agreement shall extend to actions of other companies which (i) are more than 50% owned, directly or indirectly, by the company to which approval is granted, (ii) own, directly or indirectly, more than 50% of the company to which approval is granted, or (iii) are more than 50% owned, directly or indirectly, by a person described in (ii), provided that the company to which approval is granted notifies the Administrator and the Attorney General of each affiliate to be covered by this subsection, including the reasons for its inclusion and the nature of the company's ownership; and provided that neither the Administrator nor the Attorney General notifies the participant that he disapproves the coverage of such affiliate by this subsection."

[FR Doc. 87-19064 Filed 8-20-87; 8:45 am]

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federal register

Friday
August 21, 1987

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 47 and 52

Federal Acquisition Regulation (FAR); Guaranteed Maximum Shipping Weights and Dimensions; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 47 and 52

Federal Acquisition Regulation (FAR); Guaranteed Maximum Shipping Weights and Dimensions

AGENCY: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council propose to amend FAR subsection 47.305–16, Shipping weights and dimensions, and the corresponding clause at 52.247–60 to more specifically describe the information concerning shipping characteristics required from the offeror, to provide that offers submitted without the requested information will be evaluated on the basis of shipping characteristics submitted with any offer that produces the highest transportation costs, and to provide that, if the actual item shipping costs exceed the item shipping costs used for evaluation purposes, the contract price of the successful offer will be reduced by an amount equal to the difference between the transportation costs actually incurred and the costs which would have been incurred had the evaluated shipping characteristics been accurate.

DATE: Comments should be submitted to the FAR Secretariat at the address shown below on or before October 20, 1987, to be considered in the formulation of a final rule.

ADDRESS: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets NW., Room 4041, Washington, DC 20405.

Please cite FAR Case 87–25 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Telephone (202) 523–4755.

SUPPLEMENTARY INFORMATION: .

A. Background

On June 5, 1985, the Defense Acquisition Regulatory Council granted the Department of the Army authority to deviate from the provisions of FAR 47.305–16(b) and the clause at 52.247–60 to the extent necessary to request additional information regarding shipping characteristics from offerors and to provide that offers submitted without shipping characteristics would be evaluated on the basis of the shipping characteristics submitted with any offer that produces the highest transportation costs. The Army deviation has ensured that the contract administration office receives the information in the contract necessary to establish the liability of the successful offeror for any increased transportation costs incurred by the Government as a result of misinformation furnished by the offeror. This proposed rule will extend the advantages of the Army deviation to all Government agencies and departments, and will revise existing coverage to reflect the Government's intent that contract price reduction be on the basis of actual costs incurred, not costs computed when the offer was evaluated.

B. Regulatory Flexibility Act

The proposed revisions to FAR section 47.305–16 and the corresponding clause at 52.247–60 do not constitute significant FAR revisions within the meaning of FAR 1.501 and Pub. L. 98–577, and publication for public comment is not required. Therefore, the Regulatory Flexibility Act does not apply. However, comments from small entities concerning the affected FAR coverage will be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite FAR Case 87–610 in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) does not apply because the proposed rule does not impose any additional recordkeeping or information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 47 and 52

Government procurement.

Dated: August 11, 1987.

Lawrence J. Rizzi,

Director, Office of Federal Acquisition and Regulatory Policy.

Therefore, it is proposed that 48 CFR Parts 47 and 52 be amended as set forth below:

1. The authority citation for Parts 47 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

PART 47—TRANSPORTATION

2. Section 47.305–16 is amended by revising the section title and by revising paragraph (b) to read as follows:

47.305–16 Shipping characteristics.

* * * * *

(b) *Guaranteed shipping characteristics.* (1) The contracting officer shall insert in solicitations and contracts, excluding those awarded under the small purchase procedures of Part 13, the clause at 52.247–60, Guaranteed Shipping Characteristics, when shipping and other characteristics are required to evaluate offers as to transportation costs.

(2) The award document shall show the shipping characteristics used in the evaluation.

* * * * *

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.247–60 is revised to read as follows:

52.247–60 Guaranteed shipping characteristics.

As prescribed in 47.305–16(b)(1), insert the following clause:

Guaranteed Maximum Shipping Characteristics (July 1987)

(a) The offeror is requested to complete paragraph (a)(1) of this clause, for each part or component which is packed or packaged separately. This information will be used to determine transportation costs for evaluation purposes. If the offeror does not furnish sufficient data in paragraph (a)(1) of this clause, to permit determination by the Government of the item shipping costs, evaluation will be based on the shipping characteristics submitted by the offeror whose offer produces the highest transportation costs or in the absence thereof, by the Contracting Officer's best estimate of the actual transportation costs. If the item shipping costs, based on the actual shipping characteristics, exceeds the item shipping costs used for evaluation purposes, the Contractor agrees that the contract price shall be reduced by an amount equal to the difference between the transportation costs actually incurred, and the costs which would have been incurred if the evaluated shipping characteristics had been accurate.

(1) To be completed by the offeror:

(i) Type of container: Wood Box _____, Fiber Box _____, Barrel _____, Reel _____, Drum _____, Other (Specify) _____;

(ii) Shipping configuration: Knocked-down _____, Set-up _____, Nested _____, Other (specify) _____;

(iii) Size of container: _____" (Length), x_____" (Width), x_____" (Height) =_____ Cubic FT;

(iv) Number of items per container _____ Each;
(v) Gross weight of container and contents _____ LBS;
(vi) Palletized/skidded _____ Yes _____ No;
(vii) Number of containers per pallet/skid _____;
(viii) Weight of empty pallet bottom/skid and sides _____ LBS;
(ix) Size of pallet/skid and contents _____ LBS Cube _____;
(x) Number of containers or pallets/skids per railcar _____ [1]—
Size of railcar _____
Type of railcar _____
(xi) Number of containers or pallets/skids per trailer _____ [1]—
Size of trailer _____ FT
Type of trailer _____

[1] Number of complete units (contract line item) to be shipped in carrier's equipment.

(2) To be completed by the Government after evaluation but before contract award:
(i) Rate used in evaluation _____;
(ii) Tender/Tariff _____;
(iii) Item _____;

(b) Offerors are cautioned that the guaranteed shipping characteristics requested above will be used solely for the purpose of evaluation of offers and establishing the liability of the successful offeror for increased transportation costs resulting from actual shipping characteristics which differ from those submitted by the offeror or that may have been used for evaluation of its offer in accordance with the terms of the guaranteed shipping characteristics provision. Specifically, offerors are required to comply with all other provisions of this solicitation, including packing and packaging requirements, and the submission of guaranteed shipping characteristics that may be at variance with such requirements will not excuse the offeror from its obligation to comply in all respects with all contract requirements.

(End of clause)

[FR Doc. 87-19151 Filed 8-20-87; 8:45 am]
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Federal Register

Friday
August 21, 1987

Part IV

Department of Education

Office of Postsecondary Education

Perkins Loan College Work-Study, and Supplemental Educational Opportunity Grant Programs; Notice

Public Law 92-318

92nd Congress, S. 659
June 23, 1972

An Act

To amend the Higher Education Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Amendments of 1972".

Education Amendments of 1972.

TABLE OF CONTENTS

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Perkins Loan (Formerly the National Direct Student Loan), College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.
ACTION: Notice of Closing Date for Filing the Fiscal Operations Report and Application to Participate in the Perkins Loan, College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs.

SUMMARY: The Secretary gives notice to institutions of higher education of the deadline for an institution to apply for fiscal year 1988 funds—for use in the 1988–89 award year—under the Perkins Loan, CWS and SEOG programs. Under these programs, the Secretary allocates funds to institutions for students who need financial aid to meet the costs of postsecondary education. An institution is not required to establish eligibility prior to applying for funds. Institutions will be notified of the closing date for establishing institutional eligibility to participate in the Perkins Loan, CWS and SEOG programs through a separate notice in the **Federal Register.**

The Secretary further gives notice that an institution that had a Perkins Loan fund or expended CWS or SEOG funds during the 1986–87 award year is required to report its program expenditures as of June 30, 1987, to the Secretary.

The Perkins Loan, CWS, and SEOG programs are authorized by Parts E, C, and Part A Subpart 2, respectively, of title IV of the Higher Education Act of 1965, as amended. (20 U.S.C. 1087aa–1087ii; 42 U.S.C. 2751–2756b; and 20 U.S.C. 1070b–1070b–3.)

Closing Date: To ensure consideration for 1988–89 funds, an institution must submit the 1986–87 Fiscal-Operations Report and the 1988–89 Application to Participate in the Perkins Loan Supplemental Educational Opportunity Grant, and College Work-Study Programs (FISAP–OMB No. 1840–0073) by September 25, 1987.

Submitting FISAP Data: An institution may choose to submit its FISAP data by—

(1) Submitting the completed data cells on the paper form (Form 646–1);

(2) Submitting the completed data cells on a data diskette;

(3) Creating a tape from data stored on a mainframe computer, and submitting the tape; or

(4) Transmitting the data from a personal or mainframe computer through a modem.

FISAPs Delivered by Mail: A FISAP (Form 646–1) sent by mail must be addressed to the Department of Education. Office of Student Financial Assistance, Division of Program Operations. Campus-Based Programs Branch, 400 Maryland Avenue SW. (Room 4621, Regional Office Building 3), Washington, DC 20202.

A diskette or tape containing FISAP data must be addressed to Electronic FISAP, c/o Data Transformation Corporation, 8121 Georgia Avenue—Suite 300, Silver Spring, Maryland 20910.

An institution must show proof of mailing its FISAP. Proof of mailing consists of one of the following: (1) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service, (2) a legibly dated U.S. Postal Service postmark, (3) a dated shipping label, invoice, or receipt from a commercial carrier, or (4) any other proof of mailing acceptable to the U.S. Secretary of Education.

If a FISAP is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office. An institution is encouraged to use certified or at least first-class mail.

FISAPs Delivered by Hand: A FISAP that is hand-deliverd must be taken to the Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus-Based Programs Branch, 7th and D Streets, SW., Room 4821, Regional Office Building 3, Washington, DC.

A diskette or tape containing FISAP data must be taken to electronic FISAP, c/o Data Transformation Corporation, 8121 Georgia Avenue—Suite 300, Silver Spring, Maryland 20910. Hand-delivered FISAPs, diskettes, or tapes will be accepted between 8:00 a.m. and 4:30 p.m. daily [Washington, D.C. time], except Saturdays, Sundays and Federal holidays. A FISAP that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

FISAPs Delivered Electronically: A FISAP that is delivered electronically must be transmitted by either a personal or mainframe computer to the host ED computer using a modem. In addition, a completed signature page from Form 646–1 must be submitted under separate cover to the Department.

FISAP Information: FISAPs were mailed by the program office in mid-July. An institution must prepare and submit its FISAP in accordance with the instructions included in the package.

The program information package is intended to aid applicants in applying for assistance under these programs. Nothing in the program information package is intended to impose any paperwork, application content, reporting, or grantee performance requirement beyond those specifically inposed under the statute and regulations governing the programs.

Applicable Regulations: The following regulations are applicable to these programs.

National Direct Student Loan—34 CFR Parts 674 and 668.

College Work-Study—34 CFR Parts 675 and 668.

Supplemental Educational Opportunity Grant—34 CFR Parts 676 and 668.

Further Information: For further information or to request a FISAP contact Ms. Gloria Easter, Chief, Financial Management Section, Division of Program Operations, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 4621, ROB–3), Washington, DC 20202. Telephone (202) 732–3758.

(Catalog of Federal Domestic Assistance Nos. 84–038, National Direct Student Loan Program; 84–033, College Work-Study Program; and 84–007, Supplemental Educational Opportunity Grant Program) (20 U.S.C. 1087aa *et seq.*; 42 U.S.C. 2751 *et seq.*; and 20 U.S.C. 1070b *et seq.*)

Dated: August 14, 1987.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary Education.

[FR Doc. 87–19182 Filed 8–20–87; 8:45 am]

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federal register

Friday
August 21, 1987

Part V

Department of Education

National Institute on Disability and Rehabilitation Research; Notice of Proposed Funding Priorities for Fiscal Year 1988

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

AGENCY: Department of Education.

ACTION: Notice of proposed funding priorities for fiscal year 1988.

SUMMARY: The Secretary of Education proposes funding priorities for the Rehabilitation Engineering Center (REC) program of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1988.

DATE: Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before September 21, 1987.

ADDRESSES: All written comments and suggestions should be sent to Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue SW., Room 3070, Switzer Building, Mailstop 2305, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Betty Jo Berland, National Institute on Disability and Rehabilitation Research (Telephone: (202) 732–1139). Deaf and hearing impaired individuals may call (202) 732–1198 for TTY services.

SUPPLEMENTARY INFORMATION: Authority for the Rehabilitation Engineering Center program of NIDRR is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended. Under this program, awards are made to public and private agencies and organizations including institutions of higher education, Indian tribes, and tribal organizations. NIDRR can make awards for up to sixty months.

The purpose of the awards is to support the development of innovative methods of applying advanced medical technology and scientific achievements to solve problems of rehabilitation, improvements in the distribution of technological devices and equipment to individuals with disabilities, and the development of systems to facilitate and coordinate the exchange of technical and engineering information related to disability.

NIDRR regulations authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 353.32). NIDRR will conduct, not later than three years after the establishment of any REC, one or more reviews of the activities and achievements of the Center, to include review by peers. Continued funding depends at all times on satisfactory performance and accomplishment, and is subject to the standards in 34 CFR 75.253 concerning the continuation of a multi-year project after the first budget period.

NIDRR invites public comment on the merits of the proposed priorities both individually and collectively, including suggested modifications to the proposed priorities. Interested respondents also are invited to suggest the types of expertise which would be needed for independent experts to review and evaluate applications under these proposed priorities.

The final priorities will be established on the basis of public comment, the availability of funds, and any other relevant Departmental considerations. These final priorities will be announced in a notice in the **Federal Register.** The publication of these proposed priorities does not bind the Federal Government to fund REC's in any of these areas. Funding of particular REC's depends on the final priorities, the availability of funds, and on the quality of the applications that NIDRR receives.

NIDRR supports a program of Rehabilitation Engineering Centers (REC's) that conduct coordinated programs of advanced research of an engineering or technological nature. REC's develop systems for the exchange of technical and engineering information and work to improve the distribution of technological devices and equipment to individuals with handicaps. Each REC must be located in a clinical rehabilitation setting and is encouraged to collaborate with institutions of higher education.

Each REC conducts a program of research, scientific evaluation, and training that advances the state of the art in technology or its application; contributes substantially to the solution of rehabilitation problems; and becomes an acknowledged center of excellence in a given subject area. REC's are encouraged to develop practical applications for their research through scientific evaluation activities that validate their findings as well as related findings of other centers. Each REC is expected to provide for the development of research expertise in its area through exchange of engineers and scientists with other Centers, other agencies such as the National Science Foundation, National Aeronautics and Space Administration, National Institutes of Health, service delivery agencies, and appropriate private industries. REC's are expected to disseminate and encourage utilization of new rehabilitation engineering knowledge through such means as development of undergraduate and graduate texts and curricula, in-service training, continuing education, and the distribution of information and appropriate technology. All training and information materials developed by the Center must be presented in several formats that will be accessible to individuals with various types of sensory and mobility impairments.

Proposed Priorities (12)

Improved Wheelchair and Seating Design

Nearly one million Americans with handicaps use wheelchairs as their primary means of mobility. There is a need for wheelchairs that are safer, more reliable, more durable, more versatile, and adaptable to personal requirements if individuals with disabilities are to achieve their full potentials for independent and productive lives. Current wheelchair frames are often unstable or fragile. Existing wheelchairs are not suitable for different terrains or for all vocational, education, recreational, or independent living settings. Available wheelchair power systems are short-term, and practical backup power systems are needed. Disabled individuals need control systems for powered wheelchairs that are durable and reliable, and can be adapted for easy use by persons with different types of functional limitations.

Wheelchair seating systems are critical for the sustained use of wheelchairs. Many disabled individuals are able to return to work, school, or community living in wheelchairs, if they have customized seating that provides appropriate support for soft tissues and for posture.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals and their families in the planning, implementation, and evaluation of the Center's activities. An REC in wheelchair development must provide for cooperation with industry in the various stages of product development, testing, and marketing, and must establish linkages with NIDRR funded Centers in Independent Living, spinal cord injury, and traumatic brain injury to conduct needs assessments and evaluations of its products. The Center must be a repository of information in the subject area, and provide technical assistance to rehabilitation counselors, clinicians, and other service providers.

An absolute priority is proposed for an REC in this area to:

- Conduct a survey of wheelchair sale/repair establishments to assess, from a technical and engineering perspective, the frequency and type of malfunctions of commercially marketed

electric wheelchairs and establish a research program that focuses on developing wheelchairs that do not exhibit the defects found in the survey;

- Develop new designs for powered wheelchairs to improve safety and reliability, taking into account the needs of disabled individuals of all ages;
- Design powered wheelchairs that are suitable for a variety of environments to allow wheelchair users to function independently in employment and independent living activities;
- Develop new wheelchair power systems to provide longer-lasting and more reliable power, and backup power, sources;
- Develop new wheelchair controls with appropriate back-up systems to improve reliability, manageability, and adaptability;
- Design and develop cost-effective customized seating systems to provide appropriate individual support, and also develop modular seating systems that can be used in wheelchairs as well as on other suitable bases to increase the mobility options for disabled individuals;
- Develop training materials and provide training for rehabilitation clinicians, wheelchair users, family members, and personal attendants to improve the appropriate prescription and use of wheelchairs and seating; and
- Conduct a state-of-the-art study on electric wheelchairs, to lead to improvements in the equality and relevance of research on wheelchairs.

Prosthetics and Orthotics

Several million individuals have impaired limb or spinal functions that can be ameliorated by appropriate use of technological devices and systems. Existing devices and systems are often cumbersome, uncomfortable, expensive, of limited capacity, or insufficiently versatile for use in the necessary range of educational, vocational, and independent living settings. However, the state-of-the-art in such fields as electronics, materials development, computer-assisted design, and computer-assisted manufacture is sufficiently advanced to support the development of prosthetic and orthotic devices that are more reliable, adaptable, comfortable, affordable, and provide greater enhancement of function. These devices are needed for disabled persons of all ages.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals and their families in the planning, development, and review of the work of the Center. A Center in this area must serve as a national resource for information on prosthetics and orthotics, maintain a database on the results of research in this area, and cooperate with private sector manufacturers and distributors in the assessment of needs and the distribution of information and research results.

An absolute priority is proposed for an REC in this area to:

- Conduct a program of research and development in the application of computer-aided design and computer-aided manufacture to produce improved prosthetic and orthotic devices of all types;
- Develop applications for new and improved materials (stronger, lightweight, more durable, tissue compatible) to fabricate prostheses and orthoses;
- Develop design criteria for prosthetic and orthotic devices intended to improve functioning in all joints;
- Develop standard procedures, based on principles of biomechanics and functional requirements for the devices, to evaluate current techniques for prescribing and fitting prostheses and orthoses and the accompanying control mechanisms;
- Develop materials and provide training to clinicians, disabled consumers, rehabilitation practitioners, prosthetists and orthotists, and other relevant parties to improve the prescription, use, maintenance, and assessment of these aids and devices;
- Develop linkages with manufacturers and distributors to assure that the most appropriate devices are prescribed, used, and evaluated; and
- Conduct at least one state-of-the-art study on prosthetics and orthotics to focus attention on current research findings and to provide guidance for future research.

Transportation Systems for Persons with Disabilities

Individuals with disabilities are often further handicapped by the less than optimal accessibility of public transportation and the inadequacy of adaptations for personal licensed vehicles. Many persons with disabilities could live independently in the community, increase their vocational and earning potential, and participate in a full-range of educational and recreational activities if they could travel more easily.

There are no commonly accepted standards for the adaptation of personal vehicles to accommodate disabled individuals as drivers or passengers. Adaptations may compromise the structural stability and safety of the vehicles, may not provide easy boarding or safe and rapid exit from the vehicle, and may include unsafe or ineffective control devices. Seating systems and systems for securing wheelchairs in the vehicles are often unsafe and ineffective. Individuals with hearing deficits need alerting systems to facilitate safer driving.

Mass transit systems may be less than optimally safe or accessible for those with mobility, cognitive, and sensory impairments. Again, safe and secure seating and wheelchair anchoring systems, emergency exit systems, and signal systems to promote the mobility of sensory impaired individuals are needed to make public transportation more accessible to persons with disabilities.

Any Center to be supported under this priority must provide for the substantial involvement of disabled persons and their families in the planning, implementation, and assessment of Center activities, especially in the assessment of needs, the nomination of products to be tested, and the evaluation of devices and systems. An REC in this area must provide for linkages with other appropriate agencies involved in the provision or regulation of public and private transportation and with private sector sources to promote the manufacture, distribution, and testing of new devices and systems. The Center must serve as a national resource for information on vehicular adaptations and modifications of mass transit systems.

An absolute priority is proposed for an REC to:

- Evaluate existing devices to provide safe seating and secure tie-downs for wheelchairs in both automobiles and mass transit vehicles, and develop and test new devices and systems;
- Design, develop, and test methods to provide access to and exit from personal vehicles while maintaining the structural integrity of the vehicle;
- Design, develop, and test control systems to enable persons with disabilities to drive automobiles, assuring that the control systems do not compromise the vehicle's compliance with standards set by the Society of Automotive Engineers and the United States Department of Transportation;
- Design, develop, and test safety devices such as emergency systems for use in exiting vehicles after accidents or power failures; alerting devices for hearing impaired drivers; and guidance systems to enable individuals with visual, hearing, or cognitive deficits to safely use mass transit;
- Develop materials and provide training to engineers, disabled drivers,

personal attendants, rehabilitation counselors, operators of public transportation, taxicabs, and livery services in the proper use of these devices; and

• Conduct at least one state-of-the-art study each in the areas of mass transit and personal licensed vehicles to increase the knowledge base in this area and to provide recommendations for future research.

Evaluation of Rehabilitation Technology

Many assistive devices and other rehabilitation technologies are rarely prescribed by clinicians and are even less frequently used by persons with disabilities. Often, these devices have not been adequately tested, nor have professional and consumer responses to them been assessed. Inventors, designers, developers, or manufacturers may not have the capability to design or conduct adequate product testing. In some instances, the techniques for measurement and testing are themselves inadequate and the development and refinement of assessment methods is a prerequisite to product evaluation.

The appropriate evaluation of rehabilitation technology is necessary to ensure the safety, utility, practicality, and appropriateness of devices for persons with disabilities. Adequate assessment will also increase the frequency with which clinicians make appropriate prescriptions and consumers make effective use of new technologies.

A critical element of any Center to be funded in response to this priority will be the involvement of disabled individuals in the planning, implementation, and review of the Center's activities, and specifically in the process of selecting technologies to be tested and specifying certain consumer-oriented performance criteria. A Center in this area must serve as a national resource for information on establishing evaluation standards and the results of evaluation studies, and must cooperate with the private sector in developing and distributing evaluation standards and results.

An absolute priority is proposed for an REC to:

• Design, assess, and refine performance criteria and protocols for testing rehabilitation devices in order to evaluate the efficacy of those devices in restoring, replacing or supplementing function;

• Provide a resource for technical assistance on the adaptation and implementation of evaluation protocols for product developers and manufacturers in both the private and public sectors to increase the frequency and improve the quality of product evaluation;

• Conduct direct evaluations of selected new or untested rehabilitation technologies to assess the effectiveness of the device;

• Develop and disseminate information on both methods of evaluation and the results of tests performed by or in conjunction with the Center, to service providers and disabled persons, assuring that all information packages are accessible to individuals with various types of disabilities;

• Conduct at least one comprehensive study of the state-of-the-art in an important area of product evaluation to improve the quality and quantity of resources for evaluation of rehabilitation technology.

Quantification of Human Physical Performance

Effective rehabilitation depends on the reliable and valid measurement of changes in physical performance at various stages of the rehabilitation process. Failure to assess physical capacities accurately can lead to years of ineffective treatment.

Technological capability exists to support the development of accurate diagnostic instruments. Measurement of change in physical performance permits the assessment of rehabilitation outcomes and the redirection of treatment regimens when necessary. These assessments are important to all aspects of physical restoration, vocational rehabilitation, and preparation for independent living. An REC in this area shall develop precise instrumentation to measure physical capability prior to rehabilitation and to track changes in performance subsequent to therapeutic interventions.

A critical element of any Center to be established under this priority will be the involvement of disabled individuals and family members in the planning and conduct of the Center's activities, particularly in reviewing the acceptability to the consumer of the various instruments and tests.

An absolute priority is proposed for an REC to:

• Design and develop safe, reliable, easy-to-use, accurate, and affordable instruments to improve the measurement of active and passive range of motion and strength in the extremities and trunk;

• Design and develop instruments to test the effects of treatment interventions, such as surgery, orthoses, exercise, functional electrical stimulation (FES), and others, on neuromuscular performance and restoration of function;

• Develop and test complete assessment systems to improve the accuracy of evaluations of the full range of physical performance at various stages of the rehabilitation process;

• Prepare and disseminate instructional packages in the use of new measurement instruments to improve direct and indirect training for rehabilitation clinicians in the use of these instruments; and

• Provide for the advancement of knowledge in this area by conducting at least one state-of-the-art study in quantification of human performance and participating in time-limited professional exchange programs with NSF, National Institute's of Health (NIH), other REC's, or other appropriate agencies.

Augmentative Communication Devices

The inability to communicate in easily understood language isolates an individual and renders education, employment, or social interaction extremely difficult. Recent developments in systems for synthetic speech and speech recognition indicate a potential to assist communication through technology. However, existing systems are slow and difficult to operate, yield unrealistic speech, and cannot produce print output with speed or accuracy.

An REC in this area must extend the current state of technology and serve as a natural resource for information on communication devices. A critical element of any Center to be supported in this priority area will be the involvement of disabled individuals and their families in the planning, conduct, and review of all activities of the Center.

An absolute priority is proposed for an REC to:

• Develop communication devices that improve the speed and accuracy of voice or print outputs;

• Develop methods to enable individuals with a wide range of speech deficiencies and related functional impairments to use these vocal augmentative communication systems;

• Develop appropriate materials for dissemination of information about augmentative communications technology to clinicians, educators, counselors, and persons with disabilities, assuring that the materials are accessible in appropriate media for individuals with various types of functional limitations;

• Provide training and technical assistance to individuals with disabilities, their family members and

attendants, rehabilitation practitioners, and educators to improve the selection, use, and maintenance of systems that augment communication;

• Develop and implement appropriate strategies to involve manufacturers and distributors in making useful devices available to disabled persons; and

• Conduct at least one state-of-the-art study on a significant aspect of augmentative communication devices to provide a review of current research and to make recommendations for future research.

Technologies to Promote "Hearing" in Deaf and Hearing-Impaired Individuals

Individuals who are hearing-impaired due to conductive, sensorineural, mixed, or central hearing deficits will benefit from the use of comfortable and effective hearing aids. Hearing aid technology has advanced sufficiently in recent years to allow substantial further improvements in amplification, filtering, and frequency responses to enhance the quality of the sound perceived by the user.

Deaf individuals can benefit from technologies that convert sound into tactile or visual signals. These technologies include vibrotactile devices, alarm lights, and other instrumental alerts. Improved hearing aids and other devices must be developed for all age groups, and for persons with multiple handicaps, in order to facilitate education, employment, and independent living.

An REC to further develop these technologies must include deaf and hearing-impaired individuals and their family members in planning and conducting its activities, must maintain an information resource in the subject, and must coordinate with manufacturers and distributors to promote widespread dissemination of the latest technologies. The Center must serve as a national resource for information on technologies for hearing-impaired individuals.

An absolute priority is proposed for an REC to:

• Develop performance standards and evaluate selected hearing aid systems for the quality of amplification, frequency response, and filtration systems in clinical as well as laboratory environments;

• Design and develop new hearing aid systems that are reliable, affordable, attractive, and produce an improved quality of sound;

• Design and develop new technologies to improve recognition and reproduction of sounds from various sources, using alternative sensory signals such as light, vibration, or tactile stimuli;

• Design and develop new, reliable alerting systems to provide deaf and hearing-impaired individuals with warnings of emergencies or hazardous conditions;

• Design and develop diagnostic and prescriptive instruments and criteria to facilitate the appropriate use of these new technologies by deaf and hearing-impaired individuals;

• Design information and training materials in various media that are accessible to people with many types of disabilities, and provide training to disabled individuals and family members, third-party payers, service providers, and industry in the selection, use and maintenance of optimum technologies for "hearing"; and

• Conduct at least one state-of-the-art study on hearing aid technology and one on alternate technologies for deaf persons.

Functional Electrical Stimulation

Electrical stimulation is commonly used as a rehabilitation tool with people who have neurological impairments, spinal cord injuries, scoliosis, and other medical problems. Functional Electrical Stimulation (FES) is probably best known to the public for the work that has been done over the past twenty-five years to restore limited standing and ambulation to spinal cord injured patients. However, FES has a much broader application in treating people experiencing a variety of neuromuscular, musculoskeletal, and other medical problems. Potential beneficiaries of FES include individuals with neuromuscular or idiopathic spinal deformities; persons with prosthetic joints; individuals with cerebral lesions due to stroke or head injury; and persons with urinary incontinence, as well as those with spinal cord injuries.

The current challenge is to develop and refine technology to extend the application of FES to other types of impairments, to improve electrodes and implantation to make FES devices more practical to use, to increase the value of FES in spinal cord injury, and to evaluate and disseminate the technology.

A critical element of any Center to be funded in response to this priority must be the involvement of disabled individuals in the planning, conduct, and evaluation of Center activities. The Center must participate in the exchange of engineers and scientists with other research and development institutions. The Center must emphasize the development of practical products, and cooperate with industry to promote manufacture, distribution, and evaluation of FES systems.

An absolute priority is proposed for an REC to:

• Develop and maintain a comprehensive information base on FES, disseminate materials in accessible format to persons with disabilities, clinicians, Independent Living programs, counselors, third-party payers, and others, and coordinate the collation of research data and product information from other Centers or projects studying FES;

• Design, develop, and evaluate FES devices and systems, including personal controls for activation and feedback, to promote standing and walking for individuals with lower extremity neuromuscular impairments;

• Design, develop and evaluate devices and intervention systems to increase hand and arm function in individuals with upper extremity impairments;

• Design, develop, and test external orthotic devices to be used in combination with FES to improve the function, safety, and reliability of FES systems for both upper and lower extremities;

• Design and develop FES and combined FES/orthotic systems to stabilize trunk musculature or correct trunk deformities; and

• Conduct comprehensive state-of-the-art studies in several significant aspects of functional electrical stimulation to improve the knowledge base and make recommendations for future research in this area.

Modifications to Worksites and Educational Settings

Disabled individuals can have significantly more employment options and educational opportunities if worksites and classrooms are modified and tasks are restructured to accommodate functional limitations and thus enable students and employees to remain in their occupations. Current technology can support effective modifications to work stations, work equipment, classrooms, laboratories, and auxiliary locations (such as cafeterias, lockers, or recreation areas), and improve access to all areas of schools or workplaces. Modifications may include changing the sequence of tasks, automating parts of some tasks, converting signals from light to sound or vice-versa, or modifying tasks to utilize new tools or other technological developments.

A critical element of any Center to be supported under this priority will be the involvement of disabled individuals in the planning, conduct, and assessment of Center activities, including but not

limited to, the clinical testing of proposed modifications. An REC in this area must be a national resource of information on the subject and see that its findings are incoporated in other relevant databases; and must also develop appropriate linkages with employers of disabled individuals and manufacturers of adaptive equipment, to ensure that adaptations are available and used.

An absolute priority is proposed for an REC to:

- Develop standards for modifying school and worksites, and assess the most effective means for adapting different types of environments;
- Develop innovative engineering applications for modifying worksites to improve the range of employment options for persons with disabilities;
- Design and develop technologies to mechanize and automate parts of production systems to enable disabled persons to perform additional job or educational tasks, and develop systems to reorganize tasks;
- Develop programs to provide information and training to disabled individuals, employers, educators, independent living programs, rehabilitation counselors, and other engineers or scientists on the use of these modifications; and
- Conduct one or more state-of-the-art studies on modifications to jobs, worksites, and educational settings to improve the knowledge base and to provide suggestions for future research in this area.

Access to Computers and Electronic Equipment

Persons with disabilities constitute a significant potential market for computers, peripherals, and other electronic devices. Disabled persons have at minimum the same needs to use computers and other electronic equipment for work, education, or independent living, as do persons without disabilities. In addition, disabled persons may have specialized uses for computers and electronic equipment to replace or extend functional abilities. However, such equipment (both hardware and software) is often inaccessible to individuals with various types of functional impairments. Computer inaccessibility may result from software reliance on visual, sound, or spoken commands, color coding, or performing two or more functions simultaneously. Hardware switches or operating keys may be physically or visually inaccessible to individuals with disabilities.

There is evidence that manufacturers are interested in making equipment accessible, but they often do not find it cost-effective to develop the necessary adaptations to accommodate the complete range of functional impairments that may be present in potential users. NIDRR proposes to support a Center to design and develop alternative access systems for standard computers and electronic devices. A critical element of such a Center will be the involvement of disabled individuals in planning, conducting, and reviewing the activities of the Center, including assessing needs and evaluating Center products. The Center must serve as a national source of information on access to computers and electronic equipment.

An absolute priority is proposed for an REC to:

- Design and develop performance criteria for accessible computer hardware and software and other electronic devices;
- Investigate the feasibility of a standard keyboard transfer function to enable disabled persons to access standard computers with personal interface devices;
- Design, develop, and test new computer interface aids to improve functional capacity of persons with brain injury, language disorders, upper extremity disorders, spinal injuries, sensory deficits, and other disabling conditions;
- Establish effective linkages with manufacturers and distributors of standard computers to assure testing, acceptance, and incorporation of design modifications;
- Develop and disseminate accessible informational materials and training programs to make manufacturers, distributors, disabled persons, educators, rehabilitation counselors, and others, aware of the availability of and able to use computer access systems; and
- Conduct at least one state-of-the-art study on access to computers and electronic equipment.

Low Back Pain

Low back pain is a comon disabling condition, leading to lost work time and costly health care, and seriously impairing the quality of the lives of affected individuals. Diagnosed low back pain accounts for ten percent of all reported chronic conditions and is the most frequent cause of limitations in the activities of persons under age sixty-four. There are over one million adults disabled by low back pain, and one million persons are temporarily disabled each year. Low back injuries account for as much as one-fifth of workers' compensation awards, and are among the most costly claims.

A critical element of any Center to be funded under this priority is the involvement of disabled individuals in planning, conducting, and reviewing all Center activities. Such a Center must become a national repository of information on the topic area; and must coordinate with other NIDRR research endeavors in spinal cord injury, prosthetics and orthotics, custom seating designs, and worksite modification.

An absolute priority is proposed for an REC to:

- Identify risk factors for low back pain and develop intervention strategies which reduce the incidence of low back pain;
- Develop accurate measurement tools to assess the factors that contribute to low back pain;
- Study the use and effectiveness of currently available orthotic devices in the treatment of low back pain, and design and evaluate new orthotic devices;
- Evaluate the effectiveness of current interventions (movement, manipulation, and exercise) to reduce or eliminate low back pain;
- Assess persons not effectively treated by current intervention techniques to identify those characteristics related to positive therapeutic outcomes;
- Develop worksite modifications to reduce or eliminate low back injury, pain from injury, and lost work time;
- Develop accessible information and training materials on the latest technologies for amelioration of low back pain for disabled persons, clinicians, third-party payers, vocational counselors, and employers; and
- Conduct at least one state-of-the-art study on low back pain.

Rehabilitation Technology Transfer

A major effort is required to ensure that disabled individuals receive and use the appropriate technological devices. Advances in the development of rehabilitation technology frequently are not reflected in the manufacture, distribution, prescription, purchase, and use of appropriate technology.

Barriers to optimum use may result from lack of market knowledge, concerns of consumers and manufacturers about product safety and liability for malfunctions, lack of incentives for production, lack of qualified technology service providers, or lack of awareness of resources to finance rehabilitation technology purchases. NIDRR proposes to initiate a

major effort to stimulate the production and marketing of technologies, enhance rehabilitation technology service delivery networks, elevate the qualifications of technology service providers, and assist in making new research knowledge available for incorporation into existing technology databases used by consumers and professionals.

A critical element of any Center to be funded under this priority is the involvement of disabled individuals in planning, conducting, and reviewing all Center activities. The Center must become a national repository of information on techniques of technology transfer and training technologists.

This Center must coordinate with other NIDRR research endeavors in technology, and assist in the provision of knowledge derived from technology research to existing information systems used by consumers. This Center must work closely with private industry, and with the Regional Rehabilitation Continuing Education Program (RRCEP) and other training resources to promote the adoption of improved training for rehabilitation technologists. This Center must propose and develop productive linkages with the proposed REC on Technology Evaluation and also with the two REC's that NIDRR is establishing pursuant to the Rehabilitation Act Amendments of 1986 to disseminate rehabilitation technology.

An absolute priority is proposed for an REC in this area to:

- Investigate the extent to which concerns about product safety and manufacturer liability are possible barriers to the development and production of rehabilitation technology;
- Conduct market studies to assess the needs and characteristics of potential user populations and identify resources to finance purchase of technological devices by individuals with disabilities, in order to stimulate production and distribution of products;
- Identify and disseminate exemplary models for providing expertise in rehabilitation technology in order to improve the delivery of rehabilitation engineering services;
- Develop and test training materials that are accessible to persons with a variety of disabilities, arrange for the adoption of new training programs, and develop criteria to assess qualifications of rehabilitation technologists, in order to increase the number of qualified rehabilitation engineers and other technologists involved in the provision of services to individuals with handicaps; and
- Conduct at least one state-of-the-art study in the area of technology distribution and one on the training of technologists.

Invitation to Comment

Interested parties are invited to submit comments and recommendations regarding these priorities. All comments submitted in response to these proposed priorities will be available for public inspection during and after the comment period in Room 3070, Mary E. Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133E, National Institute on Disability and Rehabilitation Research)

Dated: July 23, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87-19291 Filed 8-20-87; 8:45 am]

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Part VI

Environmental Protection Agency

40 CFR Part 761

Polychlorinated Biphenyls in Electrical Transformers; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62035F; FRL 3217-1]

Polychlorinated Biphenyls in Electrical Transformers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA issued a Final Rule, published in the **Federal Register** of July 17, 1985 (50 FR 29170) (hereafter, PCB Transformer Fires Rule), which required measures to reduce and eliminate the fire-related risks posed by the use of electrical transformers containing 500 parts per million (ppm) or greater of polychlorinated biphenyls (PCBs) (electrical transformers containing 500 ppm PCBs are referred to as PCB Transformers). Mississippi Power Company filed a petition for review, in District Court, of the PCB Transformer Fires Rule and in the context of settlement negotiations with EPA, Mississippi Power Company raised certain issues for consideration by the Agency. EPA evaluated these issues and agreed to take further action as specified in a settlement agreement executed on October 30, 1986. EPA issued a notice published in the **Federal Register** of December 31, 1986 (51 FR 47241) containing responses to specific questions regarding the PCB Transformer Fires Rule. In addition, EPA proposes amendments to the final PCB Transformer Fires Rule relating to, among other things; (1) The installation of PCB Transformers; (2) the use of an alternative label on PCB Transformer locations; (3) the existing enhanced electrical protection requirement on low secondary voltage network transformers; and (4) the prohibition on the use of certain PCB Transformers located in sidewalk vaults.

DATES: An informal hearing, if requested, will be held in Washington, DC, October 20, 1987. For the exact time and location of the hearing, telephone EPA's TSCA Assistance Office listed under **"FOR FURTHER INFORMATION CONTACT."** Comments on this proposed rule and requests to participate in an informal hearing must be submitted by October 5, 1987. All requests to participate must include an outline of the topics to be addressed, the amount of time requested for the opening statement, and the names of participants. The informal hearing is meant to provide an opportunity for interested persons to present additional information or to discuss new issues, not to repeat information already presented in written comments. Reply comments made in response to issues raised at the hearing must be submitted no later than one week after the date of that hearing.

ADDRESS: Since some comments may contain confidential business information, all comments should be sent in triplicate to: Document Processing Center (TS-790), Rm. L-100, Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Comments should include the docket number OPTS-62035F. Any comments claimed to be confidential information must be marked "CONFIDENTIAL", be accompanied by a nonconfidential version of the confidential copy, and sent via certified mail. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. Information not marked "CONFIDENTIAL" will be placed in the public record and may be disclosed publicly by EPA without prior notice.

Non-confidential versions of comments received on this proposed rule will be available for reviewing and copying from 8 a.m. to 4 p.m. Monday through Friday, excluding holidays, in Rm. NE-G004 at the address given above.

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

Copies of this proposed rule can be obtained from the TSCA Assistance Office. Copies of the support documents for this rule can be obtained through the OTS Document Control Officer listed above.

SUPPLEMENTARY INFORMATION: This document proposes to amend the PCB Transformer Fires Rule by:

a. Substituting the words "rupture" and "ruptures" for the words "failure" and "failures",

b. Allowing the installation of PCB Transformers beyond October 1, 1985, in emergency situations and in situations where the transformer has been retrofilled and is being placed into service for reclassification purposes,

c. Allowing the limited use of an alternative label on certain PCB Transformer locations,

d. Establishing an alternative to the existing electrical protection requirement for owners of lower secondary voltage network PCB Transformers in or near commercial buildings, and

e. Prohibiting the use, as of October 1, 1993, of all lower secondary voltage network PCB Transformers in sidewalk vaults near commercial buildings.

f. Requiring that, in the event a mineral oil transformer assumed to be PCB-Contaminated is subsequently tested and found to contain 500 ppm or greater PCB, a specific schedule be followed to bring the transformer into compliance with all applicable regulations.

I. Background

Section 6(e) of the Toxic Substances Control Act (TSCA) generally prohibits the use of PCBs after January 1, 1978. The statute does, however, set forth two exceptions under which EPA may, by rule, allow a particular use of PCBs to continue. Under section 6(e)(2) of TSCA, EPA may allow PCBs to be used in a totally enclosed manner. TSCA also allows EPA to authorize the use of PCBs in a manner other than a totally enclosed manner if the Agency finds that the use "will not present an unreasonable risk of injury to health or the environment."

EPA promulgated a rule, which was published in the **Federal Register** of May 31, 1979 (44 FR 31514), to implement section 6(e)(2) and (3) of TSCA under 40 CFR Part 761. The rule, among other things, designated all intact, nonleaking capacitors, electromagnets, and transformers, other than railroad transformers, as "totally enclosed," thus permitting their use without specific authorizations or conditions. The Environmental Defense Fund (EDF) petitioned the U.S. Court of Appeals for the District of Columbia Circuit to review a number of provisions of the rule, including the portion of the rule that designated all intact and nonleaking capacitors, electromagnets, and transformers as "totally enclosed" (*Environmental Defense Fund, Inc.* v. *Environmental Protection Agency*, 636 F.2d 1267).

On October 30, 1980, the court, among other things, decided that there was insufficient evidence in the record to support the Agency's classification of transformers, capacitors, and electromagnets as totally enclosed. The court invalidated this portion of the rule and remanded the rule to EPA for further action.

As a consequence to the October 1980 decision, EPA undertook a number of rulemaking actions. One such rule was published in the **Federal Register** of August 25, 1982 (47 FR 37324) (hereafter, "PCB Electrical Use Rule"). This rule authorized, among other things, the continued use, until October 1, 1985, of

PCB Transformers (electrical transformers containing greater than 500 ppm PCBs) in facilities involved in the handling of food or feed items, and authorized for the remainder of their useful life, the use of all other categories of non-rail electrical transformers containing or contaminated with PCBs. In the PCB Electrical Use Rule, EPA made a determination that authorizing the use of these transformers for the remainder of their useful life (subject to certain conditions) did not present an unreasonable risk to public health or the environment. EPA's August 1982 decision to allow the continued use of electrical transformers containing PCBs was based on the reported low frequency of leaks and spills of PCBs from this equipment compared to the high costs associated with replacing this equipment with substitute transformers or requiring secondary containment to limit the spread of spilled materials. EPA determined that the most cost-effective means for reducing the risks posed by leaks and spills of PCBs from these transformers was to require routine inspections, repairs, and cleanup.

After promulgation of the PCB Electrical Use Rule, additional information came to EPA's attention that indicated that fires involving transformers that contain PCBs may occur more frequently than previously expected. Thus, EPA subsequently undertook an evaluation of the fire-related risks posed by the continued use of transformers that contain PCBs, and the costs and benefits of measures designed to reduce those risks. EPA issued a Proposed Rule, published in the **Federal Register** of October 11, 1984 (49 FR 39966), which contained EPA's determination that PCB Transformer fires (fires involving transformers containing greater than 500 ppm PCBs), particularly fires which occur in or near commercial buildings, do present risks to human health and the environment. EPA reached this determination after considering the toxicity of materials which can be formed and released during fires involving this equipment, as well as the potential for human environmental exposures to these compounds from a single incident, and the expected frequency of incidents over the remaining useful life of this equipment.

The Agency issued a final rule, published in the **Federal Register** of July 17, 1985 (50 FR 29170) (hereafter, the PCB Transformer Fires Rule) that amended the PCB Electrical Use Rule. The PCB Transformer Fires Rule placed additional restrictions and conditions on the use of PCB Transformers, particularly PCB Transformers located in or near commercial buildings. Among other provisions, EPA banned the further installation of PCB Transformers in or near commercial buildings, required the removal of PCB Transformers that posed particularly high fire-related risks, and required the installation of enhanced electrical protection on all other PCB Transformers located in or near commercial buildings.

After the promulgation of the PCB Transformer Fires Rule, Mississippi Power Company (hereafter, "Mississippi Power") filed a petition for review of the rule. In the context of settlement negotiations, EPA agreed to publish a clarification notice and propose to amend portions of the PCB Transformer Fires Rule.

EPA issued a Notice of Interpretation of the PCB Transformer Fires Rule published in the **Federal Register** of December 31, 1986 (51 FR 47241) that clarified several provisions of the EPA's regulations governing the use of electrical transformers containing PCBs. The questions concerned: (1) The PCB Transformer registration requirements; (2) the requirement for the removal of stored combustibles near PCB Transformers; (3) the requirement for the reporting of fire-related incidents to the National Response Center; (4) the definition of commercial building; (5) the status of mineral oil transformers which are found to contain over 500 ppm PCBs; (6) the ban on the installation of PCB Transformers in or near commercial buildings; and (7) the requirement for the labeling of the exterior of PCB Transformer locations.

Mississippi Power also raised additional, more substantive issues regarding EPA's ban on the installation of PCB Transformers, the requirements for enhanced electrical protection of low secondary voltage network PCB Transformers, and the requirement for the labeling of the exterior of PCB Transformer locations. First, Mississippi Power questioned whether EPA had intended to ban the installation of PCB Transformers in emergency situations (where no other non-PCB substitute is available) and the installation of retrofilled PCB Transformers when installed for purposes of reclassification. Further, Mississippi Power asked EPA to reconsider the requirement for enhanced electrical protection of low secondary voltage network PCB Transformers because of space constraints in sidewalk vaults, lack of suitable (i.e., waterproof) fuse enclosures, and Mississippi Power's belief that the cost of fuse installation is 2 to 4 times higher than EPA originally estimated. Finally, Mississippi Power asked that EPA allow the use of alternative labels on PCB Transformer locations, when such labeling occurred voluntarily prior to the effective date of the PCB Transformer Fires Rule.

EPA evaluated the additional information submitted by Mississippi Power in the context of settlement negotiations and decided that the new information warranted a reconsideration of certain of the Agency's previous determinations. This notice presents the results of the Agency's further evaluations and proposes some modification to the requirements of the PCB Transformer Fires Rule.

II. Summary of Proposed Rule

Under section 6(e)(2)(B) of TSCA, EPA can authorize a use of PCBs provided that the use "will not present an unreasonable risk of injury to health or the environment." Although the use of PCB Transformers were authorized until October 1, 1985 in facilities involved in the handling of food and feed items and the use of all other categories of non-railroad electrical transformers containing or contaminated with PCBs were authorized for the remainder of their useful lives, EPA later determined that PCB Transformer fires (fires involving transformers containing greater than 500 ppm PCB), particularly fires which occur in or near commercial buildings, do pose risks to humans and the environment. EPA determined that the continued use of PCB Transformers without additional regulatory control measures would present an unreasonable risk of injury to health and the environment and thus, in the PCB Transformer Fires Rule, imposed further restrictions and conditions on the use of PCB Transformers.

The final PCB Transformer Fires Rule required the marking of the exterior of PCB Transformer locations with the PCB identification label, and prohibited, among other things, the further installation of PCB Transformers (electrical transformers containing 500 ppm or greater PCBs) in or near commercial buildings. The PCB Transformer Fires Rule also placed conditions on the continued use of lower secondary voltage network PCB Transformers in or near commercial buildings by requiring that these transformers be equipped with enhanced electrical protection as of October 1, 1990. Enhanced electrical protection was required by EPA to avoid electrical failures leading to fire-related incidents.

Following promulgation of the final PCB Transformer Fires Rule, EPA received several comments from the regulated community concerning the above prohibition and the conditions EPA placed on the continued use of PCB Transformers. In comments submitted following the promulgation of the PCB Transformer Fires Rule, Mississippi Power asked EPA to consider: (1) Clarifying the current language of the requirements for enhanced electrical protection by substituting the word "rupture" for "failure"; (2) modifying the requirement for enhanced electrical protection of lower secondary voltage network transformers because of space constraints in existing sidewalk vault locations; (3) allowing the installation of PCB Transformers in certain circumstances, such as in emergency situations and for purposes of retrofill and reclassification; (4) allowing the use of alternative labels in situations where such labeling was voluntarily initiated prior to the effective date of the PCB Transformer Fires Rule; and (5) establishing a specific schedule for bringing mineral oil transformers, which are tested and found to contain 500 ppm or greater PCBs, into compliance with applicable requirements.

EPA reviewed the new information submitted by Mississippi Power, and others, and considered their requests for modifications to the PCB Transformer Fires Rule. EPA has determined that the issues raised by Mississippi Power, and others, warrant further Agency consideration and is, therefore, proposing certain amendments to the PCB Transformer Fires Rule. Thus, in this document, EPA is proposing to revise, among other things, the ban on the further installation of PCB Transformers in or near commercial buildings and the requirement of enhanced electrical protection, as of October 1, 1990, on lower secondary voltage network PCB Transformers.

EPA is proposing to allow: (a) The installation of PCB Transformers in emergency situations (when no other non-PCB substitute is available); (b) the installation of retrofilled PCB Transformers for purposes of reclassification; and (c) the use of an alternative label to mark the exterior of certain PCB Transformer locations provided the labeling program was initiated voluntarily prior to the effective date of the PCB Transformer Fires Rule. EPA is also proposing to offer owners of lower secondary voltage network PCB Transformers located in or near commercial buildings the option of enhanced electrical protection by October 1, 1990 (as is currently required), or removal by October 1, 1993. Further, EPA is proposing to prohibit the use of low secondary voltage network PCB Transformers located in sidewalk vaults near commercial buildings as of October 1, 1993.

Finally, EPA is proposing to amend the language in 40 CFR 761.30(a)(1)(iv) and (v), respectively, by deleting the words "failure" and "failures" and substituting the words "rupture" and "ruptures" to avoid ambiguity in the language, and is proposing a specific schedule for bringing mineral oil transformers, found to contain 500 ppm or greater PCBs, into compliance with the applicable regulations.

III. Discussion of Proposed Amendments

A. Installation of PCB Transformers

The PCB Transformer Fires Rule banned the installation of PCB Transformers in or near commercial buildings after October 1, 1985. However, EPA is proposing to allow the installation of PCB Transformers in or near commercial buildings in two situations that EPA believes warrant special consideration. First, in emergency situations, where neither a non-PCB Transformer nor PCB-Contaminated transformer is currently available to replace a failed PCB Transformer and immediate replacement is necessary to continue electric service to the entity or entities served by the transformer. Second, for purposes of reclassification, so that a retrofilled transformer may accrue the necessary in-service time to allow reclassification of the unit. EPA, therefore, proposes to allow installation in emergency situations and in situations where installation of a retrofilled PCB Transformer is necessary for reclassification purposes.

1. *Emergency installation.* The PCB Transformer Fires Rule prohibited the further installation of PCB Transformers in or near commercial buildings. This meant that PCB Transformers which were placed into storage for reuse could not be taken out of storage for reuse and placed in use in or near a commercial building. EPA has received comments from utilities that are currently in a situation where the only spare transformers available for use in an emergency situation are PCB Transformers. EPA, in its original assessment of the impact of the prohibition on the installation of PCB Transformers in or near commercial buildings, assumed that non-PCB Transformers would be available for installation in such instances. EPA did not realize that one potential impact of the prohibition would be the denial of electric service to utility customers following the failure of a transformer in the system.

EPA's decision to prohibit the further installation of PCB Transformers in or near commercial buildings was based on a determination that this activity would present an unreasonable risk. This determination was made after balancing the risks posed by installing PCB Transformers in or near commercial buildings against the benefits of further installation. EPA's analysis of the benefits of further installation included an assessment of the availability of substitutes and the economic impact of not allowing further installation of PCB Transformers in or near commercial buildings. In prohibiting the further installation of PCB Transformers in or near commercial buildings, EPA believed that: (1) The benefits of placing a PCB Transformer into a newly constructed building did not outweigh the risks posed; (2) the benefits of replacing a non-PCB Transformer or PCB-Contaminated transformer with a PCB Transformer did not outweigh the risks posed; and, (3) the benefits of installing a PCB Transformer in or near a commercial building to replace a removed PCB Transformer did not outweigh the risks posed. EPA determined that, for all of these cases, the economic impact of a ban on further installation would be negligible because EPA assumed that other adequate non-PCB substitute transformers were available for installation and use in or near commercial buildings.

After the promulgation of the final PCB Transformer Fires Rule, the Electric Power Board of Chattanooga (EPBC) and Kansas City Power and Light Company (KCPL) contacted EPA and supplied information that indicates that, for certain transformers currently in use, EPBC and KCPL currently have only PCB Transformers available for use as replacements in emergency situations. Both utilities have, however, initiated action either to obtain new non-PCB Transformers or to retrofill/reclassify their in-storage PCB Transformers.

This additional information has led EPA to question its belief about the availability of substitutes for this equipment in an emergency situation. The information shows that some transformer owners or users need additional time to acquire non-PCB or PCB-Contaminated transformers. EPA did not intend to prohibit the installation of PCB Transformers in emergency situations where neither a non-PCB Transformer nor a PCB-Contaminated transformer is available for installation and use. EPA is soliciting comments on

the availability of non-PCB Transformers for use in emergency situations. In addition, EPA is soliciting information on the ability to quickly purchase and receive non-PCB Transformers for use in emergency situations.

The impact of being unable to install a PCB Transformer in this type of situation could be large, because electric service could not be provided to certain utility customers. Business shutdowns and even more serious effects, such as loss of life, could result from the denial of electric service to facilities such as nursing homes and hospitals. Clearly, EPA did not consider that the ban on the further installation of PCB Transformers could potentially have such serious economic and human health impacts.

EPA did not foresee these impacts when the PCB Transformer Rule was promulgated. The Agency, in its determination of unreasonable risk, did not consider that its immediate ban on the further installation of PCB Transformers could cause serious human health impacts. Thus, EPA is reconsidering its determination to ban further installation as of October 1, 1985 and is proposing to extend the effective date to allow the emergency installation of PCB Transformers until October 1, 1990. However, EPA is proposing to restrict to 1 year the time that such a transformer may be used, once it has been installed on an emergency basis.

The highest frequency of fire-related incidents occur in high secondary voltage network PCB Transformers. EPA estimated that the fire-related incidence rate for these transformers was .03% per year. EPA expects that for the total transformer population, less than .012% of the transformers (less than 13) will have to be installed from 1987 through 1990. Thus, even if all were high risk, emergency replacement units, EPA would expect less than one fire-related incident involving a newly installed PCB Transformer during this period. Further, since EPA proposes to allow those transformers installed on an emergency basis to be used for only 1 year from the date of installation, the incremental risk of allowing a 1 year maximum use after installation would not create an unreasonable risk to public health and the environment. EPA considered the benefits of allowing the installation in an emergency situation compared to the frequency of incidents during the period of use and determined that this installation would not present an unreasonable risk.

Although EPA believes that the probability is low for a newly installed PCB Transformer failing and causing a fire-related incident, there are certain risks posed by the installation of PCB Transformers, even in emergency situations. EPA knows of at least one documented instance where a PCB Transformer involved in a fire-related incident was replaced with a second PCB Transformer which then also failed. However, EPA believes that it has mitigated these risks by prohibiting further installation after October 1, 1990 (even in emergency situations), and by placing a time restriction on the continued use of these PCB Transformers after emergency installation. Finally, these transformers are required to be operated in accordance with all other restrictions and conditions of the PCB Transformer Fires Rule and the PCB Electrical Use Rule, including registration with Fire Departments and building owners, exterior labeling, and inspections for leaks and spills. EPA has concluded that the installation of PCB Transformers on an emergency basis until October 1, 1990 and compliance with these restrictions and conditions will not present an unreasonable risk of injury to public health or the environment.

2. *Installation for reclassification purposes.* In the final PCB Transformer Fires Rule, EPA prohibited the further installation of PCB Transformers in or near commercial buildings after October 1, 1985 to decrease the risk of commercial building contamination in the event of a PCB Transformer fire. However, since promulgation of the final rule, EPA has determined that there are instances that warrant special consideration where it may be necessary (see Unit III.A.1 above regarding emergency situations) and/or beneficial to allow limited installation of a PCB Transformer.

Based on comments received after promulgation of the final PCB Transformer Fires Rule, EPA was informed that in most instances the spare transformers in storage for reuse are specifically paired with transformers in use. Thus, in the event of a failed PCB Transformer in the system, the utility is placed in a position of replacing a failed PCB Transformer with another PCB Transformer because the only spares available for use are PCB Transformers. Although the regulation prohibits the replacement of failed PCB Transformers with non-PCB Transformers, EPA believes that retrofilling and reclassification should be available as a viable option for this equipment. EPA has typically encouraged retrofilling and reclassification and believes that the benefits of reclassification in certain situations approach the benefits of PCB Transformer replacement.

An amendment to the PCB regulation (40 CFR 761.30 (a)(2)(v)), published in the **Federal Register** of August 25, 1982 (47 FR 37358), declared that the PCB concentration in transformers may be reduced for purposes of reclassifying the transformer to a non-PCB Transformer or PCB-Contaminated transformer. PCB Transformers and PCB-Contaminated transformers may be reclassified by draining, refilling and/or otherwise servicing the transformers. In order to be reclassified after this servicing, the transformer's dielectric fluid must be tested and found to contain less than 500 ppm PCBs (for conversion to PCB-Contaminated transformer) or less than 50 ppm (for conversion to a non-PCB Transformer) after a minimum of 3 months in-service use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the transformer. Three months is the minimum amount of time necessary to ensure that the PCBs trapped in the interior parts of the transformer leach out into the dielectric fluid. A transformer is treated as if it contained the original concentration of PCBs until it is reclassified; therefore, a PCB Transformer cannot be converted to a PCB-Contaminated transformer of non-PCB Transformer unless the transformer has been reclassified pursuant to 40 CFR 761.30(a)(2)(v). That is, a transformer cannot be reclassified after retrofilling until it has accrued a minimum of a 3 months of inservice use and been subsequently tested and found to contain less than 500 ppm PCB (for conversion to a PCB-Contaminated transformer) or less than 50 ppm PCB (for conversion to a non-PCB Transformer).

EPA wants to encourage the conversion of PCB Transformers that are currently in storage for reuse to PCB-Contaminated or non-PCB status. Allowing the installation of a retrofilled PCB Transformer for reclassification purposes would give utilities and others similiarly situated an opportunity to convert their spare PCB Transformers to PCB-Contaminated or non-PCB status pursuant to § 761.30(a)(2)(v). Thus, EPA is reconsidering its determination to ban further installation of PCB Transformers as of October 1, 1985 and is proposing to extend the effective date to allow the installation until October 1, 1990 of retrofilled PCB Transformers so that these units may accrue the necessary inservice use time to allow for reclassification. However, once a retrofilled PCB Transformer is installed for reclassification purposes, it must be tested 3 months after installation to ascertain the concentration of PCBs. If

the PCB concentration is below 50 ppm, the transformer can be reclassified as a non-PCB Transformer. If the PCB concentration is between 50 and 500 ppm, the transformer can be reclassified to a PCB-Contaminated transformer. If the PCB concentration remains at 500 ppm or greater, the entire process must either be repeated until the transformer has been reclassified to a non-PCB or PCB-Contaminated transformer in accordance with § 761.30(a)(2)(v) or the transformer must be removed from service.

Comments received since promulgation of the rule suggest that if a PCB Transformer is installed for purposes of reclassification, there should be a limited time to achieve reclassification. EPA has received information that reclassification to a non-PCB or PCB-Contaminated transformer can take approximately 18 months; However, EPA solicits comments regarding the length of time needed to reclassify a PCB Transformer to a non-PCB Transformer or PCB-Contaminated transformer.

There are two categories of PCB Transformers that can be reclassified: (1) Transformers originally designed to contain PCB dielectric fluid ("askarel" transformers); and (2) mineral oil transformers that have become contaminated with 500 ppm or greater PCBs as a result of past servicing activities. Retrofilling and reclassification of "askarel" PCB Transformers to PCB-Contaminated or non-PCB status require more effort, as a single retrofill of an "askarel" PCB Transformer typically leaves 60,000 ppm PCBs still in the transformer. Thus, reclassification of an "askarel" PCB Transformer to PCB-Contaminated or non-PCB status typically requires several retrofills. Reclassifying mineral oil PCB Transformers to PCB-Contaminated or non-PCB status can be accomplished more easily, because the typical PCB concentration in these mineral oil transformers is less than 1,000 ppm. In many cases, a single retrofill will allow subsequent reclassification of mineral oil PCB Transformers to PCB-Contaminated status.

In recognition of this fundamental difference between the risks posed by the installation for reclassification purposes of an "askarel" PCB Transformer versus a mineral oil PCB Transformer, EPA is proposing to allow an indefinite installation period for retrofilled mineral oil PCB Transformers that will be installed for reclassification purposes. However, for "askarel" PCB Transformers, EPA is prohibiting installation even for reclassification purposes after October 1, 1990.

EPA recognizes that the installation of retrofilled PCB Transformers for reclassification purposes presents some level of risk. Comments received suggest there are on the average 3,000 transformers in storage for reuse. Assuming that all of these transformers will be installed for reclassification purposes (comments suggest that, due to the age of some of these transformers in storage for reuse, it would not be economically justifiable to retrofill and reclassify all of these units), EPA believes the risks to human health and the environment from PCB exposure are substantially lower because retrofilled units will replace paired pure PCB units. However, EPA believes that it should make available retrofill and reclassification as an alternative to transformer replacement. Since most utilities, according to comments received after the rule was promulgated, maintain they have to replace all of their PCB Transformers that are in storage for reuse under the existing requirement that bans the installation of PCB Transformers, this would allow utilities that have PCB Transformers in storage for reuse (which are specially paired to transformers in use) to place these retrofilled transformers in service for reclassification purposes. Allowing installation of these retrofilled PCB Transformers for reclassification purposes allows the utility to continue service to their customers while accruing the in-service use time needed to reclassify the PCB Transformer to a PCB-Contaminated transformer or non-PCB Transformer.

B. Failure vs. Rupture

In this document, EPA proposes to amend the language in 40 CFR 761.30(a)(1)(iv) and (v), respectively, by deleting the words "failure" and "failures", and substituting the words "rupture" and "ruptures".

Questions and comments received by EPA necessitate a change in the language to avoid confusion and give a clear understanding of the Agency's intent in regulating PCBs, which is to reduce the release of PCBs and thereby reduce exposure to humans and the environment. Fires and fire-related incidents involving transformers containing PCBs have been found to be responsible for the release of PCBs (and other materials more toxic than PCBs). Thus, in the Federal Register of July 17, 1985 (50 FR 29170), EPA issued final amendments to the rule governing the use of PCBs by placing additional restrictions and conditions on the use of PCB Transformers. These amendments include use authorizations for PCB Transformers with certain conditions to reduce risk of injury to health or the environment sometimes caused by transformer "ruptures". EPA, in this proposed amendment, takes notice that electrical "failure", when used to describe the actual electrical fault condition, cannot be prevented. The intent of the regulation to provide enhanced electrical protection is not to avoid failure (a condition that cannot be prevented), but to avoid the likelihood of rupture of a PCB Transformer from electrical failure. EPA believes that comments received after promulgation of the final PCB Transformer Fires Rule merit a change in the language; therefore, EPA is proposing an amendment to avoid ambiguity in the language of the regulation by substituting the word "rupture" or "ruptures" for "failure" or "failures" when they appear in § 761.30(a)(1)(iv) and (v).

C. Alternative Labeling

In this document EPA is also proposing to allow the use of an alternative label (other than that required under the current regulation). Under the existing regulations EPA requires that the vault door, machinery room door, fence, hallway, or means of access, other than grates and manhole covers, to a PCB Transformer be marked, as of December 1, 1985, with the mark M_L (the PCB label). EPA believed that a labeling requirement on transformer locations, in addition to the requirement for transformer registration, would provide increased assurance that emergency response personnel arriving at the scene of a fire would know that the fire involves a transformer that contains PCBs. Thus, in the final PCB Transformer Fires Rule, EPA instituted a labeling requirement, specifically requiring the mark M_L on the exterior of PCB Transformer locations.

EPA required the use of one type of label to provide consistence and to facilitate compliance monitoring efforts. The PCB identification label was required because EPA assumed that most PCB Transformer owners already had these labels in their possession since, prior to this labeling requirement, the mark M_L was already required on the PCB Transformers themselves. Therefore, owners of PCB Transformers would not have to make special purchases of a new type of label in order to be in compliance with this new labeling requirement. However, after promulgation of the final PCB Transformer Fires Rule, EPA received comments indicating that a few utilities

had already coordinated with fire departments and voluntarily labeled the exterior of PCB Transformer locations with a mark other than M_L. While EPA is interested in a consistent nationwide labeling system, EPA believes that those who voluntarily initiated labeling programs after consultation with local emergency response organizations should not be required to incur the additional expense associated with relabeling.

EPA sees little benefit in achieving the stated goal of labeling by requiring the re-marking of these locations. Allowing an alternative label satisfies the intent of the requirement, as stated in the PCB Transformer Fires Rule at 50 FR 29189, and avoids the additional economic burden of implementing new labeling programs. Thus, EPA is proposing to allow an alternative label, other than the mark M_L, when a label is already being used on the exterior of PCB Transformer locations to insure that emergency response personnel arriving at the scene of a fire will know that a fire involves a PCB Transformer, and the labeling program was initiated and coordinated between the emergency response personnel and the transformer owner, prior to August 15, 1985 (the effective date of the PCB Transformer Fires Rule). However, EPA would require those who voluntarily established a labeling program before August 15, 1985, to do the following: (1) Inform the Regional Administrator in the appropriate region of the use of the alternative label, (2) provide documentation that the program was initiated before August 15, 1985, and (3) provide documentation that the appropriate emergency response organizations know and recognize the meaning of the mark.

D. Electrical Protection

In the final PCB Transformer Fires Rule, EPA prohibited, as of October 1, 1990, the use of all network PCB Transformers with higher secondary voltages (secondary voltages at or above 480 volts) in or near commercial buildings and required the installation, by October 1, 1990, of enhanced electical protection on the remaining commercial PCB Transformers, including all radial and lower secondry voltage network transformers (network transformers with secondary voltages below 480 volts).

In this document, EPA is proposing an amendment to the electrical protection requirements of the final PCB Transformer Fires Rule. Currently, the regulation has no provision for the phaseout of lower secondary voltage network PCB Transformers located in or near commercial buildings. However, the PCB Transformer Fires Rule does require the installation of enhanced electrical protection on these transformers by October 1, 1990. EPA is proposing to amend the October 1, 1990 date for enhanced electrical protection of lower secondary voltage network PCB Transformers. For low secondary voltage network PCB Transformers located in sidewalk vaults near commercial buildings, EPA is proposing to require the removal of these transformers by October 1, 1993 (see Unit III.E.). For all other low secondary voltage network PCB Transformers in or near commerical buildings, EPA is offering owners of this equipment an alternative to the current requirement for enhanced electrical protection by October 1, 1990. This alternative is the removal of this equipment by October 1, 1993, provided that EPA is notified of the pending removal by no later than October 1, 1990. In short, EPA proposed to allow owners of lower secondary voltage network PCB Transformers located in commercial buildings or near commercial buildings (in other than sidewalk vault locations) the option of implementing risk reduction measures on a shorter schedule, by implementing the current requirement which requires installing enhanced electrical protection by October 1, 1990, or removing the PCB Transformers by October 1, 1993. EPA is also proposing that those owners who choose to remove this equipment, register those transformers with the EPA Regional Administrator in the appropriate region. This provides the Regional Administrator with information that would facilitate compliance monitoring efforts. Information to be provided to the Regional Administrtor, when registering the transformer, includes the PCB Transformers location, including the address of the building and the physical location of the PCB Transformer on the building site, along with the identification number of the PCB Transformer.

EPA is proposing this alternative to the existing requirements in part because comments received following promulgation of the PCB Transformer Fires Rule indicated that EPA may have underestimated the costs associated with installation of enhanced electrical protection on these transformers. These comments suggest that many owners are in fact considering the removal/retrofill of these transformers. Commentors argue that EPA did not consider this potential result in its original assessment in support of the PCB Transformer Fires Rule.

According to available data, EPA expects that there are fewer than 3,000 low secondary voltage network PCB Transformers in or near commercial buildings (in other than sidewalk vault locations). Based on available information, the vast majority of low secondary voltage network PCB Transformers (over 10,000 units) appear to be located in sidewalk vaults.

EPA acknowledges that in July 1985 it did not expect owners of these transformers to remove/retrofill these transformers by October 1, 1990, rather than install enhanced electrical protection. Had EPA recognized this potential impact of requiring enhanced electrical protection of these transformers, EPA may have extended the date for compliance with he enhanced electrical protection requirements. An extension would have been a reasonable action in light of the Agency's determination that lower secondary voltage network PCB Transformers pose less of a fire-related risk than higher secondary voltage network PCB Transformers (which EPA required to be removed by October 1, 1990). That is, EPA did not intend to place these two types of transformers, which pose different levels of fire-related risks, on essentially the same schedule for removal.

EPA recognizes that modifying the PCB Transformer Fires Rule to provide owners the option of removal by October 1, 1993 or enhanced electrical protection by October 1, 1990 will most likely have the effect of allowing the continued use of many of these transformers for an additional 3 years (without enhanced electrical protection). However, EPA believes that it should encourage utilities and other owners of high secondary voltage network transformers located in or near commercial buildings to direct all available resources to the imediate removal of these higher fire risk units. EPA expects that staggering regulatory requirements for these different systems will, albeit indirectly, help achieve this goal.

Finally, while EPA continues to expect enhanced electrical protection to be an effective risk reduction mechanism for these transformers, EPA prefers the regulatory option of transformer removal because it completely eliminates PCB Transformer fire-related risks (as well as the risks posed by leaks and spills of PCBs from these transformers). EPA also recognizes, however, that PCB Transformer removal is costly. In providing transformer owners the option of risk reduction in the short term or removal on a slightly

longer schedule, EPA has attempted to create an incentive for removal.

E. Phaseout of Lower Secondary Voltage Network PCB Transformers in Sidewalk Vaults

In the final PCB Transformer Fires Rule, EPA prohibited, as of October 1, 1990, the use of all network PCB Transformers with higher secondary voltages, while requiring enhanced electrical protection on the remaining commercial PCB Transformers, including all radial and lower secondary voltage network PCB Transformers.

In this document, EPA is proposing to amend the current requirement that electrical protection be installed as of October 1, 1990, on all lower secondary voltage network PCB Transformers in or near commercial buildings. EPA is proposing to require that lower secondary voltage network PCB Transformers located in sidewalk vaults near commercial buildings be removed from service by October 1, 1993. Unlike owners of low secondary network PCB Transformers located outside of a sidewalk vault, who have an option of removing these transformers from service or installing enhanced electrical protection, owners of this equipment will not have the choice of electrical protection or removal. The Proposed Rule will require these transformers located in sidewalk vaults to be removed as of October 1, 1993.

In the PCB Transformer Fires Rule, EPA determinined that requiring enhanced electrical protection of these transformers would significantly reduce the fire-related risks posed by the use of this equipment. However, after promulgation, EPA received comments that indicated that it was neither practical nor feasible to install additional protective devices on lower secondary network PCB Transformers in sidewalk vaults, citing cost and physical constraints as major factors. The most frequent explanation given by utilities, according to an inventory taken by the Resource Planning Corporation (RPC), as to why current-limiting fuses were neither practical nor feasible, was space limitations within sidewalk vaults and lack of suitable fuse enclosures (i.e., waterproof and with extended service life) for the underground environment.

As is the case for low secondary voltage network PCB Transformers located in other than sidewalk vaults (see Unit III.D.), comments received after the rule was promulgated indicate a strong desire to replace these transformers located in sidewalk vaults rather than install current-limiting fuses, resulting in many more transformers potentially being removed from service than EPA originally expected. In contrast to the situation for low secondary voltage network transformers in other than sidewalk vaults (where enhanced electrical protection is still an option), according to comments, space constraints and lack of suitable fuse enclosures make enhanced electrical protection of those units in sidewalk vaults impractical. The most effective option for reducing fire-related risks is removal of these transformers. Thus, EPA is proposing to require owners of transformers located in sidewalk vaults to remove them from service as of October 1, 1993.

As previously noted, according to comments, owners of low secondary voltage netowrk PCB Transformers located in sidewalk vaults would rather remove these transformers from service than install enhanced electrical protection due to, among other things, space constraints within these sidewalk vaults. Thus, economically, these owners have no choice and would have to remove these transformers from service, as of October 1, 1990, rather than install enhanced electrical protection. This would have the effect of EPA requiring the removal, as October 1, 1990, of not only the high secondary voltage network PCB Transformers, but the lower secondary voltage network transformers as well. EPA did not intend to place two types of transformers, which pose different levels of risks, on essentially the same schedule for removal. Therefore, EPA believes that allowing owners to remove, as of October 1, 1993, the low secondary voltage network PCB Transformers located in sidewalk vaults, would allow the owners to first concentrate their resources on removal of the high fire-related risk transformers (which they are required to remove as of October 1, 1990), and then address the lower risk units.

Finally, since the promulgation of the final PCB Transformer Fires Rule, EPA has received comments suggesting that EPA's cost estimates of installing current-limiting fuses are understated. These comments indicate that the average cost estimates are 2 to 4 times higher than the EPA estimates. EPA estimated the cost of installing current-limiting fuses on lower secondary voltage network PCB Transformers to be about $4,000 per transformer and, based on this estimate, EPA calculated that owners of 208/120 network equipment would spend appromixately $37 million to install current-limiting fueses by 1990. EPA received additional comments suggesting that EPA did not take into account sidewalk vault installations requiring substantial redesign or rebuilding, thus raising the cost to $12,000 to $30,000 or more per transformer.

Therefore, EPA is proposing, based on comments received from the regulated community since promulgation of the final PCB Transformer Fires Rule, to require the removal of lower secondary voltage network PCB Transformers in sidewalk vaults by October 1, 1993, instead of requiring enhanced electrical protection on these transformers by October 1, 1990.

While EPA recognizes that allowing the use of this equipment until October 1, 1993 (an additional 3 years), without installing enhanced electrical protection poses some risk, EPA believes that phaseout of an additional class of transformers above those currently required to be phased out, further minimizes the risk of fire-related events involving PCB Transformers. EPA continues to prefer the regulatory option of transformer removal because it completely eliminates PCB Transformer fire-related risk, as well as the risks posed by leaks and spills of PCBs from these transformers. Thus, although there is some risk in allowing additional time to phase out this equipment, EPA believes the benefits of removing these PCB containing transformers from service, thus eliminating any potential risk of PCB exposure, outweighs the risks incurred by allowing the use of these transformers for an additional 3 years. Further, EPA has determined that requiring phaseout of those transformers in sidewalk vaults would be practical since owners of this equipment express an interest in removing rather than installing enhanced electrical protection and EPA has already determined that for this type of equipment some risk reduction measure must be implemented.

F. Discovery of PCB Transformer

In this document, EPA is proposing that in the event a mineral oil transformer assumed to contain less than 500 ppm of PCBs pursuant to § 761.3 is determined through testing to be contaminated at 500 ppm or greater, efforts must be initiated immediately to bring the transformer into compliance. Section 761.3 allows owners of untested mineral oil transformers (that in fact may contain 500 ppm or greater PCBs) to assume they are less than 500 ppm. EPA does not intend to penalize owners who, upon testing, later discover that the transformer actually contains 500 ppm or greater PCBs. However, when such a transformer is discovered to be a PCB Transformer, EPA believes that it should be brought into compliance as quickly

as possible. EPA proposes a schedule for achieving such compliance if a mineral oil transformer is discovered later to be a PCB Transformer. EPA proposes to require that after discovering that a mineral oil transformer is a PCB Transformer (any transformer that contains 500 ppm PCB or greater) the owner of the transformer comply with the following schedule:

1. Report any fire-related incidents.

2. Mark the transformer, the vault door, machinery room door, fence, hallway or other means of access to the PCB Transformer with the appropriate label, immediately after discovery. Comments received after the promulgation of the PCB Transformer Fires Rule state that owners should be given 48 hours to mark their transformers. EPA solicits comments regarding the length of time needed to comply with the marking requirements once a transformer is found to contain concentrations of 500 ppm or greater PCBs.

3. Register the PCB Transformer with fire response personnel and the building owner within 30 days of discovery.

Comments received after the rule was promulgated suggest that 48 hours (or probably 72 to 96 hours to account for weekends and/or holidays) would be more reasonable in this instance. However, EPA solicits comments regarding the length of time needed to comply with the registration requirement once a mineral oil transformer is found to contain 500 ppm PCB or greater.

4. Install electrical protective equipment on radial PCB Transformers and non-sidewalk vault, lower secondary voltage network PCB Transformers in commercial buildings within 18 months of discovery or by October 1, 1990, whichever is later.

5. Remove non-sidewalk vault, lower secondary voltage network PCB Transformers in commercial buildings if electrical protective equipment is not installed, within 18 months of discovery or by October 1, 1993, whichever is later.

6. Remove lower secondary voltage network PCB Transformers located in sidewalk vaults near commercial buildings, within 18 months of discovery or by Ocotber 1, 1993, whichever is later.

EPA proposes to provide options in lieu of the enhanced electrical protection and removal requirements for mineral oil transformers, upon discovering a mineral oil transformer (assumed to contain less than 500 ppm of PCBs) is later tested and found to have concentrations of PCBs at 500 ppm or greater. EPA proposes to allow:

1. Retrofill and reclassification of a radial PCB Transformer or a lower or higher secondary voltage network PCB Transformer, located in other than sidewalk vaults, in or near a commercial building, within 18 months or by October 1, 1990, whichever is later.

2. Retrofill and reclassification of a lower secondary voltage network PCB Transformer located in sidewalk vaults near commercial buildings, within 18 months or by October 1, 1993, whichever is later.

3. Retrofill and reclassification of higher secondary voltage network PCB Transformers, located in sidewalk vaults near commercial buildings, within 18 months or by October 1, 1990, whichever is later.

IV. Previous Rulemaking Record

1. Official rulemaking record from "Polychlorinated Biphenyls in Electrical Transformers" Final Rule, published in the **Federal Register** of July 17, 1985, (50 FR 29170).

2. Official Record from "Notice of Interpretation of Transformer Fires Regulations", published in the **Federal Register** of December 31, 1986, (51 FR 47241).

V. Support Documents

1. USEPA, OPTS, EED, Putnam, Hayes and Bartlett, Inc. "Evaluation of the Sufficiency of Current and Projected PCB Disposal Capacity To Meet Demand Requirements", July 1986.

2. Letters received from:

a. Kansas City Power and Light dated September 11, 1985.

b. Electric Power Board of Chattanooga dated October 3, 1985.

3. Reports from Resource Planning Corporation submitted to Utility Solid Waste Activities Group, dated January 6, 8, and April 23, 1986.

VI. Executive Order 12291

Under Executive Order 12291, issued February 17, 1981, EPA must judge whether a rule is a "major rule" and, therefore, subject to the requrement that a regulatory impact analysis be prepared. EPA has determined that this amendment to the PCB Rule would not be a "major rule" as that term is defined in section 1(b) of the Executive Order and therefore is not subject to the requirement that a regulatory impact analysis be prepared.

While the rule would place some additional restrictions and conditions on the use of PCB Transformers, it is worth noting that this regulation would allow the continued use of PCBs in electrical transformers that would otherwise be prohibited by section 6(e) of TSCA. This rule would avoid the severe disruption of electric service to the public and industry that would occur if the use of this equipment were immediately prohibited. It also would avoid the economic impact that would result from a requirement to replace the equipment as soon as possible.

This rule was submitted to the Office of Management and Budget (OMB), as required by Executive Order 12291.

VII. Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator may certify that a rule will not, if promulgated have a significant impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis.

In general, this rule will reduce the burden on small businesses that would otherwise be encountered if an immediate ban on PCB-containing transformers were to take effect. If an immediate ban on the use of PCBs in transformers were imposed, large costs would be incurred by all producers and users of electricity, including small businesses.

EPA certifies that this rule will not have a significant economic impact on a substantial number of small entities.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 et seq., authorizes the Director of the Office of Management and Budget to review certain information collection requests by Federal agencies. EPA's original request to collect information for this rulemaking was approved under OMB Control Number 2070–0073. EPA has determined that the recordkeeping and reporting requirements of this proposed rule constitute a "collection of information" as defined in 44 U.S.C. 3502(4). Comments on these requirements should be submitted to the Office of Information and Regulatory Affairs of OMB, marked ATTENTION: Desk Officer for EPA. The final rule package will respond to any OMB or public comments on the information collection requirements.

List of Subjects in 40 CFR Part 761

Hazardous substances, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements, Environmental protection.

Dated: August 13, 1987.

Lee M. Thomas,

Administrator.

Therefore it is proposed that 40 CFR Part 761 be amended as follows:

PART 761—[AMENDED]

1. The authority citation for Part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611.

2. In § 761.3 by adding the definitions of "emergency situation", "mineral oil PCB Transformer" and "non-PCB Transformer", alphabetically to read as follows:

§ 761.3 Definitions.

* * * * *

"Emergency Situation" for continuing use of "PCB Transformers" exists when:

(1) Neither a non-PCB Transformer or a PCB-Contaminated transformer is currently in storage for reuse or readily available (i.e., available within 24 hours) for installation; and

(2) Immediate replacement is necessary to continue service to utility customers; and

(3) Documentation to support paragraph (1) and (2) of this definition must include, but is not limited to:

(i) The type of transformer that requires replacement.

(ii) The type(s) of transformers that must be used for replacement.

(iii) The date of transformer failure.

(iv) The date of subsequent replacement.

(v) The type of transformer installed as a replacement.

(vi) A statement describing actions taken to locate a non-PCB or PCB-contaminated transformer replacement.

* * * * *

"Mineral oil PCB Transformer" means any transformer orginally designed to contain mineral oil as the dielectric fluid and which has been tested and found to contain 500 ppm or greater PCBs.

* * * * *

"Non-PCB Transformer" means any transformer that contains less than 50 ppm PCB; except that any transformer that has been converted from a PCB Transformer or a PCB-Contaminated transformer cannot be classified as a non-PCB Transformer until reclassification has occured, in accordance with the requirements of § 761.30(a)(2)(v).

* * * * *

3. In § 761.30 by revising paragraphs (a)(1)(iii), and (iv) and adding paragrah (a)(1)(xv) to read as follows:

§ 761.30 Authorizations.

* * * * *

(a) * * *

(1) * * *

(iii) Except as otherwise provided, as of October 1, 1985, the installation of PCB Transformers, which have been placed into storage for reuse or which have been removed from another location, in or near commercial buildings is prohibited. The installation of PCB Transformers on or after the effective date of this regulation, however, and their use thereafter, is permitted either in "emergency situations", as defined in 40 CFR 761.3, or in situations where the transformer has been retrofilled and is being placed into service in order to qualify for reclassification under paragraph (a)(2)(v) of this section. Such emergency installation is permitted until October 1, 1990, and the use of any PCB Transformer installed on such an emergency basis is permitted for one year from the date of installation or until October 1, 1990, whichever is earlier. For purposes of this paragraph, the installation of retrofilled PCB Transformers for purposes of reclassification under paragraph (a)(2)(v) of this section is permitted until October 1, 1990. Retrofilled "mineral oil PCB Transformers" may be installed for reclassification purposes after October 1, 1990. However, once a retrofilled transformer has been installed for reclassification purposes, it must be tested three months after installation to ascertain the concentration of PCBs. If the PCB concentration is below 50 ppm, the transformer can be reclassified as a non-PCB Transformer. If the PCB concentration is between 50 and 500 ppm, the transformer can be reclassified as a PCB-Contaminated transformer. If the PCB concentration remains at 500 ppm or greater, the entire process must either be repeated until the transformer has been reclassified to a non-PCB or PCB-Contaminated transformer in accordance with paragraph (a)(2)(v) of this section or the transformer must be removed from service. All PCB Transformers installed in an emergency situation or installed for retrofill/reclassification purposes are subject to the requirements of Part 761.

(iv)(A) As of October 1, 1990, all radial PCB Transformers, in use in or near commercial buildings, and lower secondary voltage network PCB Transformers not located in sidewalk vaults in or near commercial buildings (network transformers with secondary voltages below 480 volts) that have not been removed from service as provided in paragraph (a)(l)(v) of this section, must be equipped with electrical protection to avoid transformer ruptures caused by high current faults. Current-limiting fuses or other equivalent technology must be used to detect sustained high current faults and provide for complete deenergization of the transformer (within several hundredths of a second in the case of radial PCB Transformers and within tenths of a second in the case of lower secondary voltage network PCB Transformers), before transformer rupture occurs. The installation, setting, and maintenance of current-limiting fuses or other equivalent technology to avoid PCB Transformers ruptures from sustained high current faults must be completed in accordance with good engineering practices.

(B) All lower secondary voltage network PCB Transformers not located in sidewalk vaults (network transformers with secondary voltages below 480 volts), in use in or near commercial buildings, which have not been protected as specified in paragraph (a)(l)(iv)(A) of this section by October 1, 1990, must be removed from service by October 1, 1993.

(C) As of October 1, 1990, owners of lower secondary voltage network PCB Transformers not located in sidewalk vaults which have not been protected as specified in paragraph (a)(1)(iv)(A) of this section must register those transformers with the EPA Regional Administrator in the appropriate region. Information required to be provided to the Regional Administrator in writing shall be:

(*1*) The specific location of the PCB Transformer(s).

(*2*) The address(es) of the building(s) and the physical location of the PCB Transformer(s) on the building site(s).

(*3*) The identification number(s) of the PCB Transformer(s).

(D) As of October 1, 1993, all lower secondary voltage network PCB Transformers located in sidewalk vaults (network transformers with secondary voltages below 480 volts) in use near commercial buildings must be removed from service.

* * * * *

(xv) In the event a mineral oil transformer assumed to contain less than 500 ppm of PCBs pursuant to § 761.3 is tested and found to be contaminated at 500 ppm or greater PCBs, efforts must be initiated immediately to bring the transformer into compliance in accordance with the following schedule:

(A) Reporting fire-related incident, effective immediately after discovery.

(B) Marking of the transformer, effective immediately after discovery.

(C) Marking the vault door, machinery room door, fence, hallway or other means of access to the PCB Transformer: effective immediately after discovery.

(D) Registering the PCB Transformer with fire response personnel with primary jurisdiction and with the

building owner, within 30 days of discovery.

(E) Installation of electrical protective equipment on radial PCB Transformers and non-sidewalk vault, lower secondary voltage network transformers in or near commercial buildings: within 18 months of discovery or by October 1, 1990, whichever is later.

(F) Removal of non-sidewalk vault, lower secondary voltage network transformers in or near commercial buildings if electrical protective equipment is not installed, within 18 months of discovery or by October 1, 1993, whichever is later.

(G) Removal of lower secondary voltage network PCB Transformers (located in sidewalk vaults) in or near commercial buildings, within 18 months of discovery or by October 1, 1993, whichever is later.

(H) Retrofill and reclassification of a radial PCB Transformer or a lower or higher secondary voltage network PCB Transformer, located in other than sidewalk vaults in or near a commercial building, within 18 months or by October 1, 1990, whichever is later (this is an option in lieu of installing electrical protective equipment on the radial or the lower secondary voltage network PCB Transformers located in other than sidewalk vaults or removing the higher secondary voltage network PCB Transformers or the lower secondary voltage network PCB Transformers, located in sidewalk vaults, from service).

(I) Retrofill and reclassification of a lower secondary voltage network PCB Transformer, located in sidewalk vaults, in or near a commercial building: Within 18 months or by October 1, 1993, whichever is later (this is an option in lieu of installing electrical protective equipment or removing these transformers from service).

(J) Retrofill and reclassification of higher secondary voltage network PCB Transformers (located in sidewalk vaults) in or near a commercial building: within 18 months or by October 1, 1990, whichever is later (this is an option in lieu of other requirements).

* * * * *

§ 761.40 [Amended]

4. In § 761.40 by revising paragraph (j) to read as follows:

§ 761.40 Marking Requirements.

* * * * *

(j)(1) Except as provided in paragraph (j)(2) of this section, as of December 1, 1985, the vault door, machinery room door, fence, hallway, or means of access, other than grates and manhole covers, to a PCB Transformer must be marked with the mark M_L.

(2) A mark other than M_L label can be used provided all of the following conditions are met:

(i) The program using such an alternative label was initiated prior to August 15, 1985, and can be substantiated.

(ii) Prior to August 15, 1985, coordination between the transformer owner and the emergency response personnel occurred and appropriate emergency response personnel know and recognize what the alternative mark means.

(iii) The EPA Regional Administrator in the appropriate region is informed of the use of the alternative label within 30 days of (insert the effective date of this amendment), and is provided with documentation that the program began before August 15, 1985, and that prior to that date the appropriate emergency response organizations knew and recognized the meaning of the mark.

(3) Any mark placed pursuant to this section must be placed so that it can be easily read by firemen fighting a fire involving this equipment.

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