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Presidential Documents

Title 3—

The President

Proclamation 5697 of September 8, 1987

National Reye's Syndrome Week, 1987

By the President of the United States of America

A Proclamation

Reye's Syndrome is a deadly disease that can strike a child or teenager during recovery from a relatively innocuous viral illness—from the flu, for example, or from chicken pox. Suddenly, instead of continuing to gain strength and health, the child becomes lethargic or disoriented, unusually excitable, hyperactive, irritable, or even combative. A frequent symptom is uncontrollable vomiting, and violent headaches and delirium may occur. Tragically, 30 percent of the victims of Reye's Syndrome die; another 15 to 25 percent are left with brain damage.

Any child can develop Reye's Syndrome, but research strongly indicates that children given aspirin as treatment for the flu or chicken pox may be particularly vulnerable. To protect their children, parents must learn to "think Reye's": *do not* use aspirin to treat children with chicken pox or influenza-like illness; *do* recognize the early symptoms of Reye's Syndrome; and *do* seek medical attention for a child immediately at the first sign of those symptoms.

Over the past several years, the United States Department of Health and Human Services, the National Reye's Syndrome Foundation, the American Reye's Syndrome Foundation, and other professional and voluntary health agencies have alerted American families to the dangers of Reye's Syndrome. They have stressed the need to avoid the use of aspirin to treat flu-like illness and chicken pox. The result has been a marked decline in the annual incidence of the disorder. According to a report published last year, the average annual incidence of Reye's Syndrome from 1981 to 1984 was lower than that of the previous five years, with the decrease identified among children younger than 10 years of age. The incidence in 1985 was much lower than during any previous year since surveillance of Reye's Syndrome was initiated in the 1970's.

All Americans welcome such encouraging news. We look for further advances to come from the scientific studies of Reye's Syndrome being supported by the Federal government's National Institute of Allergy and Infectious Diseases, National Institute of Child Health and Human Development, and Centers for Disease Control.

To enhance public awareness of Reye's Syndrome, the Congress, by House Joint Resolution 335, has designated the week of September 13 through September 19, 1987, as "National Reye's Syndrome Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of September 13 through September 19, 1987, as National Reye's Syndrome Week, and I call upon the people of the United States to observe that week with appropriate ceremonies and activities.

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

Ronald Reagan

[FR Doc. 87-20927
Filed 9-8-87; 2:57 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5698 of September 8, 1987

Mental Illness Awareness Week, 1987

By the President of the United States of America

A Proclamation

Mental illnesses afflict the rich and the poor, the young and the old. They respect neither race nor gender, robbing millions of Americans of full, productive, and happy lives. Millions more—relatives, friends, and co-workers—share the pain.

This pain is all the more regrettable because much of it is needless. Stigma, rooted in fear and ignorance, keeps many mentally ill citizens from getting the help they need. Adults in the prime of life are incapacitated by symptoms that could be prevented or ameliorated with appropriate treatments. Children, our most important resource for the future, are unable to reach their full potential because early symptoms are ignored and manifestations like alcohol and drug abuse often go unrecognized. Elderly citizens, the fastest growing segment of our population, are prematurely relegated to long-term care facilities due to improper diagnosis and lack of treatment.

The costs of inappropriate or inadequate response to mental illness are enormous. Economic losses alone can be measured in the billions of dollars, but the cost in human suffering is incalculable. Untreated mentally ill adults cannot work, ignored mentally ill children cannot learn, and misdiagnosed older citizens cannot contribute. Worst of all, young and old, bereft of hope, sometimes take their lives. Appropriate treatments can relieve suffering and save lives. They can also restore productivity and increase independence—helping Americans to continue contributing to, rather than become dependent on, society.

Americans can avoid the temptation to stigmatize those with mental illnesses by learning more about their causes and treatments. They must recognize that mental disorders are not due to personal weakness, but are heavily influenced by environmental stresses, genetic vulnerabilities, and biochemical and brain dysfunctions. Americans should know about, and use to its potential, the scientific progress that has brought an array of new treatments. Symptoms that once disabled can be alleviated. Dysfunctional behavior and thinking patterns that once crippled can be corrected. Psychological disorders that once undermined personal happiness can be ameliorated through counseling and therapy.

Further, Americans can take hope in a future enlightened by today's research. New technologies permit study of the living brain, shedding light on the neurochemical processes that underlie emotion, behavior, and thought. Genetic studies delve into the very substance of life, opening new insights into the causes and possible prevention of some of our most devastating mental illnesses. With knowledge, there is hope. With hope, there is progress.

In recognition that Americans need to know more about mental illnesses and their treatments, the Congress, by Public Law 100–81, has designated the week of October 4 through October 10, 1987, as "Mental Illness Awareness Week" and authorized and requested the President to issue a proclamation in its observance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 4, 1987, as Mental Illness Awareness Week. I call upon the people of the United States to observe this week with ceremonies and activities that will enhance the well-being of this Nation by increasing understanding and knowledge of mental illnesses and their treatments.

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

Ronald Reagan

[FR Doc. 87-20928
Filed 9-8-87; 2:58 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5699 of September 8, 1987

National Diabetes Month, 1987

By the President of the United States of America

A Proclamation

Diabetes affects the health of perhaps 11 million Americans. It can strike suddenly or it can do subtle long-term damage to major organs. Fully half the people with diabetes do not know they have the disease.

During the last decade, our knowledge of diabetes has increased in the research laboratory. We now have a better understanding of this disease and its burdensome complications, but there is still much to learn. In addition, we still face the major challenge of transforming research advances into practical benefits for diabetes patients.

Diabetes is a public health problem that affects both sexes and all ages and races. Given the disability, the emotional toll, and the economic loss from diabetes—estimated at $14 billion per year in the United States—our priorities should continue to be research on this disease, how best to treat it, and how best to communicate this knowledge to those who need it most. Through the continued commitment and cooperation of private citizens and organizations, the scientific community, and Federal, State, and local government in the fight against diabetes, we will come closer to a cure and to better health for millions of Americans.

To increase public awareness of diabetes and to emphasize the need for continued research and educational efforts aimed at controlling and curing this disease, the Congress, by Senate Joint Resolution 44, has designated the month of November 1987 as "National Diabetes Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of November 1987 as National Diabetes Month. I call upon all government agencies and the people of the United States to observe this month with appropriate programs and activities.

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

Ronald Reagan

[FR Doc. 87-20929
Filed 9-8-87; 2:59 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 5709 of September 8, 1987

Geography Awareness Week, 1987

By the President of the United States of America

A Proclamation

Fascination with the Earth and a desire to learn and record information about it inspired the early explorers of our land and today remain part of our national heritage. This legacy is carried on for us in the science of geography, the study of the surface of the globe and the people, environments, resources, political boundaries, and characteristics of every area.

For generations, comprehension of world and national geography has been considered essential to the education of Americans. Yet today, in an interdependent world where knowledge of other lands and cultures is increasingly important, studies show that Americans need more geographical knowledge. Citizens, especially young people, should be fully acquainted with our country and our neighbors around the globe and aware of geography's expanding study of the oceans and the universe; the increasing wealth of knowledge provided by research in the disciplines that support geography; and geography's physiographic, historical, social, economic, and political aspects.

The Congress, by Public Law 100–78, has designated the week of November 15 through November 21, 1987, as "Geography Awareness Week" and authorized and requested the President to issue a proclamation in its observance.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of November 15 through November 21, 1987, as Geography Awareness Week, and I call upon all Americans to observe this week with appropriate ceremonies and activities.

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

Ronald Reagan

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Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 930

Programs for Specific Positions and Examinations (Miscellaneous); Appointment, Pay, and Removal of Administrative Law Judges

AGENCY: Office of Personnel Management.

ACTION: Final regulations.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations governing the appointment, pay, and removal of administrative law judges. These regulations update and revise outdated terminology. They also clarify OPM's responsibilities concerning administrative law judges. The regulations continue the basic thrust of the previous regulations—to make administrative law judges largely independent in matters of tenure and compensation as required by the Administrative Procedure Act (APA) of 1946.

EFFECTIVE DATE: October 13, 1987.

FOR FURTHER INFORMATION CONTACT: Craig B. Pettibone, Assistant Director for Administrative Law Judges, (202) 632–5677.

SUPPLEMENTARY INFORMATION: In the March 20, 1987, **Federal Register** (52 FR 8909), OPM proposed to update, revise and clarify OPM's responsibilities concerning the appointment, pay and removal of administrative law judges, as provided in Subpart B, Part 930, Title 5, Code of Federal Regulations. Interested parties were given until May 19, 1987, to submit written comments.

Eleven written comments were received by OPM. The Federal Administrative Law Judges Conference, the Forum of Administrative Law Judges, and the Government Personnel Committee of the Section of Administrative Law of the American Bar Association submitted comprehensive comments. Several agency chief administrative law judges and personnel officers from agency hearing programs also submitted brief comments.

The commenters generally supported the promulgation of the revised regulations. However, the commenters raised the following issues that are listed and discussed below.

1. Periodic Open Competition

One agency employing administrative law judges objected to OPM holding periods of open competition for receipt of applications for examination of applicants' qualifications for administrative law judge positions. However, with hundreds of applicants for only 25–50 positions a year, it is not an efficient use of scarce Government resources to keep the examination open on a continuous basis.

2. Referral of Eligible Applicants

A proposed new concluding sentence to § 930.203(e) provided that OPM would certify at least 3 eligible applicants to an employing agency for consideration for each vacant administrative law judge position. Some commenters recommended referral of additional names. OPM will refer additional names as they are needed by employing agencies, but sees no need to change the proposed regulation.

3. Appointment of Administrative Law Judges

Some commenters raised a concern that applicants could be appointed to administrative law judge positions under § 930.203a without meeting the examination requirements provided in OPM Examination Announcement No. 318. All applicants, including incumbents of new established positions, under paragraph (c) as stated therein, would still be required by OPM to meet examination requirements. Also, legislative and judicial employees would be required by OPM to meet current examination requirements, rather than suitable noncompetitive examination requirements, and paragraph (d) of this section has been modified to make this clear. The authority in paragraph (c) of this section for conditional appointments in emergency situations is not meant to waive examination requirements, but is meant to allow conditional appointment of examined applicants who may still be undergoing investigation or security clearance as required by paragraph (a) of this section.

4. Title of Administrative Law Judge

One commenter noted correctly that while the changes to § 930.203b lifted the previous prohibition on use of the title "judge" for all positions other than administrative law judge, the remaining provisions of this regulation continue to require agencies to use only the official class title "administrative law judge" for personnel, budget, and fiscal purposes.

5. Detail and Assignment to Other Duties

Some commenters objected that proposed new § 930.209(d), permitting agencies to detail administrative law judges from one administrative law judge position to another without obtaining the prior approval of OPM, could be used by employing agencies in retaliation for decisions they did not like, thereby influencing the decisional independence of administrative law judges. OPM does not believe that this is a problem. This proposal was simply intended to confirm past practice that agencies could detail an administrative law judge from one administrative law judge position to another, in the same agency, without prior approval of OPM, provided the detail was in accord with regular civil service procedures.

Years ago, regular civil service procedures generally limited agency details to 120 days or less and required OPM approval for extensions beyond 120 days. However, in recent years, detail procedures have been liberalized to give agencies more flexibility in their use. Current detail procedures in Subchapter 8 of FPM Chapter 300, as amended March 26, 1987, by FPM letter 300–32, generally permit agencies to detail employees to classified positions, such as administrative law judge positions, at the same or higher grade in increments of no more than 120 days up to a maximum of one year.

It is OPM's understanding that agency details of administrative law judges from one administrative law judge position to another have been relatively infrequent. We are not aware of any instance where an administrative law judge has complained that he or she was, in fact, detailed from one administrative law judge position to another in retaliation for a decision that the agency did not like. In the absence

of a problem to regulate, we see no need to establish the kind of restrictions—120 days in the aggregate in a year—on agency details among administrative law judge positions as we found necessary to impose several years ago on agency details to nonjudge positions under § 930.209 (b) and (c).

Accordingly, § 930.209(d), permitting agencies to detail administrative law judges from one administrative law judge position to another without obtaining the prior approval of OPM, is being promulgated as proposed.

6. Definition of Removal

One commenter asked if in defining "removal" in § 930.202(f), OPM meant to provide that in addition to discharge of an administrative law judge, an involuntary reassignment, involuntary demotion or involuntary promotion to a position other than that of an administrative law judge would constitute removal. Such "involuntary" personnel actions to a position other than that of an administrative law judge have long been defined by OPM as constituting removal from the position of administrative law judge. Clearly, in all three cases, the administrative law judge is removed from an administrative law judge position without his or her consent. Therefore, in accordance with 5 U.S.C. 7521, such actions should only be taken for good cause established on the record after an opportunity for a hearing before the Merit Systems Protection Board (MSPB).

7. Status During Removal Proceedings

Section 930.204(b) has provided for some time that "in exceptional cases when there are circumstances by reason of which the retention of an administrative law judge in his or her position, pending adjudication of the existence of good cause for his or her removal, would be detrimental to the interests of the Government, the agency shall either (1) assign the administrative law judge to duties in which these conditions would not exist; or (2) place him or her on annual leave for the period that will be covered by the annual leave to his or her credit." This section further provided that "an agency may take action under this paragraph only with the prior approval of the Board."

In view of the establishment of separate OPM and MSPB agencies under the Civil Service Reform Act of 1978, some commenters now question whether this regulation improperly asked MSPB to prematurely review a pending agency action against an administrative law judge before the action was fully heard and decided on the record in accordance with 5 U.S.C. 7521. One commenter suggested that the act of an agency placing an administrative law judge on annual leave would be tantamount to a suspension, an action which since 1978 has been specifically prescribed by 5 U.S.C. 7521 in the absence of a decision on the record after an opportunity for a hearing before the MSPB.

Several commenters recommended that OPM should simply recognize that an agency may place an administrative law judge in a paid, non-duty or administrative leave status, rather than on annual leave, pending MSPB's adjudication of an action against the administrative law judge. Administrative leave with pay would cover the several months MSPB's action would be expected to take, rather than only the few weeks which an administrative law judge's accrued annual leave would cover.

OPM believes that it would be appropriate for agencies to consider placing an administrative law judge on administrative leave with pay, pending adjudication of a removal action before MSPB, but only after agencies have considered: (1) Assigning the administrative law judge to duties not inconsistent with his or her normal duties where retention of the judge would not be detrimental to the interests of the Government; (2) placing the administrative law judge on leave with his or her consent; or (3) carrying the administrative law judge on appropriate leave (annual or sick leave, leave without pay, or absence without leave) if he or she is voluntarily absent for reasons not originating with the agency.

Accordingly, § 930.214(b) has been revised to permit the use of administrative leave with pay, after other leave options are considered. The requirement for MSPB approval has also been deleted. Since the ultimate removal action and possible alternative remedies are subject to MSPB review, OPM thinks that it is unlikely that an agency will abuse the limited discretion given under this regulation as some commenters suggested might happen.

8. Reduction in Force

The commenters generally welcomed the provisions of § 930.215 which clarified the status of administrative law judges in an agency as a separate retention group for reduction-in-force (RIF) purposes, entitled to preferential consideration for placement without additional retention credit based on performance appraisals which are prohibited. Like FPM Letter 93015, issued May 27, 1982, new provisions in this regulation generally proposed to limit priority referral of administrative law judges separated by RIF to a period of 2 years. In addition, new provisions in this regulation proposed to allow an administrative law judge separated by RIF to state a geographic preference in priority referral for vacant positions at any grade level, rather than (as under the FPM Letter) only at one grade lower than the grade level held when reached for RIF. Further, the new provisions proposed to allow a RIF'd administrative law judge one declination of an offer of reemployment at or above the grade level held when reached for RIF, without removal from the OPM priority referral list.

Two commenters recommended that OPM further revise the regulation to delete any limitation on the number of times a RIF'd administrative law judge could decline an offer of reemployment at the judge's former grade level. However, with the relatively limited number of administrative law judge positions to be filled from time to time, OPM does not believe it is appropriate for a RIF'd administrative law judge to have more than one opportunity to decline an offer of reemployment at his or her former grade and pay and in a geographic area chosen by him or her.

One commenter also objected to keeping established provisions in § 930.215(c)(3) which proposed to continue to permit an agency, with the prior approval of OPM, to nonselect a RIF'd administrative law judge on OPM's priority referral list and to select instead a judge by appointment from OPM's register of applicants, by promotion or transfer of an incumbent judge, or by reinstatement of a former judge. As further provided in language taken from the FPM Letter, OPM proposed to grant such approval "only under the extraordinary circumstance that the candidate(s) not on the OPM priority referral list possesses experience and qualifications superior to the displaced administrative law judge(s) on the list." Thus, such approval would be granted rarely, if at all, and only after the RIF'd judge was referred for consideration. Accordingly, OPM believes that the regulation should be finalized as proposed.

9. Reemployment

Some commenters requested that the previously established provisions of § 930.216 governing temporary reemployment of retired administrative law judges be modified to bar such reemployment not only in cases where underutilized judges in other agencies are available under 5 CFR 930.213, but also in cases where RIF'd judges on

OPM's priority referral list established under § 930.215 are available for such temporary work. The temporary reappointment of a retired administrative law judge to hear a case or cases for a specific period or periods of time is specifically authorized by 5 U.S.C. 3323(b), whereas the temporary appointment of anyone else—including a RIF'd administrative law judge—is inconsistent with the provisions of the APA requiring that individuals be permanently appointed and subject to removal for good cause only after a hearing on the record before MSPB. Accordingly, OPM has no authority to make the recommended change in this regulation.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that within the scope of the Regulatory Flexibility Act, these regulations will not have a significant economic impact on a substantial number of small entities because they only affect the personnel provisions under which Federal administrative law judges are appointed, paid, and removed.

List of Subjects in 5 CFR Part 930

Administrative practice and procedure, Government employees.

U.S. Office of Personnel Management.

Constance Horner,

Director.

PART 930— PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Accordingly, OPM is revising Subpart B of Part 930 to read as follows:

Subpart B—Appointment, Pay, and Removal of Administrative Law Judges

General Provisions

Sec.

930.201 Coverage.
930.202 Definitions.
930.203 Examination.
930.203a Appointment.
930.203b Title of administrative law judge.
930.204 Promotion.
930.205 Reassignment.
930.206 Transfer.
930.207 Reinstatement.
930.208 Restoration.
930.209 Detail and assignment to other duties.
930.210 Pay.
930.211 Performance rating.
930.212 Rotation of administrative law judges.
930.213 Use of administrative law judges on detail from other agencies.
930.214 Actions against administrative law judges.
930.215 Reduction in force.
930.216 Temporary reemployment: senior administrative law judges.

Subpart B—Appointment, Pay, and Removal of Administrative Law Judges

Authority: 5 U.S.C. 1104(a)(2), 1305, 3105, 3323(b), 3344, 4301(2)(D), 5335(a)(B), 5372, 7521.

General Provisions

§ 930.201 Coverage.

(a) This subpart applies to people appointed under 5 U.S.C. 3105 for proceedings required to be conducted in accordance with 5 U.S.C. 556 and 557, and to administrative law judge positions.

(b) Except as otherwise provided in this subpart, the rules and regulations applicable to positions in the competitive service apply to administrative law judge positions.

§ 930.202 Definitions.

In this subpart—

(a) "Agency" has the same meaning as given in 5 U.S.C. 551.

(b) "Detail" means the temporary assignment of an employee from one position to another position without change in civil service or pay status. The assignment to an administrative law judge of a case of the level of difficulty that would ordinarily be assigned to an administrative law judge of a different grade does not of itself constitute a detail within the meaning of this subpart.

(c) "Administrative law judge position" means a position in which any portion of the duties includes those which require the appointment of an administrative law judge under 5 U.S.C. 3105.

(d) "Promotion" means a change in grade from one position to a higher graded position, whether newly created or left vacant because of promotion, demotion, transfer, reassignment, retirement, separation of the last incumbent, or reclassification to a higher grade of the position to which the administrative law judge was absolutely appointed.

(e) "Reinstatement" means reemployment authorized on the basis of the appointee's absolute status as administrative law judge after an earlier separation from an administrative law judge position.

(f) "Removal" means discharge of an administrative law judge from the position of administrative law judge or involuntary reassignment, demotion, or promotion to a position other than that of administrative law judge.

§ 930.203 Examination.

(a) *Periodic open competition.* Applicants for entrance into the competitive service as administrative law judges will be examined periodically in open competition as announced by OPM. Applications received by OPM during such periods of open competition will be reviewed as a group. Applicants in each group become eligible for consideration in the preparation of certificates of final eligibles when OPM has had an adequate opportunity to determine basic ratings for all applicants and to determine final ratings for as many applicants as OPM determines is sufficient to produce an adequate register of final eligibles for appointment.

(b) *Basic rating.* All applicants will initially be considered for a basic rating. To receive a basic rating, applicants must—

(1) Demonstrate in their written applications and supporting materials that they meet the qualifying experience requirements in OPM Examination Announcement No. 318; and

(2) Receive a minimum score on the supplemental qualifications statement described in the examination announcement.

(c) *Final rating.* Applicants who are assigned a basic rating become eligible to compete for a final rating through participating in three additional examining procedures described in the examination announcement:

(1) A written demonstration;

(2) A panel interview; and

(3) A personal reference inquiry.

(d) *Participation in examination procedures.* As many of the applicants with the highest basic ratings, augmented by veteran preference if applicable, as are needed to meet anticipated agency hiring needs in various geographic areas will be invited to participate in the additional examining procedures. Applicants who complete the examination will be assigned a final numerical rating based on a weighted sum of the scores for each of the four parts, transmuted to a scale of 0 to 100, with 70 required to pass. For applicants entitled thereto, the final passing score will include 5 or 10 veteran preference points.

(e) *Preparation of certificates.* As agencies request certificates of applicants from registers to consider in filling vacant administrative law judge

positions in various geographic areas, all applicants who are eligible and available for those positions will be ranked to identify the best qualified applicants to be certified. Eligible applicants who have not completed the final rating process will be ranked on the basis of projected maximum ratings, augmented by veteran preference points if applicable. Eligible applicants who have completed the final rating process will be ranked on the basis of assigned final ratings, augmented by veteran preference points if applicable. For a given vacancy, only those applicants who have completed the final rating process and achieved a final examination rating which is higher than the projected maximum rating that applicants not fully examined can be expected to achieve will be certified to the requesting agency. At least three eligible applicants will be certified to the employing agency for consideration for each vacancy.

(f) *Ineligible rating.* Applicants who obtain an ineligible rating or applicants who are dissatisfied with their final ratings may appeal the rating to the Administrative Law Judge Rating Appeals Panel, Office of Personnel Management, Washington, DC 20415, within 30 days from the date of final action by the Office of Administrative Law Judges, or such later time as may be allowed by the Panel.

§ 930.203a Appointment.

(a) *Prior approval.* An agency may make an appointment to an administrative law judge position only with the prior approval of OPM, except when it makes its selection from a certificate of eligibles furnished by OPM. When requesting OPM approval of an appointment to an administrative law judge position or the issuance of a certificate of eligibles, the requesting agency must demonstrate that its hearing workload requires the appointment of an additional administrative law judge(s) to get necessary work done. An appointment is subject to investigation in accordance with §§ 731.201 through 731.303 of this chapter and subject to security clearance by the agency.

(b) *Probationary and career-conditional periods.* The requirement of a probationary and career-conditional period before absolute appointment does not apply to an appointment to an administrative law judge position.

(c) *Appointment of incumbents of newly classified administrative law judge positions.* An agency may appoint as an administrative law judge an employee who is serving in a position which is classified as an administrative law judge position on the basis of legislation, Executive order, or decision of a court, if—

(1) The employee has a competitive status or was serving in an excepted position under a permanent appointment;

(2) The employee was serving in the position on the date of the legislation, Executive order, or decision of the court, on which the classification of the position is based;

(3) OPM receives a recommendation for the employee's appointment from the agency concerned not later than 6 months after classification of the position on the basis of the legislation, Executive order, or decision of the court; and

(4) OPM finds that the employee meets the current examination requirements for the position under OPM Examination Announcement No. 318. In an emergency situation, when the needs of an agency require it, OPM may authorize the conditional appointment of an employee to an administrative law judge position pending final decision on the employee's eligibility for absolute appointment under this paragraph.

(d) *Appointment of legislative and judicial employees.* An agency may appoint a former employee of the legislative or judicial branch to an administrative law judge position if OPM finds that the employee meets current examination requirements under OPM Examination Announcement No. 318 and is otherwise eligible under the provisions of 5 U.S.C. 3304(c).

(e) *Appointment of incumbents of nonadministrative law judge positions.* Except as provided in paragraphs (c) and (d) of this section, an agency may not appoint an employee who is serving in a position other than an administrative law judge position to an administrative law judge position other than by selection from a certificate of eligibles furnished by OPM from the open competitive register.

§ 930.203b Title of administrative law judge.

The title "administrative law judge" is the official class title for an administrative law judge position. Each agency will use only this official class title for personnel, budget, and fiscal purposes.

§ 930.204 Promotion.

(a) When OPM classifies an occupied administrative law judge position at a higher grade on the basis of the position's substantive and technical nature, OPM will direct the promotion of the incumbent administrative law judge. The promotion will be effective on the date named by OPM.

(b) When OPM classifies one of an agency's administrative law judge positions at a higher grade on the basis of the position's managerial and administrative nature, an agency may promote one of its administrative law judges to such a position, provided the promotion is in accordance with regular civil service procedures.

(c) No more than twice during a calendar year, an agency may notify OPM that it wishes to fill a specific number of its higher grade administrative law judge vacancies from among its administrative law judges at the next lower grade who meet all current examination requirements for appointment at the higher grade as provided in OPM Examination Announcement No. 318 and who have served as administrative law judges at the agency for at least 1 year. OPM will select from the next lower grade administrative law judges of that agency those administrative law judges who it determines are best qualified for appointment to the higher grade administrative law judge positions and will direct their appointment by the agency to such higher grade administrative law judge positions.

§ 930.205 Reassignment.

An agency may reassign an administrative law judge who is serving under absolute appointment from one administrative law judge position to another administrative law judge position at the same grade in the same agency, with the prior approval of OPM on a noncompetitive basis, provided the assignment is for bona fide management reasons and in accordance with regular civil service procedures and merit system principles.

§ 930.206 Transfer.

(a) An agency may transfer an administrative law judge from another agency, with a promotion, with the prior approval of OPM, provided the administrative law judge meets all current examination requirements for appointment at the next higher grade under OPM Examination Announcement No. 318.

(b) An agency may transfer an administrative law judge from another agency, when this does not involve a promotion, with the prior approval of OPM on a noncompetitive basis in accordance with regular civil service procedures, provided the administrative law judge meets all current examination requirements for appointment as an

administrative law judge under OPM Examination Announcement No. 318.

(c) An agency may not transfer a person from one administrative law judge position to another administrative law judge position under paragraph (a) or (b) of this section sooner than 1 year after the person's last appointment.

§ 930.207 Reinstatement.

An agency may reinstate former administrative law judges who have served with absolute status under 5 U.S.C. 3105, only after they have established their eligibility at the grade to which they are to be reinstated, in accordance with all current examination requirements of OPM Examination Announcement No. 318. Reinstatement is subject to investigation by, and the prior approval of, OPM.

§ 930.208 Restoration.

Parts 352 and 353 of this chapter governing reemployment rights and restoration to duty after military service or recovery from compensable injury, also apply to reemployment and restoration to administrative law judge positions.

§ 930.209 Detail and assignment to other duties.

(a) An agency may not detail an employee who is not an administrative law judge to an administrative law judge position.

(b) An agency may assign an administrative law judge (by detail or otherwise) to perform duties that are not the duties of an administrative law judge without prior approval of OPM only when—

(1) The other duties are not inconsistent with the duties and responsibilities of an administrative law judge;

(2) The assignment is to last no longer than 120 days; and

(3) The administrative law judge has not had an aggregate of more than 120 days of those assignments or details within the preceding 12 months.

(c) On a showing by an agency that it is in the public interest to do so, OPM may authorize a waiver of paragraphs (b) (2) and (3) of this section.

(d) An agency may detail an administrative law judge from one administrative law judge position to another in the same agency, without the prior approval of OPM, provided the detail is in accordance with regular civil service procedures.

§ 930.210 Pay.

(a) OPM will classify administrative law judge positions in accordance with the regulations and procedures adopted by OPM for classifications under 5 U.S.C. Chapter 51. OPM will make these classifications independently of agency recommendations and ratings.

(b) An administrative law judge is entitled to within-grade increases in accordance with Part 531 of this chapter, except that the requirement that the work be at an acceptable level of competence as determined by the head of the agency does not apply.

(c) An agency may not grant a quality step-increase under 5 U.S.C. 5336(a), or a monetary or honorary award under 5 U.S.C. 4503, for superior accomplishment by an administrative law judge in the performance of adjudicatory functions.

(d) Upon appointment, an administrative law judge will be paid at the minimum rate of the grade approved by OPM, unless in accordance with Subpart B of Part 531 of this chapter, the administrative law judge is eligible for a higher rate because of prior service or superior qualifications, as follows—

(1) An agency may offer an administrative law judge applicant with prior Federal service a higher than minimum rate, without obtaining the prior approval of OPM, if it determines that the administrative law judge applicant is entitled to such higher rate.

(2) An agency may offer an administrative law judge applicant with superior qualifications a higher than minimum rate, only if it first obtains approval from OPM to offer such a higher rate to an applicant who is within reach on a certificate of eligible administrative law judge applicants, and whose existing pay or earning power exceeds the minimum rate. "Superior qualifications" for applicants includes having legal practice before the hiring agency, having practice in another forum with legal issues of concern to the hiring agency, or having an outstanding reputation among others in the field. OPM will approve such payment of a higher than minimum rate for superior qualifications only when it is clearly necessary to meet the needs of the Government.

§ 930.211 Performance rating.

An agency shall not rate the performance of an administrative law judge.

§ 930.212 Rotation of administrative law judges.

Insofar as practicable, an agency shall assign its administrative law judges in rotation to cases.

§ 930.213 Use of administrative law judges on detail from other agencies.

(a) An agency that is occasionally or temporarily insufficiently staffed with administrative law judges may ask OPM to provide for the temporary use by the agency of the services of an administrative law judge of another agency. The agency request should—

(1) Identify and describe briefly the nature of the case(s) to be heard (including parties and representatives when available);

(2) Specify the legal authority under which the use of an administrative law judge is required; and

(3) Demonstrate that the agency has no administrative law judge available to hear the case(s).

(b) OPM, with the consent of the agency in which an administrative law judge is employed, will select the administrative law judge to be used, and will name the date or period for which the administrative law judge is to be made available for detail to the agency in need of his or her services.

(c) Such details generally will be reimbursable by the agency requesting the detail.

§ 930.214 Actions against administrative law judges.

(a) *Procedures.* An agency may remove, suspend, reduce in grade, reduce in pay, or furlough for 30 days or less, an administrative law judge only for good cause, established and determined by the Merit Systems Protection Board on the record and after opportunity for a hearing before the Board as provided in 5 U.S.C. 7521 and §§ 1201.131 through 1201.136 of this title. Procedures for adverse actions by agencies under Part 752 of this chapter are not applicable to actions against administrative law judges.

(b) *Status during removal proceedings.* In exceptional cases when there are circumstances by reason of which the retention of an administrative law judge in his or her position, pending adjudication of the existence of good cause for his or her removal, would be detrimental to the interests of the Government, the agency may either:

(1) Assign the administrative law judge to duties not inconsistent with his or her normal duties in which these conditions would not exist;

(2) Place the administrative law judge on leave with his or her consent;

(3) Carry the administrative law judge on appropriate leave (annual or sick leave, leave without pay, or absence without leave) if he or she is voluntarily absent for reasons not originating with the agency; or

(4) If none of the alternatives in paragraphs (b) (1), (2) and (3) of this section is available, agencies may consider placing the administrative law

judge in a paid, non-duty or administrative leave status.

(c) *Exceptions from procedures.* The procedures in this subpart governing the removal, suspension, reduction in grade, reduction in pay, or furlough of 30 days or less of administrative law judges do not apply in making dismissals or taking other actions requested by OPM under § 5.2 and § 5.3 of this chapter; nor to dismissals or other actions made by agencies in the interest of national security under 5 U.S.C. 7532; nor to reduction-in-force action taken by agencies under 5 U.S.C. 3502; nor any action initiated by the Special Counsel of the Merit Systems Protection Board under 5 U.S.C. 1206.

§ 930.215 Reduction in force.

(a) *Retention preference regulations.* Except as modified by this section, the reduction-in-force regulations in Part 351 of this chapter apply to reductions in force of administrative law judges.

(b) *Determination of retention standing.* In determining retention standing in a reduction in force, each agency will classify its administrative law judges in groups and subgroups according to tenure of employment, veteran preference, and service date in the manner prescribed in Part 351 of this chapter. However, as administrative law judges are not given performance ratings, the provisions in Part 351 of this chapter referring to the effect of performance ratings on retention standing are not applicable to administrative law judges.

(c) *Placement Assistance.* (1) Administrative law judges who are reached by an agency reduction in force and who are notified they are to be separated are eligible for placement assistance under—

(i) Agency reemployment priority lists established and maintained by agencies under Subpart J of Part 351 of this chapter for all agency tenure group I career employees displaced in a reduction in force;

(ii) Agency and OPM priority placement programs under Subpart C of Part 330 of this chapter for all agency tenure group I, career employees displaced in a reduction in force.

(2) On request of administrative law judges who are reached by an agency in reduction in force and who are notified they are to be separated, furloughed for more than 30 days, or demoted, OPM will place their names on OPM's priority referral list for administrative law judges displaced in a reduction in force for the grade in which they last served and for all lower grades.

(3) An administrative law judge may file a request under paragraph (c)(2) of this section, for placement on the OPM priority referral list, at any time after the receipt of the specific reduction-in-force notice, but not later than 90 days after the date of separation, furlough for more than 30 days, or demotion. Placement assistance through the OPM priority referral list continues for 2 years from either the effective date of the reduction-in-force action, or the date assistance is requested if a timely request is made. Eligibility of the displaced administrative law judge for the OPM priority referral list is terminated earlier upon the administrative law judge's written request, acceptance of a non-temporary, full-time administrative law judge position, or declination of more than one offer of full-time employment as an administrative law judge at or above the grade level held when reached for reduction in force at geographic locations previously indicated as acceptable.

(4) The displaced administrative law judge will file with the request for priority referral by OPM a Standard Form 171, Application for Federal Employment, and a copy of the reduction-in-force notice. Also, the displaced administrative law judge may ask OPM to limit consideration for vacant positions at any grade level for which qualified to specific geographic areas.

(5) When there is no administrative law judge on the agency's reemployment priority list, but there is an administrative law judge who has been placed on the OPM priority referral list (paragraph (c)(2) of this section), the agency may fill a vacant administrative law judge position only by selection from the OPM priority referral list, unless it obtains the prior approval of OPM for filling the vacant position under § 930.203a (a), (c), (d) and (e); § 930.204; § 930.205, § 930.206; or § 930.207 of this subpart. OPM will grant such approval only under the extraordinary circumstance that the candidate(s) not on the OPM priority referral list possesses experience and qualifications superior to the displaced administrative law judge(s) on the list.

(6) Referral, certification, and selection of administrative law judges from OPM's priority referral list are made without regard to selective certification or special qualification procedures which may have been applied in the original appointment in accordance with OPM Examination Announcement No. 318.

§ 930.216 Temporary reemployment: senior administrative law judges.

(a)(1) Subject to the requirements and limitations of this section, the following annuitants, as defined by 5 U.S.C. 8331, who are receiving an annuity from the Civil Service Retirement and Disability Fund may be temporarily reemployed as administrative law judges by an agency that has temporary, irregular workload requirements for conducting proceedings in accordance with 5 U.S.C. 556 and 557:

(i) Annuitants who have served with absolute status as administrative law judges under 5 U.S.C. 3105; and

(ii) Annuitants who have met current examination requirements set forth in OPM Examination Announcement 318 (including the requirement to maintain a current license to practice law under the laws of a state, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the Constitution).

(2) These retired administrative law judges who are so reemployed will be known as senior administrative law judges.

(b) Retired administrative law judges who meet the requirements of paragraph (a) of this section and who are available for temporary reemployment must notify OPM in writing of their availability, giving their full names, addresses, telephone numbers, names of the agencies where they served as administrative law judges, and jurisdictions in which they are currently licensed to practice law. OPM will maintain a master list of such retired administrative law judges for use in responding to agency requests for such administrative law judges.

(c) An agency that wishes to temporarily reemploy administrative law judges must submit a written request to OPM. The request will—

(1) Identify the statutory authority under which the administrative law judge is expected to conduct proceedings;

(2) Demonstrate that the agency is occasionally or temporarily understaffed;

(3) Specify the tour of duty, location, period of time, or particular case(s), for the requested reemployment; and

(4) Describe any special qualifications desired in the retired administrative law judge that it wishes to reemploy, such as experience in a particular field, agency, or substantive area of law.

(d) OPM will approve agency requests for temporary reemployment of retired administrative law judges for a specified period or periods provided—

(1) The requesting agency fully justifies the need for an administrative law judge for formal proceedings and demonstrates that it is occasionally or temporarily understaffed; and

(2) No other administrative law judge with the appropriate qualifications is available through OPM under § 930.213 of this subpart to perform the occasional or temporary work for which reemployment is requested.

(e) Upon approval of an agency request to reemploy a retired administrative law judge, OPM will select from its master list of retired administrative law judges, in rotation to the extent practicable, those retired judges who it determines meet agency requirements. OPM will then provide a list of such individuals to the requesting agency and the agency must then select from that list a retired administrative law judge for reemployment.

(f) Reemployment of retired administrative law judges is subject to investigation of suitability in accordance with §§ 731.201 through 731.303 of this chapter. It is also subject to conflict of interest and security investigation requirements by the appointing agency.

(g) Reemployment as senior administrative law judges will be for either a specified period not to exceed 1 year; or such periods as may be necessary for the reemployed administrative law judge to conduct and complete the hearing of one or more specified cases and issue decisions therein. Upon agency request, OPM may either reduce or extend such period of reemployment, as necessary, to coincide with changing staffing requirements, but not to exceed 1 year.

(h) An agency may assign its senior administrative law judges to either (1) hear one or more specific cases; or (2) hear, in normal rotation to the extent practicable, a number of cases on its docket and issue decisions therein.

(i) Hours of duty, administrative support services, and travel reimbursement for senior administrative law judges will be determined by the employing agency in accordance with the same rules and procedures that are generally applicable to employees.

(j) A senior administrative law judge serves subject to the same limitations on performance appraisal and reduction in pay or removal as any other administrative law judge employed under this subpart and 5 U.S.C. 3105. An agency will not rate the performance of a senior administrative law judge. Reduction-in-pay or removal actions may not be taken against senior administrative law judges during the period of reemployment, except for good cause established and determined by the Merit Systems Protection Board after opportunity for a hearing on the record before the Board as provided in 5 U.S.C. 7521 and §§ 1201.131 through 1201.136 of this title.

(k) A senior administrative law judge will be paid by the employing agency the current rate of pay for the grade at which the duties to be performed have been classified and at a step of that grade that is nearest (when rounded up) to the highest previous grade and step attained as an administrative law judge before retirement. However, an amount equal to the annuity allocatable to the period of actual employment will be deducted from his or her pay and deposited in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund.

[FR Doc. 87-20786 Filed 9-9-87; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 87-106]

Validated Brucellosis-Free States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that changed the program status of Connecticut, New Jersey, New York, and Ohio to validated brucellosis-free states. This action is necessary because these states meet the criteria for validated brucellosis-free states. This action relieves certain restrictions on moving breeding swine from Connecticut, New Jersey, New York and Ohio.

EFFECTIVE DATE: October 13, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. Mitchell A. Essey, Program Planning Staff, VS, APHIS, USDA, Room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** and effective on May 19, 1987 (52 FR 18687-18688, Docket Number 86-115), we amended the regulations in 9 CFR Part 78 concerning the interstate movement of swine by changing the program status of Connecticut, New Jersey, New York, and Ohio to validated brucellosis-free states. We did not receive any comments, which are required to be postmarked or received on or before July 20, 1987. The facts presented in the interim rule still provide a basis for the amendment.

Executive Order 12291 and Regulatory Flexibility Act

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

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

This action allows breeding swine to move interstate from these states without testing for brucellosis. The groups affected by this action will be herd owners in Connecticut, New Jersey, New York, and Ohio, and the effect will be beneficial because restrictions are being relieved. This action will have no effect on the market swine identification programs in these states.

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 78

Animal diseases, Brucellosis, Cattle, Hogs, Quarantine, Transportation.

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR Part 78 and that was published at 52 FR 18687-18688 on May 19, 1987.

Authority: 21 U.S.C. 111-114a-1, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC, this 4th day of September 1987.

B.G. Johnson,

Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-20819 Filed 9-9-87; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 166

[Docket No. 87-088]

Swine Health Protection Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: We are affirming without change an interim rule that removed Oklahoma from the list of states that have primary enforcement responsibility under the Swine Health Protection Act (the Act). As a result of this action, the Secretary of Agriculture of the United States is now responsible for enforcing the Act and federal regulations concerning swine health protection in Oklahoma. This is necessary to help ensure that requirements under the Act for the feeding of garbage to swine are enforced in Oklahoma.

EFFECTIVE DATE: October 13, 1987.

FOR FURTHER INFORMATION CONTACT: Dr. G.H. Frye, Chief Staff Veterinarian, Program Planning Staff, Veterinary Services, Room 839, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; 301-436-8711.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule published in the **Federal Register** and effective April 22, 1987 (52 FR 13230-13231, Docket Number 87-052), we amended the regulations in 9 CFR Part 166, "Swine Health Protection," by removing Oklahoma from the list of states that have primary enforcement responsibility under the Swine Health Protection Act. We did not receive any comments before the comment period closed on June 22, 1987. The facts presented in the interim rule still provide a basis for the amendment.

Executive Order 12291

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

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

Regulatory Flexibility Act

This rule will not cause significant changes in requirements for affected persons, but will only change the government entity that will enforce certain regulations guarding against certain diseases of swine.

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 166

African swine fever, Animal diseases, Foot-and-mouth disease, Hog cholera, Hogs, Garbage, Swine vesicular disease, Vesicular exanthema of swine.

PART 166—SWINE HEALTH PROTECTION

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR Part 166 and that was published at 52 FR 13230-13231 on April 22, 1987.

Authority: 7 U.S.C. 3802, 3803, 3804, 3808, 3809, 3811; 7 CFR 2.17, 2.51 and 371.2(d).

Done in Washington, DC., this 4th day of September, 1987.

B.G. Johnson,

Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc. 87-20820 Filed 9-9-87; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 310

Privacy Act Regulations

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Final rule.

SUMMARY: The FDIC is amending its regulations implementing the Privacy Act of 1974 so that appeals of adverse agency determinations on requests for access to or amendment of records will be considered by the FDIC's General Counsel (or designee). In addition, the FDIC is removing its "Legal Compliance and Enforcement Records" system from the list of systems of records exempt by regulation from certain provisions of the Privacy Act because the system itself has become obsolete and is being withdrawn elsewhere in this issue of the **Federal Register**. Finally, the FDIC is retitling the heading of Part 310 to read "Privacy Act Regulations" in order to provide a better description of the contents of the part.

DATE: Effective September 10, 1987.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Assistant Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429, telephone (202) 898-3811.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a) provides certain rights of access to or amendment of records pertaining to an individual maintained in a system of records. The FDIC's regulations implementing the Privacy Act provide, among other things, that an individual may appeal a record system manager's denial of a request for access to or amendment of his or her own records to the FDIC's Board of Directors (12 CFR 310.9). The FDIC's Board of Directors is amending its Privacy Act regulations to delegate to the FDIC's General Counsel (or designee) its authority to make determinations on appeals. The amendment will provide administrative efficiency in the processing of such appeals as well as consistency with the appeals procedure the FDIC follows under the Freedom of Information Act ("FOIA") (5 U.S.C. 552). Under the FDIC's existing FOIA regulations, appeals are made to the General Counsel (or designee) (12 CFR 309.5(d)).

The FDIC is also making a technical change to 12 CFR 310.13. Elsewhere in this issue of the **Federal Register**, the

FDIC is providing notice that it is withdrawing an obsolete system of records—the Legal Compliance and Enforcement Records system. The system is currently listed in 12 CFR 310.13(a) as a system exempt from certain provisions of the Privacy Act. Because the system is being withdrawn, reference to it in § 310.13(a) as an exempt system is being deleted. Finally, the FDIC is changing the heading of Part 310 to "Privacy Act Regulations" to provide a better description of the contents of the part.

The designation of the General Counsel (or designee) as the party to decide Privacy Act appeals does not alter any rights or obligations of the appellant and relates solely to internal FDIC procedures. The removal of an obsolete system from mention as an exempt system and the revision of the heading of Part 310 are simply "housekeeping" matters. The amendments are, therefore, being published in final form without opportunity for public comment on the basis of the above under authority of section 553(b)(A) of the Administrative Procedure Act, which exempts from required publication for comment interpretive rules, general statements of policy, and rules of agency practice and procedure, and are being made immediately effective inasmuch as the requirement found in section 553(d) of the Administrative Procedure Act that substantive rules be published not less than 30 days prior to their effective date is inapplicable. As these amendments neither alter any existing nor create any new recordkeeping or reporting requirements, the Paperwork Reduction Act is inapplicable. Finally, the requirements of the Regulatory Flexibility Act are inapplicable as the amendments are not subject to required public comment under the Administrative Procedure Act.

List of Subjects in 12 CFR 310

Privacy.

For the foregoing reasons, 12 CFR Part 310 is amended as follows:

PART 310—PRIVACY ACT REGULATIONS

1. The heading to Part 310 is revised to read as set forth above.

2. The authority citation for Part 310 continues to read as follows:

Authority: 5 U.S.C. 552a.

3. Section 310.9 is revised to read as follows:

§ 310.9 Appeal of adverse initial agency determination on access or amendment.

(a) A system manager's denial of an individual's request for access to or amendment of a record pertaining to him/her may be appealed in writing to the Corporation's General Counsel (or designee) within 30 business days following receipt of notification of the denial. Such an appeal should be addressed to the Office of the Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429, and contain all the information specified for requests for access in § 310.3 or for initial requests to amend in § 310.7, as well as any other additional information the individual deems relevant for the consideration by the General Counsel (or designee) of the appeal.

(b) The General Counsel (or designee) will normally make a final determination with respect to an appeal made under this part within 30 business days following receipt by the Office of the Executive Secretary of the appeal. The General Counsel (or designee) may, however, extend this 30-day time period for good cause. Where such an extension is required, the individual making the appeal will be notified of the reason for the extension and the expected date upon which a final decision will be given.

(c) If the General Counsel (or designee) affirms the initial denial of a request for access or to amend, he or she will inform the individual affected of the decision, the reason therefor, and the right of judicial review of the decision. In addition, as pertains to a request for amendment, the individual may at that point submit to the Corporation a concise statement setting forth his or her reasons for disagreeing with the Corporation's refusal to amend.

(d) The General Counsel (or designee) may on his or her own motion refer an appeal to the Board of Directors for a determination, and the Board of Directors on its own motion may consider an appeal.

§ 310.13 [Amended]

4. Paragraph (a) of § 310.13 is amended by removing the word "systems" and adding, in its place, the word "system", and by removing the phrase " '30–64–0011'—Legal compliance and enforcement records."

By order of the Board of Directors.

Dated at Washington, DC, this 1st day of September 1987.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–20772 Filed 9–9–87; 8:45 am]

BILLING CODE 6714–01–M

12 CFR Part 346

Foreign Banks, U.S. Branches; African Development Bank Obligations Pledged as Collateral

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is amending its regulations governing FDIC–insured United States branches of foreign banks to permit those branches to pledge obligations of the African Development Banks as collateral to meet FDIC deposit insurance requirements. In the event the FDIC is required to pay the insured deposits of an insured United States branch of a foreign bank, the pledged assets would become the property of the FDIC to be used to the extent necessary to protect the FDIC's deposit insurance fund. As a result of this amendment, African Development Bank obligations would join the obligations of three other multilateral development banks (the Asian Development Bank, the Inter-American Development Bank, and the International Bank for Reconstruction and Development) as assets eligible to be pledged by United States branches of foreign banks.

EFFECTIVE DATE: This amendment becomes effective on September 10, 1987.

FOR FURTHER INFORMATION CONTACT: Joseph Duffy, Senior Financial Analyst, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 Seventeenth Street, NW., Washington, DC 20429. Telephone: (202) 898–6821.

SUPPLEMENTARY INFORMATION:

Consideration of this amendment arose after a rulemaking petition requesting this change was submitted on behalf of the African Development Bank.

Section 346.19 of the FDIC's regulations (12 CFR 346.19) requires insured domestic branches of foreign banks to pledge assets for the benefit of the FDIC in an amount equal to five percent of the insured branch's liabilities. These assets are to be used to protect the deposit insurance fund in the event the FDIC becomes obligated to pay the insured deposits of the branch. The intent of this requirement is to ensure that the assets pledged to the benefit of the FDIC are of high quality and marketability so that they may be easily converted to cash in the event the FDIC is obligated to satisfy the claims of insured depositors.

Section 346.19(d) lists assets that the FDIC has determined to be eligible for pledging purposes. More specifically, paragraph (d)(6) provides that obligations of the Asian Development Bank, Inter-American Development Bank, and the International Bank for Reconstruction and Development (World Bank) are acceptable for pledging purposes. In drawing up the list of eligible investments, the drafters of the regulation consulted 12 U.S.C. 24, which details securities eligible for investment by national banks and state-chartered banks that are members of the Federal Reserve System. The three multilateral development banks currently mentioned in § 346.19(d)(6) are specifically cited in 12 U.S.C. 24(7) as eligible investments by national and state member banks. However, when Part 346 was promulgated, membership in the African Development Bank was limited to African states and the African Development Bank issued no debt obligations in the United States. Therefore, obligations of the African Development Bank were not included in the approved list for purposes of either Part 346 or 12 U.S.C. 24(7).

Since that time, however, the African Development Bank has been added to the list in 12 U.S.C. 24(7), and its membership has been expanded to include non-regional members. Current membership consists of 75 countries, of which 25 are non-regional countries, including the United States. In addition, it has been determined that the African Development Bank enjoys a legal status virtually identical to that of the three other multilateral development banks listed in § 346.19(d)(6).

Based on an analysis of the African Development Bank's financial condition and other pertinent information, the FDIC believes that the obligations issued by the African Development Bank offer sufficient quality and marketability to warrant inclusion in the list of eligible investments for purposes of pledging under Part 346.

Pursuant to 5 U.S.C. 553(b)(B), the Board of Directors finds that good cause exists for dispensing with notice and public procedure. First, the Board finds that notice and comment are unnecessary because the amendment is minor and merely technical with respect to the banking industry and the public at large, and, second, notice of and comment on this amendment would be duplicative of past proceedings. Accordingly, the amendment is being published in final form without opportunity for public comment. Thus, the requirements of the Regulatory Flexibility Act are inapplicable, since the amendment is not subject to required public comment. See 5 U.S.C. 601.

Furthermore, the Board finds that good cause exists to dispense with a thirty day delayed effective date. See 5 U.S.C. 553(d)(3). The waiting period is waived because, as mentioned above, the amendment is minor and merely technical. As a consequence, this amendment will become effective upon publication.

Finally, as these amendments do not entail the creation of any new recordkeeping or reporting requirements, the Paperwork Reduction Act is inapplicable. See 44 U.S.C. 3501.

List of Subjects in 12 CFR Part 346

Bank, Banking, Federal Deposit Insurance Corporation, Foreign Banks, Insured Branches, Pledges.

For the reasons set out above, Part 346 of Title 12 of the Code of Federal Regulations is amended as set forth below.

PART 346—FOREIGN BANKS

1. The authority citation for Part 346 continues to read as follows:

Authority: Secs. 5, 6, 13, Pub. L. 95–369, 92 Stat. 613, 614, 624 (12 U.S.C. 3103, 3104, 3108); Secs. 5, 7, 9, 10, Pub. L. 797, 64 Stat. 876, 877, 881, 882 (12 U.S.C. 1815, 1817, 1819, 1820).

2. Paragraph (d)(6) of § 346.19 is revised as follows:

§ 346.19 Pledge of assets.

* * * * *

(d) * * *

(6) Obligations of the African Development Bank, Asian Development Bank, Inter-American Development Bank, and the International Bank for Reconstruction and Development; or

* * * * *

By Order of the Board of Directors.

Dated at Washington, DC, this 1st day of September, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–20774 Filed 9–9–87; 8:45 am]

BILLING CODE 6714–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87–AWP–23]

Amendment to Various Transition Areas; California; Correction

AGENCY: Federal Aviation Administration, DOT.

ACTION: Correction to final rule.

SUMMARY: An error was noted in the final rule amending various transition areas in California that was published in the **Federal Register** on August 4, 1987, (52 FR 28818) (Airspace Docket No. 87–AWP–23). The amendment to the San Francisco, CA., transition area should not have been included in this final rule. This action corrects that error.

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

FOR FURTHER INFORMATION CONTACT: Frank T. Torikai, Airspace and Procedures Specialist, Airspace and Procedures Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261; telephone (213) 297–1648.

SUPPLEMENTARY INFORMATION:

History

Federal Register document (87–17590), published on August 4, 1987 amended various transition areas in California. An error was discovered in the final rule. The amendment to the San Francisco, CA., transition area should not have been included in this final rule. This action corrects that error.

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

List of Subjects in 14 CFR Part 77

Control zone, Transition area.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, Federal Register Document [87–17590], as published in the Federal Register on August 4, 1987, is corrected as follows:

§ 71.181 [Amended]

Remove the § 71.181 amendment to the San Francisco, CA., transition area.

Issued in Los Angeles, California, on August 24, 1987.

James A. Holweger,

Assistant Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 87–20747 Filed 9–9–87; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 372

[Docket No. 60972–7163]

District Offices; Removal of Amendment Authority

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Presently under 15 CFR 372.11(g), certain types of requests to amend individual validated licenses may be submitted to the Department of Commerce District Offices. This rule removes the authority of the District Offices to authorize these requests. This action is being taken to implement the recommendation of the Department's Inspector General (IG). An IG audit of District Office functions determined that the Under Secretary for International Trade should formally withdraw all authority from the International Trade Administration's District Offices to process and approve applications for amendments to export licenses and require that such processing be done only by Export Administration.

The audit revealed that the District Offices do not have access to all the basic information needed to make a thorough review. This missing information includes the original license, subsequent amendments approved by Export Administration, and the screening list that identifies the names of firms and individuals requiring a higher level of scrutiny during the application review process. Also, the audit disclosed that there were delays in sending the information on amendments approved by the District Offices back to Washington, DC. Centralizing the function in Washington, DC, will result in uniform processing of amendment requests and will keep International Trade Administration's computerized data base on licenses current.

EFFECTIVE DATE: September 10, 1987.

FOR FURTHER INFORMATION CONTACT: John Black or Patricia Muldonian, Regulations Branch, Export Administration, Department of Commerce, Washington, DC 20230 (Telephone: (202) 377–2440).

SUPPLEMENTARY INFORMATION:

Presently, District Offices are authorized to take on requests to amend licenses involving correction of obvious errors, changes in quantity or dollar value as a result of factors beyond the control of the licensee, and changes in or addition of intermediate consignees. On November 5, 1986, an interim rule was published in the Federal Register that established 24-month validity periods for individual validated export licenses and reexport authorizations (51 FR 40156). That rule also requested comments on a proposal under consideration to remove the authority of the District Offices to take action on amendment requests. Two comments on the removal of District Office amendment authority were received in response to that request, and reaction to the proposal was mixed. One commenter favored the proposal based on experiences with an understaffed District Office without "sufficient expertise in the Export Administration Regulations to act expeditiously on amendment requests." A commenter with an opposing view stated that "reducing the authority of the District Offices would be counterproductive and against the best interests of the national economy." After consideration of these two comments, the International Trade Administration has decided to follow the recommendation of the IG.

The public record of the comments is maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4104, Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230. Information about the inspection and copying of the public comments may be obtained from Patricia Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Rulemaking Requirements

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

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Nevertheless, in this instance, such an opportunity was provided, and this rule is now being issued in final form. As with other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Joan Maguire, Regulations Branch, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

4. This rule involves a collection of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection was approved by the Office of Management and Budget under control number 0625–0003.

List of Subjects in 15 CFR Part 372

Exports, Reporting and recordkeeping requirements.

Accordingly, Part 372 of the Export Administration Regulations (15 CFR Parts 368 through 399) is amended as follows:

1. The authority citation for 15 CFR Part 372 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*, as amended by Pub. L. 97–145 of December 29, 1981, and by Pub. L. 99–64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. In § 372.11, paragraph (g) and the heading to paragraph (i) are revised to read as set forth below; the second

sentence in paragraph (h)(1), paragraph (i)(1) heading, and all of paragraph (i)(2) are removed; and paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) are redesignated as paragraphs (i)(1), (i)(2), and (i)(3).

§ 372.11 Amending export licenses.

* * * * *

(g) *Where to file*—(1) *Addresses.*—(i) *Submission by mail.* Mail amendments and related documents to: Office of Export Licensing, P.O. Box 273, Washington, DC 20044.

(ii) *Hand-carried submissions.* Hand carry amendments and related documents in an envelope with the notation "Case Amendment" on the envelope to: Exporter Assistance Staff, Room 1099, Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230.

(2) *Duplicate request covering same license.* A request for amendment shall not be submitted to the Office of Export Licensing if an identical request to amend the same license is already pending with the Office of Export Licensing.

* * * * *

(i) *Action on amendment request by the Office of Export Licensing.* * * *

* * * * *

Dated: September 4, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-20768 Filed 9-9-87; 8:45 am]

BILLING CODE 3510-DT-M

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15 CFR Parts 374 and 375

[Docket No. 70860-7160]

Establishment of Import Certificate and Delivery Verification Procedure for Singapore

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration requires a foreign importer to file an Import Certificate (IC) in support of certain individual export license applications. The IC is required in support of those applications to export certain commodities controlled for national security reasons to specified destinations. By issuing an IC, the government of a country confirms that it has legal control over the disposal of those commodities covered by the IC that are being exported to that country.

Export Administration also requires a Delivery Verification Certificate (DV) on a selective basis as described in 15 CFR 375.3(i). By issuing a DV, the government of a country to which an export has been made confirms that the exported commodities have either entered the export jurisdiction of that country or are otherwise accounted for by the importer.

The United States and Singapore have agreed to establish an IC/DV procedure for U.S. exports of certain strategic goods to Singapore. These goods are identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, a listing of those items subject to Department of Commerce export controls. The government of Singapore has combined the IC/DV and calls it the Import and Delivery Verification Certificate.

This rule amends the Export Administration Regulations by adding Singapore to a list of countries that issue Import Certificates and by adding the name and address of the office in Singapore that administers the IC/DV system.

DATES: This rule is effective September 10, 1987.

However, the requirement for submitting the IC for Singapore with export license applications will take effect on December 9, 1987. Before that date, applications will be accepted if supported by either a Form ITA-629P or the IC.

FOR FURTHER INFORMATION CONTACT: Robert Spruell, Country Policy, Export Administration, Department of Commerce, Washington, DC 20230 (Telephone (202) 377-3205).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

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

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Joan Maguire, Regulations Branch, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

4. The Import and Delivery Verification Certificate requirements set forth in Part 375 supersedes the requirement for Form ITA-629P, Statement by Ultimate Consignee and Purchaser (approved by the Office of Management and Budget under control number 0625-0136) to accompany license applications for exports and reexports to Singapore. The Certificate is issued by the Government of Singapore and does not constitute a collection of information requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 15 CFR Parts 374 and 375

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 374 and 375 of the Export Administration Regulations (15 CFR Parts 368-399) are amended as follows:

1. The authority citations for 15 CFR Parts 374 and 375 continue to read as follows:

Authority: Pub. L. 96-72, 93 Stat 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

PART 374—[AMENDED]

§ 374.3 [Amended]

2. In § 374.3, paragraph (c)(1)(ii) is amended by adding the words ", a Singapore Import and Delivery Verification Certificate" between "a People's Republic of China End-User Certificate" and "or an Indian Import License" in the second sentence.

PART 375—[AMENDED]

§ 375.1 [Amended]

3. The table in § 375.1 is amended by adding "Singapore," between "Portugal," and "Spain," under the

column titled "and the country of destination is:".

§ 375.3 [Amended]

4. The list of "Destinations" in paragraph (b) of § 375.3 is amended by adding "Singapore" between "Portugal" and "Spain".

5. The first sentence in § 375.3(c)(1) is amended by adding the words "Singapore Import and Delivery Verification Certificate," before the words "and 'Landing Certificate' ".

Supplement No. 1—[Amended]

6. Supplement No. 1 to Part 375 is amended by inserting the following information between the information on "Portugal" and that on "Spain":

A. Under the column heading "Country", insert "Singapore";

B. Under the column heading "IC/DV Authorities", insert "Controller of Imports and Exports, Trade Development Board, World Trade Centre, 1 Maritime Square, Telok Blangah Road, Singapore"; and

C. Under the column heading "System administered", insert "IC/DV".

Dated: September 4, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-20770 Filed 9-9-87; 8:45 am]

BILLING CODE 3510-DT-M

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15 CFR Part 399

[Docket No. 70757-7157]

Induction Furnaces; Removal of Unilateral Control

AGENCY: Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: Export Administration maintains the Commodity Control List (CCL), which specifies those items controlled for export by the Department of Commerce. On October 9, 1986, Export Administration published a final rule (51 FR 36212) amending Export Control Commodity Number (ECCN) 1203A on the CCL. Specifically, ECCN 1203A was amended to control vacuum induction furnaces incorporating susceptors designed to operate at temperatures in excess of 2,273K and having a working diameter of greater than five inches. Inclusion of this coverage in ECCN 1203A renders export controls in effect under ECCN 4203B unnecessary. This rule removes that entry.

EFFECTIVE DATE: September 10, 1987.

FOR FURTHER INFORMATION CONTACT: John Black or Patti Muldonian, Regulations Branch, Export Administration, Department of Commerce, Washington, DC 20230, Telephone: (202) 377-2440.

For questions of a technical nature regarding induction furnaces, contact Surendra Dhir, Capital Goods and Production Materials Technology Center, Export Administration, Department of Commerce, Washington, DC 20230, Telephone: (202) 377-8550.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

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

2. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that notice of proposed rulemaking and an opportunity for public comment be given for this rule. Accordingly, it is being issued in final form. However, as with other Department of Commerce rules, comments from the public are always welcome. Written comments (six copies) should be submitted to: Joan Maguire, Regulations Branch, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

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

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

List of Subjects in 15 CFR Part 399

Exports, Reporting and recordkeeping requirements.

Accordingly, Part 399 of the Export Administration Regulations (15 CFR Parts 368-399) is amended as follows:

PART 399—[AMENDED]

1. The authority citation for Part 399 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 et seq.); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985), as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 et seq.); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

Supplement No. 1—[Amended]

2. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 2 (Electrical and Power-Generating Equipment), ECCN 4203B is removed.

Dated: September 4, 1987.

Vincent F. DeCain,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 87-20769 Filed 9-9-87; 8:45 am]

BILLING CODE 3510-DT-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-3109]

Prohibited Trade Practices and Affirmative Corrective Actions; Allied Corp.

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: The Federal Trade Commission has modified a 1983 consent order (48 FR 26597) by requiring that, until 1993 and with certain exceptions, the successors to Allied must obtain prior FTC approval before acquiring any interests or assets of a high-purity acid maker.

DATES: Consent Order issued May 17, 1983. Modified Order issued Mar. 18, 1987.

FOR FURTHER INFORMATION CONTACT: FTC/S-2115, Elliot Feinberg, Washington, DC 20580. (202) 326-2687.

SUPPLEMENTARY INFORMATION: In the Matter of Allied Corporation. The prohibited trade practices and/or

corrective actions, as set forth at 48 FR 26597, remain unchanged.

List of Subjects in 16 CFR Part 13

High-purity acids, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; Sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Order Reopening the Proceeding and Modifying Cease and Desist Order

Commissioners: Daniel Oliver, Chairman, Patricia P. Bailey, Terry Calvani, Mary L. Azcuenaga, and Andrew J. Strenio, Jr.

In the Matter of Allied Corporation, a corporation.

On July 29, 1986, Allied Corporation ("Allied") filed a document entitled "Petition By Allied Corporation Pursuant to section 5(b) of the FTCA and Rule 2.51 To Reopen and Terminate Paragraph III of the Consent Order Entered in Docket No. C-3109." The petition requests that the Commission reopen the order and terminate Paragraphs III and IV. In the alternative, Allied requests that the Commission relieve Allied of its compliance obligations under those paragraphs. Paragraph III prohibits Allied from acquiring for ten years without prior Commission approval "any assets of or any stock interest in any company engaged in the manufacture of high-purity acid in the United States * * *." Paragraph IV requires Allied to file annual reports respecting its compliance with Paragraph III. The preamble to the order defines "respondent" to mean "Allied Corporation, its subsidiaries, affiliates, divisions, successors, and assigns."

On September 19, 1985, Allied merged with The Signal Companies, Inc. ("Signal"). They formed a new parent corporation, Allied Signal Inc. ("Allied-Signal"), with Allied becoming a wholly owned subsidiary of Allied-Signal. In December 1985, Allied-Signal restructured itself by forming a new corporation containing thirty-five former businesses of Allied or Signal. The new corporation was named The Henley Group, Inc. and included the entire high-purity acid business of Allied. On May 28, 1986, Allied-Signal spun-off Henley. Seventy percent of the equity of Henley was distributed to the shareholders of Allied-Signal as a stock dividend ("Distribution"). The remaining thirty percent was retained by Allied-Signal. The formation agreement between Allied-Signal and Henley dated February 26, 1986, included a schedule of enumerated liabilities which stated that Henley may be liable for the Commission's order in this matter. On January 28, 1987, Allied-Signal sold nearly all of its remaining Henley stock to Henley.

Allied requests that the Commission terminate Paragraphs III and IV on the basis of changed conditions of fact and the public interest. In the alternative, it requests that Allied be relieved of its obligations under those paragraphs. Allied states that Allied-Signal has divested itself of all of the businesses and assets that gave rise to the order and, therefore, there are no longer competitive concerns that would justify the need for prior Commission approval for any acquisition that Allied may wish to make of a high-purity acid business.

After reviewing Allied's petition and other information, including a December 18, 1986, letter from Henley, the Commission has concluded that termination of Paragraphs III and IV is not warranted. The creation of Henley and transfer to it of Allied's high-purity acid business is not a changed condition of fact warranting such action. The business appears to be continuing in an essentially identical form, and there is consequently reason to believe that Henley may be a successor to Allied for purposes of the order. *See Golden State Bottling Co., Inc. v. NLRB*, 414 U.S. 168, 171 n.2, 181, 182 n.5 (1973).

In view of the foregoing, the Commission has concluded that changed conditions of fact and the public interest warrant a modification to the order relieving Allied of its compliance obligations under Paragraphs III and IV. Allied is no longer engaged in the manufacture and sale of high-purity acids as a result of the transfer of that business to Henley. Furthermore, Allied states that it does not intend now to reenter the market.

Accordingly, it is hereby ordered that the proceeding be, and it hereby is, reopened and the order modified to relieve Allied of its compliance obligations under Paragraph III and IV.

By direction of the Commission.

Emily H. Rock

Secretary

[FR Doc. 87-20758 Filed 9-9-87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[Att'y Gen. Order No. 1215-87]

List of Field Offices

AGENCY: Antitrust Division, Department of Justice.

ACTION: Final rule.

SUMMARY: Pursuant to 5 U.S.C. 552(a)(1), each agency is required to publish a list of its field offices. The purpose of this order is to comply with these requirements of the Freedom of Information Act so that the public can be better served.

EFFECTIVE DATE: September 10, 1987.

FOR FURTHER INFORMATION CONTACT: Leo D. Neshkes; FOIA/PA Control Officer; Antitrust Division, Room 3232; 10th & Pennsylvania Avenue, NW., Washington, DC 20530; (202) 633-2692. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant impact on a substantial number of small entities. It is not a major rule within the meaning of Exec. Order No. 12291.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure.

By virtue of the authority vested in me by 28 U.S.C. 509 and 5 U.S.C. 301 and 552, it is hereby ordered as follows:

PART 16—[AMENDED]

1. The authority citation for Part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 9701.

2. Appendix I to Part 16 is amended by adding the following offices at the end of the list:

Field Offices

Antitrust Division:

Richard B. Russell Building, 75 Spring Street, SW., Suite 1394, Atlanta, Georgia 30303, (404) 331-7100

John C. Kluczynski Building, 230 South Dearborn Street, Room 3820, Chicago, Illinois 60604, (312) 353-7530

995 Celebrezze Federal Building, 1240 East 9th Street, Cleveland, Ohio 44199-2089, (216) 522-4070

Earle Cabell Federal Building, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, (214) 767-8051

26 Federal Plaza, Room 3630, New York, New York 10278-0096, (212) 264-0390

11400 U.S. Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106, (215) 597-7405

450 Golden Gate Avenue, Box 36046, San Francisco, California 94102, (415) 556-6300

Date: August 28, 1987.

Arnold I. Burns,

Acting Attorney General.

[FR Doc. 87-20716 Filed 9-9-87; 8:45 am]

BILLING CODE 4410-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of the Lee County (Florida) Department of Equal Opportunity as a 706 Agency.

EFFECTIVE DATE: September 10, 1987.

FOR FURTHER INFORMATION CONTACT: Beatrice Rivers, Equal Employment Opportunity Commission, Office of Program Operations, Systemic Investigations and Individual Compliance Programs, 2401 E Street NW., Washington, DC, 20507, telephone (202) 634–6806.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—[AMENDED]

1. The authority citation for Part 1601 is revised to read as follows:

Authority: 42 U.S.C. 2000e to 2000e–17.

§ 1601.74 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.74(a) by adding in alphabetical order, the Lee County (Florida) Department of Equal Opportunity.

Signed at Washington, DC, this 26th day of August 1987.

For the Commission.

James H. Troy,

Director, Office of Program Operations.

[FR Doc. 87–20616 Filed 9–9–87; 8:45 am]

BILLING CODE 6570–06–M

29 CFR Part 1601

706 Agencies; Designation

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule; amendment.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of the Anderson, Indiana Human Relations Commission as a 706 Agency.

EFFECTIVE DATE: September 10, 1987.

FOR FURTHER INFORMATION CONTACT: Beatrice Rivers, Equal Employment Opportunity Commission, Office of Program Operations, Systemic Investigations and Individual Compliance Programs, 2401 E Street, NW., Washington, DC 20507, telephone (202) 634–6806.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

1. The authority citation for Part 1601 continues to read as follows:

Authority: 42 U.S.C. 2000e to 2000e–17.

PART 1601—[AMENDED]

§ 1601.74 [Amended]

Accordingly, 29 CFR Part 1601 is amended in § 1601.74(a) by adding in alphabetical order, the Anderson, Indiana Human Relations Commission.

Signed at Washington, DC, this 24th day of August, 1987.

For the Commission.

James H. Troy,

Director, Office of Program Operations.

[FR Doc. 87–20548 Filed 9–9–87; 8:45 am]

BILLING CODE 6570–06–M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 59

[DOD Directive 7330.1]

Voluntary Military Pay Allotments

AGENCY: Office of the Secretary of Defense, DOD.

ACTION: Final rule.

SUMMARY: This rule updates guidance on voluntary military pay allotments from the pay and allowances of active duty and retired service members.

DATES: Effective date: September 3, 1987. Comments must be received 30 days from publication.

FOR FURTHER INFORMATION CONTACT: Mr. James T. Jasinski, Office of the Deputy Assistant Secretary of Defense (Management Systems), Washington, DC 20301–1100. Telephone 202–697–0536.

SUPPLEMENTARY INFORMATION: The prior publication of this part was made on April 8, 1982 (47 FR 15124). Since the changes in this part are administrative in nature, public comments were not sought prior to release of the final rule. Written comments may be submitted to the addressee above. DOD reserves the right to acknowledge or to respond to individual comments directly or address all comments through the **Federal Register.**

Executive Order 12291

DOD has determined that this rule is not a major rule for the purpose of E.O. 12291, because it is not likely to have an annual effect on the economy of $100 million or more, and therefore, does not require a regulatory impact on analysis.

Paperwork Reduction Act

This rule imposes no information requirements.

Regulatory Flexibility Act of 1980

I certify that this rule shall be exempt from the requirements under 5 U.S.C. 601–612. In addition, the rule does not have a significant economic effect on small entities as defined in the Regulatory Flexibility Act.

Copies of this Directive and other DOD publications referenced in this Directive may be obtained from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120.

List of Subjects in 32 CFR Part 59

Military personnel, Wages.

Accordingly, 32 CFR Part 59 is revised to read as follows:

PART 59—VOLUNTARY MILITARY PAY ALLOTMENTS

Sec.

59.1 Purpose.
59.2 Applicability.
59.3 Policy.
59.4 Responsibilities.

Authority: 37 U.S.C. Chapter 13.

§ 59.1 Purpose.

This part updates the policies that implement Title 37 of United States Code, Chapter 13 and govern voluntary allotments of pay and allowances for active and retired members.

§ 59.2 Applicability.

This part applies to the Office of the Secretary of Defense and the Military

Departments. The term "Military Service," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 59.3 Policy.

(a) *General.* (1) The voluntary allotment system is provided primarily as a means to assist military members in accommodating their personal and family financial responsibilities to the exigencies of military service. It is a convenience and privilege not to be exploited or abused. To avoid unjustifiable expense to the Government, its use shall be limited to the purposes outlined in the following paragraphs.

(2) All existing approved registered allotments of military pay and allowances for active duty and retired members that were authorized previously by this part at the time registered may be continued as approved allotments. However, if any such allotments are discontinued, they may not be reestablished except as a new allotment in accordance with the requirements of this part. Any change in the allotment that is initiated by the service member is considered a discontinuance, except those that are beyond the control of the service member.

(3) Changes beyond the control of the service member are changes that are of an administrative nature dictated by events incidental to the purpose of the allotment. Examples of administrative changes that are beyond the control of the service member are: name and address changes by the payee or amount changes due to contractual obligation existing at the time the allotment was executed, such as a mortgage payment change because of a variable rate mortgage or changing escrow requirements. Although the changes given above do not constitute a discontinuance, such administrative changes that adjust the amount of the allotment shall be accepted only when communicated by the service member on a new allotment request. Discontinuance occurs with any mortgage refinancing action.

(4) A change in allotment initiated by an organizational allottee may be accepted when the change is documented properly, is of an administrative nature, and does not increase the amount allotted.

(b) *Active Military Service.* Voluntary allotments of military pay and allowances of service members in active military service shall be limited to the following:

(1) The purchase of U.S. savings bonds.

(2) The payment of premiums for insurance on the life of the allotter, including U.S. Government Life Insurance, National Service Life Insurance, Veterans Group Life Insurance, Navy Mutual Aid Insurance, Army Mutual Aid Insurance, and commercial life insurance.

(i) Allotments for insurance on the lives of a spouse or children.

(ii) Allotments for health, accident, or hospitalization insurance or other contracts that, as a secondary or incidental feature, include insurance on the life of the service member are not authorized.

(iii) Requests to initiate commercial life insurance allotments shall be processed only after compliance with requirements of 32 CFR Part 276.

(3) The repayment of loans to the Navy Relief Society, Army Emergency Relief, Air Force Aid Society, and American Red Cross.

(4) Allotments to a spouse, former spouses, other dependents, and relatives who are not designated legally as dependents. The payment of such an allotment to a financial institution or association shall not deprive a service member of the use of the allotments authorized by § 59.3(b)(6).

(5) The voluntary liquidation of indebtedness to the United States.

(i) This includes indebtedness incurred by reason of defaulted notes insured by the Federal Housing Administration or guaranteed by the Veterans Administration (VA); payment of amounts due under the Retired Serviceman's Family Protection Plan, in the case of retired service members serving on active duty; payment of delinquent Federal income taxes; and other indebtedness to any department or agency of the U.S. Government, except to the department paying the service member.

(ii) This includes repayment of debts owed to an organization for funds administered on behalf of the U.S. Government and any such debts assigned to a collection agency.

(6) The payment to a financial organization for credit to an account of the service member. A financial organization is any bank, savings bank, savings and loan association or similar institution, or Federal or state chartered credit union. Monies thus credited to the service member's account may then be used for any purpose in accordance with the desires and direction of the service member. No more than two such allotments under this paragraph shall be allowed any service member at any one time.

(7) Repayment of loans obtained for the purchase of a home, including a mobile home or house trailer used as a residence by the service member. This does not authorize repayment of loans for business purposes or for additions or improvements to homes, mobile homes, or house trailers. Allotments authorized herein are in addition to those authorized under § 59.3(b)(6). Only one such allotment shall be allowed any service member at any one time.

(8) Charitable contributions to the following:

(i) A Combined Federal Campaign, in accordance with DOD Directive 5035.1, "Fund-Raising Within the Department of Defense," April 7, 1978, and DOD Instruction 5035.5, "DoD Combined Federal Campaign-Overseas Areas (CFC–OA)," August 23, 1978.

(ii) Army Emergency Relief, Navy Relief Society, or affiliates of the Air Force Assistance Fund.

(9) Deposits to the account of a service member participating in the Uniformed Services Savings Deposit Program under 10 U.S.C. 1035. This program is limited to service members in a missing status as a result of the Vietnam conflict.

(10) Allotments to the VA for deposit to the Post-Vietnam Era Veterans Education Account within the periodic and cumulative depository limitations specified in DOD Directive 1322.8, "Voluntary Educational Programs for Military Personnel," July 23, 1987. Once authorized by the service member, the allotments must run a minimum of 12 consecutive months, unless the service member suspends participation or disenrolls from the program because of personal hardship

(11) Payment of delinquent state or local income or employment taxes.

(12) Dental and health insurance allotments for the benefit of the families of service members.

(c) *Retired Military Personnel.* (1) Voluntary allotments be service members receiving retired or retainer pay shall be limited to the following:

(i) Purchase of U.S. savings bonds.

(ii) Payment of premiums for insurance on the life of the service member including U.S. Government Life Insurance, National Service Life Insurance, Veterans Group Life Insurance, Navy Mutual Aid Insurance, Army Mutual Aid Insurance, and commercial life insurance, subject to the limitations prescribed in § 59.3(b)(2) (i) and (ii).

(iii) Voluntary liquidation of indebtedness to the United States, subject to the limitations prescribed in § 59.3(b)(5)—

(iv) Allotments to a spouse, former spouse, and/or children of the retired

service member having a permanent residence other than that of the retired service member.

(v) Charitable contributions to the Army Emergency Relief, Navy Relief Society, or affiliates of the Air Force Assistance Fund.

(vi) The repayment of loans to the Army Emergency Relief, Navy Relief Society, Air Force Aid Society, or American Red Cross.

(2) To assist personnel in the transition from active duty to retired status, all allotments authorized for active duty service members may be continued, except those allotments in § 59.3(b)(8)(i), (9) and (10). However, if an allotment continued from active duty, but not authorized by § 59.3(c)(1) is discontinued by the retiree, such an allotment may not be reestablished.

(d) *Exclusions and Restrictions.* (1) The amount of pay and allowances that may be allotted shall exclude amounts required to be withheld for taxes, liquidations of indebtedness determined under applicable provisions of law to be chargeable against the service member's pay account, or required premiums on Servicemen's Group Life Insurance.

(2) The total amount that may be allotted shall comply with the restrictions in the DOD Military Pay and Allowances Entitlements Manual and DOD 1340.12–M, "DOD Military Retired Pay Manual."

(e) *Control and Use of Forms.* (1) Allotment requests shall be accepted only on authorized allotment forms, unless otherwise provided in this part. Supplies of allotment forms shall not be made available to non-Federal organizations, except that each Military Department may authorize issuance of forms to the Army Emergency Relief, Navy Relief Society, the Air Force Aid Society, and American Red Cross.

(2) Active duty enlisted service members shall sign the allotment authorization form in the presence of the service member's commanding officer, personnel or disbursing officer, or one of their representative who shall witness the signature. The Military Departments may waive this requirement for senior enlisted service members and loan repayment allotments payable to the Army Emergency Relief, Navy Relief Society, the Air Force Aid Society, and American Red Cross.

(3) Charitable contribution allotment requests by enlisted members may be accepted without a witnessing official, when submitted on contribution forms in accordance with DOD Directive 5035.1 and DOD Instruction 5035.5.

(4) Retired military personnel need not submit allotment requests on the prescribed forms. A signed personal letter may be used to support an allotment request, change, or cancellation by retired military members as long as all required information is provided.

§ 59.4 Responsibilities.

(a) The Assistant Secretary of Defense (Comptroller) shall exercise primary management responsibility for the voluntary military pay allotment program and provide assistance to the Military Departments in the form of instructions, requirements, reviews, and other guidance.

(b) The Secretaries of the Military Departments shall ensure that this part is implemented by the Military Services concerned.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 4, 1987.

[FR Doc. 87–20838 Filed 9–9–87; 8:45 am]

BILLING CODE 3810-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, the maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans are also increased. These increases are necessary because previous rates were not competitive enough to induce lenders to make guaranteed or insured home loans without substantial discounts, or to make manufactured home loans. The increase in the interest rates will assure a continuing supply of funds for home mortgages, home improvement and manufactured home loans.

EFFECTIVE DATE: September 8, 1987.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202–233–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by section 1819(f), Title 38, United States Code, to establish maximum interest rates for manufactured home loans guaranteed by the VA as he finds the manufactured home loan capital markets demand. Recent market indicators—including the prime rate, the general increase in interest rates charged on conventional manufactured home loans, and the increase in other short-term and long-term interest rates—have shown that the manufactured home capital markets have become more restrictive. It is now necessary to increase the interest rates on manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans in order to assure an adequate supply of funds from lenders and investors to make these types of VA loans.

The Administrator is also required by section 1803(c), Title 38, United States Code, to establish maximum interest rates for home and condominium loans, including graduated payment mortgage loans, and for loans for home improvement purposes. Recent market indicators—including the rate of discount charged by lenders on VA loans and the general increase in interest rates charged by lenders on conventional loans, have shown that the mortgage money market has become more restrictive. The maximum rates in effect for VA guaranteed home and condominium loans and those for energy conservation and home improvement purposes have not been sufficiently competitive to induce private sector lenders to make these types of VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program, it has been determined that an increase in the maximum permissible rates applicable to home and improvement loans is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to Chapter 37 of Title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 through 612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they do not come within the definition of a "major rule" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature disclosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured, and direct home and condominium loans, loans for energy conservation and other home improvement purposes, and loans for manufactured home purposes would create an acute shortage of funds pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

(Catalog of Federal Domestic Assistance Program numbers, 64.113, 64.114, and 64.119)

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1), 1811(d)(1) and 1819 (f) and (g) of Title 38, United States Code. The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These increases are accomplished by amending §§ 36.4212(a) (1), (2), and (3), and 36.4311 (a), (b), and (c), and 36.4503(a), Title 38, Code of Federal Regulations.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured Homes, Veterans.

Approved: September 4, 1987.

Thomas K. Turnage,

Administrator.

38 CFR Part 36, Loan Guaranty, is amended as follows:

PART 36—[AMENDED]

1. In § 36.4212, paragraph (a) is revised as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed or insured pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to the respective effective date: (38 U.S.C. 1819(f)).

(1) Effective September 8, 1987, 13 percent simple interest per annum for a loan which finances the purchase of a manufactured home unit only.

(2) Effective September 8, 1987, 12½ percent simple interest per annum for a loan which finances the purchase of a lot only and the cost of necessary site preparation, if any.

(3) September 8, 1987, 12½ percent simple interest per annum for a loan which will finance the simultaneous acquisition of a manufactured home and a lot and/or the site preparation necessary to make a lot acceptable as the site for the manufactured home.

* * * * *

2. § 36.4311, paragraphs (a), (b), and (c) are revised as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 10½ per centum per annum, effective September 8, 1987, the interest rate on any home or condominium loan, other than a graduated payment mortgage loan, guaranteed or insured wholly or in part on or after such date may not exceed 10 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

(b) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the VA which specify an interest rate in excess of 10¾ per centum per annum, effective September 8, 1987, the interest rate of any graduated payment mortgage loan guaranteed or insured wholly or in part on or after such date may not exceed 10¾ per centum per annum. (38 U.S.C. 1803(c)(1))

(c) Effective September 8, 1987, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 12 per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

3. In § 36.4503, paragraph (a) is revised as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the VA shall bear interest at the rate of 10½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 12 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

[FR Doc. 87-20864 Filed 9-9-87; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[OW-6-FRL-3257-9]

Ocean Dumping; Designation of Sites

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today designates four existing dredged material disposal sites ("the Sabine-Neches sites") located in the Gulf of Mexico offshore of Texas Point and Louisiana Point for the continued disposal of dredged material removed from the Sabine-Neches Waterway. This action is necessary to provide acceptable ocean dumping sites for the current and future disposal of this material. This final site designation is for an indefinite period of time but is subject to continued monitoring in order to insure that unacceptable adverse environmental impacts do not occur.

DATE: This designation shall become effective October 13, 1987.

ADDRESSES: The file supporting this designation is available for public

inspection at the following locations: U.S. EPA, Region VI (6E–FF), 1445 Ross Avenue, 10th Floor, Dallas, Texas 72202–2733, Corps of Engineers, Galveston District, 444 Barracuda Avenue, Galveston, Texas 77550.

FOR FURTHER INFORMATION CONTACT: Norm Thomas (214) 655–2260 or (FTS) 255–2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, Section 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 extended on August 19, 1985 (50 FR 33338). That list established the four Sabine-Neches sites as interim sites.

B. EIS Development

Section 102(2)(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 major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this (39 FR 16186, May 7, 1974).

EPA has prepared a Draft and Final Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Sabine-Neches, Texas Dredged Material Ocean Disposal Site Designation." On August 20, 1982, a notice of availability of the Draft EIS for public review and comment was published in the **Federal Register** (47 FR 36468). The public comment period on this Draft EIS closed October 4, 1982. The Agency received 11 comments on the Draft EIS and responded to them in the Final EIS. Editorial or factual corrections required by the comments were incorporated in the text and noted in the Agency's response. Comments which could not be appropriately treated as text changes were addressed point by point in the Final EIS, following the letters of comment. On April 1, 1983, a notice of availability of the Final EIS for public review and comment was published in the **Federal Register** (48 FR 14037). The public comment period on the Final EIS closed on May 9, 1983. One comment was received on the Final EIS which favored final designation of the existing sites. The EIS is available for review at the addresses given above.

The action discussed in the EIS is designation for continuing use of ocean disposal sites for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. 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 discussed the need for the action and examined ocean disposal sites and alternatives to the proposed action. Land based disposal alternatives were examined in a previously published EIS and the analysis was updated in a memorandum to the Record (March 18, 1987) by the Corps of Engineers. The nearest available land disposal area is 600 acres in size and is located 6 miles away from the shoreward end of the project and over 23 miles from the seaward end. Because of the high costs of transport as well as the limited capacity of the area, this alternative is not feasible. Also since the surrounding land areas are wetlands, development and use of a suitably sized replacement area would result in a significant loss of quality wetlands.

Three ocean disposal alternatives—a shallow water area (including the proposed sites), a mid-shelf area and a deepwater area—were evaluated. The mid-shelf area contained numerous fixed structures (e.g., oil platforms) presenting navigational hazards to the hopper dredge used and increasing the possibility of collisions and oil spills. Both the mid-shelf and deepwater areas involved increased transportation costs. Because of safety and economic disadvantages and due to a lack of environmental benefit, the mid-shelf area and the deepwater area were eliminated from further consideration.

The EIS evaluates the suitability of ocean disposal areas for final designation and is 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.

In accordance with the requirements of Section 7 of the Endangered Species Act, EPA requested a list of species that may be affected from the U.S. Fish and Wildlife (FWS) and the National Marine Fisheries Service (NMFS). The FWS documented that there were no endangered or threatened species in the project area under their jurisdiction. The NMFS provided a list of five species of sea turtles that may be affected by the proposed site designation. EPA prepared a biological assessment of the effects of disposal of dredged material on the green, hawksbill, loggerhead, leatherback, and Kemp's ridley sea turtles. Based on this assessment, EPA determined that the proposed action does not constitute an adverse effect on the five listed species.

EPA has completed coordination with the State of Louisiana, Department of Natural Resources concerning consistency with the Louisiana Coastal Resource Program. The State indicated by letter dated May 14, 1987, that the project was found to be consistent with their coastal zone program.

This final rulemaking notice serves the same purpose as the Record of Decision required under regulations promulgated by the Council on Environmental Quality for agencies subject to NEPA.

C. Site Designation

On June 11, 1987 (52 FR 22352), EPA proposed designation of these sites for the continuing disposal of dredged material from the Sabine-Neches Waterway. The public comment period on this proposed action closed July 27, 1987. Three comment letters were received on the proposed rule. A private citizen requested that no dumping of dredged material be allowed stating that ocean disposal would be harmful to shrimp reproduction and would interfere with fishing, shipping and recreation. The U.S. Department of Interior (DOI) expressed concern about impacts to fishery resources, including shrimp, from contaminated sediment and recommended a specific monitoring program be established for sites 3 and 4. Tenneco Oil Company provided information on oil production activities near disposal site 2 and requested that consideration be given to limiting disposal to the southern third of the site.

In response to each of these comments, EPA offers the following. Interference with shipping, fishing and recreation from dredged material disposal has been evaluated. EPA has concluded that site designation will not adversely affect the referenced uses. Regarding the concern for impacts to fishery resources, water, sediment and elutriate data as well as bioassays and

bioaccumulation assessments conducted to date at the disposal areas and in the channels indicate no adverse impacts to the aquatic environment from the dredging and disposal operations. Based on this historic data, EPA believes that an intense monitoring program is not warranted. However, in order to provide adequate warning of environmental harm, a monitoring program for all four sites is proposed. The program will consist of the following: (1) Assessment of channel sediment quality (i.e., sediment and elutriate chemistry and bioassays and bioaccumulation studies) to determine if polluted material will be discharged; (2) assessment of water column and sediment quality of the disposal sites (i.e., sediment and elutriate chemistry and grain-size analysis) to determine if the quality of water and sediment is deteriorating with time; (3) assessment of the health of the biological communities of the sites and down current from the sites; and (4) macrobenthic infauna sampling. The proposed monitoring program will be specified in a site management and monitoring plan to be developed between EPA and the Galveston District, Corps of Engineers. Tenneco's request for limiting disposal in site 2 will be considered in development of this plan.

All four sites are located along the west side of the Sabine Bank Channel and fairway in depths ranging from five to 13 meters. These sites receive dredged material from the channel, and the dredged material is dumped at the site closest to the point of dredging. All dredging is done by hopper dredge. Four sites are used in order to minimize the length of time the dredges are present in the shipping channel and the potential hazard to navigation.

Site 1 is located approximately 16 nautical miles from shore, is triangular in shape and occupies an area of approximately 2.4 square nautical miles. Water depths within the area average 12 meters. The corner coordinates are as follows: 29°28'03" N., 93°41'14" W.; 29°26'11" N., 93°41'14" W.; 29°26'11" N., 93°44'11" W.

Site 2 is located approximately 11.8 nautical miles from shore, is trapezoidal in shape and occupies an area of approximately 4.2 square nautical miles. Water depths within the area range from 9 to 13 meters. The corner coordinates are as follows: 29°30'41" N., 93°43'49" W.; 29°28'42" N., 93°41'33" W.; 29°28'42" N., 93°44'49" W.; 29°30'08" N., 93°46'27" W.

Site 3 is located approximately 6.8 nautical miles from shore, is pentagonal in shape and occupies an area of approximately 4.7 square nautical miles. Water depths within the area average 10 meters. The corner coordinates are as follows: 29°34'24" N., 93°48'13" W.; 29°32'47" N., 93°46'16" W.; 29°32'06" N., 93°46'29" W.; 29°31'42" N., 93°48'16" W.; 29°32'59" N., 93°49'48" W.

Site 4 is located approximately 2.7 nautical miles from shore, is hexagonal in shape and occupies an area of about 4.2 square nautical miles. Water depths within the area range from 5 to 9 meters. The corner coordinates are as follows: 29°38'09" N., 93°49'23" W.; 29°35'53" N., 93°48'18" W.; 29°35'06" N., 93°50'24" W.; 29°36'37" N., 93°51'09" W.; 29°37'00" N., 93°50'06" W.; 29°37'46" N., 93°50'26" W.

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 an early stage. Where feasible, locations off the Continental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels. The general criteria are given in § 228.5 of the EPA Ocean Dumping Regulations; § 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met.

EPA has determined, based on the completed EIS process, that the four existing sites are acceptable under the five general criteria. The Continental Shelf location is not feasible and no environmental benefit would be obtained by selecting such a site. Historical use of the existing four sites 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 sites are reviewed below in terms of the eleven factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* (40 CFR 228.6(a)(1))

Geographical positions, average water depths, and distance from the coast for each existing site are given above. Bottom topography within each existing site is flat with no unique features or relief. Each site varies only in distance from shore and depth.

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 sites are between the shrimp spawning grounds of the mid-shelf and the important nursery area of Sabine Lake and therefore could be passageways of commercially valuable species. However, the sites represent only a minor portion of the entire range of shrimp along the Gulf Coast. Many commercially and recreationally important species of fish also occur in this region. However, most recognized breeding and spawning grounds occur in the productive marshes and estuaries of the coastal region or in the mid-water areas of the Gulf.

Studies summarized in the EIS have found that free-swimming animals (nekton) are generally not affected by the disposal of dredged material. Abundances of nekton, including shrimp, are only temporarily displaced after disposal operations, but abundances appeared to return to normal within one month. Some nekton indigenous to areas in the vicinity of the disposal site, including fish, may actually be attracted to the turbid waters which result from disposal activities to seek food or protection from predators. Fishery resources have not been shown to be adversely affected.

3. *Location in relation to beaches and other amenity areas.* (40 CFR 228.6(a)(3))

Activities in the vicinity of the sites include fishing and boating. Disposal of dredged material has not adversely affected these activities because effects were limited to a turbidity plume at the site which disperses through the settlement of the majority of particles within a few hours after disposal.

Of the four disposal sites, Site 4 (located closest to shore) is 2.7 nautical miles south of the nearest land (Texas Point) and thus would have the highest potential to affect beaches. However, the beaches there have not been adversely affected by disposal activities because a prevailing southwesterly current carries material away from shore.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the wastes, if any.* (40 CFR 228.6(a)(4))

Dredged material released at approved dredged material disposal sites must conform to the EPA criteria in the Ocean Dumping regulations (40 CFR Part 227). Sediments to be dumped at the sites result from the dredging of the Sabine-Neches entrance channels. Materials dredged from the entrance channels are dumped at the sites closest to the area of dredging. Existing Site 4

has been in use since 1931 for the disposal of dredged material. Prior to 1960 dredging did not occur seaward of Existing Site 1 and the other three sites were not used prior to that time. The average annual amount dumped at all four sites from 1960 to 1979 was 4.5 million cubic yards.

Dredged sediments from the Sabine-Neches entrance channels are the only materials presently dumped at the four sites. The dredged materials are primarily silts and clays, which are suitable for ocean disposal. Although the natural sediment texture within and beyond the sites exhibits seasonal changes, it is similar to that of the dredged material disposed at the four sites. A hopper dredge has been used for the dredging of the Sabine-Neches entrance channels. The unpacked dredged material is released when the bottom doors on the hoppers are opened.

5. *Feasibility of surveillance and monitoring.* (40 CFR 228.6(a)(5))

Surveillance and monitoring at the existing sites is feasible considering transportation costs to and from the sites as well as costs associated with acquiring samples from the shallow water-depths. Based on historic data, an intense monitoring program is not warranted. However, in order to provide adequate warning of environmental harm, a monitoring program consisting of water, sediment and elutriate chemistry; bioassays; bioaccumulation studies; and benthic infaunal analyses is proposed.

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))

In shallow-water areas of the existing disposal sites, most dredged material falls to the bottom immediately after dumping and only a small portion of the finer fraction is lost from the main settling surge. This small portion disperses as individual particles. Bottom currents measured 6.5 nautical miles (nmi) off Texas Point average 0.23 knots and flow in a south-southwesterly direction. These currents are capable of transporting the dispersed dredged material over a wide area; thus, no major sediment accumulation is expected.

Bottom currents become quite strong during storms, when powerful rip currents redistribute coarse sediments along the Texas-Louisiana coast. Periodically, hurricanes also produce currents strong enough to prevent any significant shoaling due to the accumulation of dredged material. Evidence of this is the lack of shoaling at any of the sites despite the approximately 88 million cubic yards of material that have been dumped in the past 50 years.

7. *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).* (40 CFR 228.6(a)(7))

No major changes in benthic diversity have occurred in the sites off Texas Point based on a comparison of 1974, 1979, and 1980 samples with samples taken from 1951 to 1954. However, minor reductions in abundances of benthic infauna are apparent. Studies have shown that the reduced populations are capable of recolonization within a few months. In addition, trawl data indicated that populations of free-swimming animals in the disposal area did not differ from animals occurring in adjacent unimpacted areas upcurrent of the disposal sites.

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))

Sites 2, 3, and 4 partially extend into the navigational safety fairway; however, they do not present hazards to shipping. Sediments dredged from the channel are dumped within site boundaries but outside the safety fairway. Fairways were "established to control the erection of structures therein to provide safe approaches through oil fields in the Gulf of Mexico to entrances to the major ports along the Gulf Coast." (33 CFR 209.135)

Sites 1 and 2 are near Sabine Bank, a major commercial and recreational fishery area. Prevailing bottom currents may carry dumped material at Site 2 toward Sabine Bank, but the rise at the bottom edge of the Bank will cause the material to be transported along rather than over the central portion of the Bank.

Sites 1, 2, and 3 are in an area of important commercial shrimping (Grid Zone 17), which extends 60 nmi along the Texas-Louisiana coast, and from the shoreline to about 90 nmi offshore. The disposal sites are in waters 10 to 13 meters deep, a primary shrimping area of this zone. A 1977 study reported in the EIS showed that 25 percent of the catch effort for shrimp in zone 17 resulted in a catch of approximately 24 percent of the total shrimp catch for zone 17, an amount closely proportional to the catch effort. Thus, it does not appear that dredged material disposal operations at these sites during preceding years (1960–1976) significantly interfered with or altered the shrimping activities studied.

Oil and gas exploration and production could potentially be affected by disposal activities. Sites 2 and 3 are presently being leased for oil and gas exploration and already contain oil production platforms and pipelines. As long as the density of the platforms and pipelines and associated marine traffic in these areas remains low, no major conflict between the two uses of the disposal area should occur. No areas of special scientific importance, aquaculture, or desalination activities are known to occur or are known to be planned in the vicinity of the existing sites.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* (40 CFR 228.6(a)(9))

Phytoplankton and zooplankton studies conducted southwest of the sites revealed seasonal differences in species composition. Diatoms dominate the phytoplankton community and copepods dominate the zooplankton community. Fish and shrimp dominate the nekton community of the sites, and species are typical of those reported from western Gulf coastal waters. Several of these species are commercially and/or recreationally important, including croaker, spotted sea trout, menhaden, redfish, flounder, and brown shrimp. The benthic community of the sites is characteristic of sand and mud habitats and is dominated by worms, the most abundant of which are acorn and proboscis worms. Chemical constituents in the water at the sites are below EPA water quality criteria. Concentrations of all measured constituents in the water (except dissolved ammonia, nitrate, and organic nitrogen) are below analytical detection limits. These three exceptions occurred in relatively low concentrations; however, no appropriate water quality criteria apply to these constituents.

10. *Potentiality for the development of recruitment or nuisance species in the disposal site.* (40 CFR 228.6(a)(10))

No long-term changes in species composition at the site have resulted from disposal operations. Trawl and benthic data also indicated that the disposal area at the time of sampling did not differ from other adjacent unimpacted areas upcurrent of the disposal sites. Disposal of dredged material has contributed little to changing the character of the faunal communities in the vicinity of Sabine Pass. Previous surveys at the site did not detect the development or recruitment of nuisance species, and the similarity of the dredged material with the existing sediments suggests that the

development or recruitment of nuisance species is unlikely.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* (40 CFR 228.6(a)(11))

Neither the Texas Historical Commission nor the Louisiana Division of Archaeology and Historic Preservation Office has found evidence of natural or cultural features of historic importance in the area, but they noted that unknown sunken prehistoric sites may exist. Sunken vessels which exist in or near the offshore disposal area should not be permanently affected by disposal operations.

E. Action

Based on the completed EIS process and available data, EPA concludes that the four Sabine-Neches sites may appropriately be designated for continuing use. The existing sites are compatible with the general criteria and specific factors used for site evaluation. The designation of the four Sabine-Neches sites as EPA approved Ocean Dumping Sites is being published as final rulemaking.

Before ocean dumping of dredged material at the site may occur, the Corps of Engineers must evaluate a permit application according to EPA's ocean dumping criteria. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping. While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal projects can be discharged into ocean waters are the same as where a permit would be required.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this 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 requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Final Rule does not contain any information collection requirements subject to the 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 28, 1987.

Robert E. Layton, Jr.,

Regional Administrator of Region VI.

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 and reserving paragraphs (a)(1)(ii) (D) and (N) and adding paragraphs (b) (42), (43), (44), (45) for four ocean dumping sites to read as follows:

§ 228.12 Delegation of management authority for ocean dumping sites.

* * * * *

(b) * * *

(42) Sabine-Neches Dredged Material Site 1—Region VI.

Location: 29°28'03" N., 93°41'14" W.; 29°26'11" N., 93°41' 14" W.; 29°26'11" N., 93°44'11" W.

Size: 2.4 square nautical miles.

Depth: Ranges from 11–13 meters.

Primary Use: Dredged material.

Period of Use: Continuing Use.

Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.

(43) Sabine-Neches Dredged Material Site 2—Region VI.

Location: 29°30'41" N., 93°43'49" W.; 29°28'42" N., 93°41'33" W.; 29°28'42" N., 93°44'49" W.; 29°30'08" N., 93°46'27" W.

Size: 4.2 square nautical miles.

Depth: Ranges from 9–13 meters.

Primary Use: Dredged material.

Period of Use: Continuing Use.

Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.

(44) Sabine-Neches Dredged Material Site 3—Region VI.

Location: 29°34'24" N., 93°48'13" W.; 29°32'47" N., 93°46'16" W.; 29°32'06" N., 93°46'29" W.; 29°31'42" N., 93°48'16" W.; 29°32'59" N., 93°49'48" W.

Size: 4.7 square nautical miles.

Depth: 10 meters.

Primary Use: Dredged material.

Period of Use: Continuing Use.

Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.

(45) Sabine-Neches Dredged Material Site 4—Region VI.

Location: 29°38'09" N., 93°49'23" W.; 29°35'53" N., 93°48'18" W.; 29°35'06" N., 93°50'24" W.; 29°36'37" N., 93°51'09" W.; 29°37'00" N., 93°50'06" W.; 29°37'46" N., 93°50'26" W.

Size: 4.2 square nautical miles.

Depth: Ranges from 5–9 meters.

Primary Use: Dredged material.

Period of Use: Continuing Use.

Restriction: Disposal shall be limited to dredged material from the Sabine-Neches area.

[FR Doc. 87–20549 Filed 9–9–87; 8:45 am]

BILLING CODE 6560–50–M

Proposed Rules

Federal Register
Vol. 52, No. 175
Thursday, September 10, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Revision of Backfitting Process for Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to its rule for backfitting of nuclear power plants. This action is necessary in order to bring the backfit rule into unambiguous conformance with the August 4, 1987 decision of the U.S. Court of Appeals for the District of Columbia Circuit in Union of Concerned Scientists, et al. v. U.S. Nuclear Regulatory Commission. This action is intended to clarify when economic costs may be considered in backfitting nuclear power plants.

DATES: Comment period expires October 13, 1987.

Comments received after this date will be considered if it is practicable to do so, but assurance of consideration can be given only for comments filed on or before this date.

ADDRESSES: Interested persons are invited to send written comments or suggestions to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch. Comments may also be delivered to: Room 1121, 1717 H Street, NW., Washington, DC between 7:30 a.m. and 4:15 p.m. weekdays. Copies of any comments received may be examined at the NRC Public Document Room, 1717 H Street, NW.,Washington, DC.

FOR FURTHER INFORMATION CONTACT: Steven F. Crockett, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC. Telephone (202) 634–1465.

SUPPLEMENTARY INFORMATION: On September 20, 1985 (50 FR 38097), after an extensive rulemaking proceeding which included sequential opportunities for public comment on an advanced notice of proposed rulemaking (48 FR 44217, September 28, 1983), and a notice of proposed rulemaking (49 FR 47034, November 30, 1984), the Commission adopted final amendments to its rules in 10 CFR 50.109 for backfitting of nuclear power plants. Backfitting is defined in some detail in the rule, but for purposes of discussion here it means measures which are directed by the Commission or by NRC staff in order to improve the safety of nuclear power reactors, and which reflect a change in a prior Commission or staff position on the safety matter in question. Backfits may be imposed either to ensure the adequate protection of public health and safety, or to provide additional safety requirements beyond the level of adequate protection.

Judicial review of the amended backfit rule and a related internal NRC manual chapter which partially implemented it was sought and, on August 4, 1987, the U.S. Court of Appeals for the D.C. Circuit rendered its decision vacating both the rule and Manual chapter, Union of Concerned Scientists, et al. v. U.S. Nuclear Regulatory Commission, D.C. Cir. Nos. 85–1757 and 86–1219 (August 4, 1987). The Court concluded that the rule, when considered along with certain statements in the rule preamble published in the **Federal Register**, did not speak unambiguously in terms that constrained the Commission from considering economic costs in establishing standards to ensure adequate protection of the public health and safety as dictated by section 182 of the Atomic Energy Act of 1954 as amended, 42 U.S.C. 2011 ff. At the same time, the Court agreed with the Commission that once an adequate level of safety protection had been achieved under section 182, the Commission was fully authorized under section 161i of the Atomic Energy Act to consider and take economic costs into account in ordering further safety improvements. The Court therefore rejected the position of petitioners in the case, Union of Concerned Scientists, *et al.*, that economic costs may never be a factor in safety decisions under the Atomic Energy Act.

Because the Court's opinion regarding the circumstances in which costs may be considered in making safety decisions on nuclear power plants is completely in accord with the way in which the Commission has always interpreted this rule, the Commission will not appeal the decision. Instead, the Commission has decided to amend both the rule and the related manual chapter (Chapter 0514) so that they conform unambiguously to the Court's opinion.

By this rulemaking the Commission intends to apply the following safety principle in all of its backfitting decisions. The Atomic Energy Act commands the Commission to ensure that nuclear power plant operation provided adequate protection to the health and safety of the public. In defining, redefining or enforcing this statutory standard of adequate protection, the Commission will not consider economic costs. However, adequate protection is not absolute protection or zero risk. Hence safety improvements beyond the minimum needed for adequate protection are possible. The Commission empowered under section 161i of the Act to impose additional safety requirements that go beyond adequate protection and to consider economic costs in doing so.

The amended backfit rule which was the subject of the Court's decision required, with certain exceptions (relating to backfits necessary to ensure the adequate protection of public health and safety), that backfits be imposed only upon a finding that they provided a substantial increase in the overall protection of the public health and safety or the common defense and security and that the direct and indirect costs of implementation were justified in view of this increased protection. The proposed amendments which follow would restate the exceptions to this requirement for a finding so that the rule would clearly be in accord with the safety principle stated above.

Comments are requested on the proposed amendments which follow. In addition, interested persons are welcome to comment on other possible approaches to conform the backfit rule to the Court's decision.

The Commission has also instructed its staff to amend its manual chapter on plant specific backfitting to ensure consistency with the Court's opinion and to reissue it. The manual chapter will be revised and issued following adoption of a final rule. Upon completion of that task copies of the

revised chapter will be available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(3)(i). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval number 3150–0011.

Regulatory Analysis

The proposed revision to 10 CFR 50.109 will bring it into conformance with the holding in Union of Concerned Scientists, et al. v. U.S. Nuclear Regulatory Commission, D.C. Cir. Nos. 85–1757 and 86–1219 (August 4, 1987). The revision clarifies the backfit rule to reflect NRC practice that, in determining whether to adopt a backfit requirement, economic costs will be considered only when addressing those backfits involving safety requirements beyond those needed to ensure the adequate protection of public health and safety. Such costs are not considered when establishing the adequate protection of public health and safety. This proposed amendment does not have a significant impact on State and local governments and geographical regions, public health and safety, or the environment; nor does it represent substantial costs to licensees, the NRC, or other Federal agencies. This constitutes the regulatory analysis for this proposed rule.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The affected facilities are licensed under the provisions of 10 CFR 50.21(b) and 10 CFR 50.22. The companies that own these facilities do not fall within the scope of "small entities" as set forth in the Regulatory Flexibility Act or the Small Business Size Standards set forth in regulations issued by the Small Business Administration in 13 CFR Part 121.

Backfit Analysis

The NRC has determined that a backfit analysis is not required for this proposed rule because these amendments do not impose requirements on 10 CFR Part 50 licensees.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

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 proposing to adopt the following amendment to 10 CFR Part 50.

1. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 50.46(a) and (b), and 50.54(c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.7(a), 50.10(a)–(c), 50.34(a) and (e), 50.44(a)–(c), 50.46(a) and (b), 50.47(b), 50.48(a), (c), (d), and (e), 50.49(a), 50.54(a), (i), (i–1), (l)–(n), (p), (q), (t), (v), and (y), 50.55(f), 50.55a(a), (c)–(e), (g), and (h), 50.59(c), 50.60(a), 50.62(c), 50.64(b), and 50.80(a) and (b) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.49(d), (h), and (j), 50.54(w), (z), (bb), and (cc), 50.55(e), 50.59(b), 50.61(b), 50.62(d), 50.70(a), 50.17 (a)–(c) and (e), 50.72(a), 50.73 (a) and (b), 50.74, 50.78, and 50.90 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 50.109, is amended by revising paragraphs (a) (2), (3) and (4) and footnote 3 to read as follows:

§ 50.109 Backfitting.

(a) * * *

(2) Except as provided in paragraph (a)(4), the Commission shall require a systematic and documented analysis pursuant to paragraph (c) for backfits which it seeks to impose.

(3) Except as provided in paragraph (a)(4), the Commission shall require the backfitting of a facility only when it determines, based on the analysis described in paragraph (c) of this section, that there is a substantial increase in the overall protection of the public health and safety or the common defense and security to be derived from the backfit and that the direct and indirect costs of implementation for that facility are justified in view of this increased protection.

(4) The provisions of paragraphs (a)(2) and (a)(3) of this section are inapplicable and, therefore, backfit analysis is not required and the standard does not apply where the Commission or staff, as appropriate, finds and declares, with appropriate documented evaluation for its finding, either:

(i) That a modification is necessary to bring a facility into compliance with a license or the rules or order of the Commission, or into conformance with written commitments by the licensee; or

(ii) That regulatory action is necessary to ensure that the facility provides adequate protection to the health and safety of the public and is in accord with the common defense and security; or

(iii) That the regulatory action involves defining or redefining what level of protection to the public health and safety or common defense and security should be regarded as adequate. Such documented evaluation shall include a statement of the objectives of and reasons for the modification and the basis for invoking the exception.[3] The Commission shall

[3] If immediately effective regulatory action is required, then the documented evaluation may follow rather than precede the regulatory action. If there are two or more ways to achieve compliance with a license or the rules or orders of the Commission, or with written licensee commitments, or there are two or more ways to reach a level of protection which is adequate, then ordinarily the applicant or licensee is free to choose the way which best suits its purposes. Should it be necessary or appropriate for the Commission to prescribe one of these ways to comply with its requirements or to achieve adequate protection, then cost may be a factor in selecting the way, provided that the objective of compliance or adequate protection is met.

always require the backfitting of a facility if it determines that such regulatory action is necessary to ensure that the facility provides adequate protection to the health and safety of the public and is in accord with the common defense and security.

* * * * *

Dated at Bethesda, MD, this 4th day of September, 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 87-20784 Filed 9-9-87; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 87-NM-110-AD]

Airworthiness Directives: British Aerospace Model H.S. 748 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to all British Aerospace H.S. 748 series airplanes, that would require inspection of the jet pipe retention assemblies, and repair, if necessary. This proposal is prompted by numerous reports of jet pipe retention and fuel drain plates which were incorrectly fitted, nonconforming to original dimensions, or missing completely. These conditions, if not corrected, could lead to inflight loss of the jet pipe or restricted fuel drainage, with resultant fire or heat damage to the nacelle and wing.

DATE: Comments must be received no later than October 15, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-110-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, Seattle Aircraft Certification Office, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-110-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of a number of jet pipe retention and fuel drainage plate assemblies on British Aerospace Model H.S. 748 series airplanes, which were found to be incorrectly installed, improperly dimensioned, or missing entirely. These conditions, if not corrected, could lead to inflight loss of the jet pipe or restricted fuel drainage, with resultant fire or heat damage to the nacelle and wing.

British Aerospace (BAe) issued Service Bulletin 78/9, Revision 1, dated September 1985, which describes inspection and repair procedures for the jet pipe retention assemblies on all Model H.S. 748 series airplanes. The CAA has classified this service bulletin as mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspections and repair, if necessary, to ensure correct installation of the jet pipe retention assemblies in accordance with the service bulletin previously mentioned.

It is estimated that 3 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $240.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($80). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model H.S. 748 series airplanes as listed in BAe Service Bulletin 78/9, Revision 1, dated September 1985, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inflight loss of the Jet pipe or restricted fuel drainage through the jet pipe retention assemblies, with resultant fire or heat damage to the nacelle and wing, accomplish the following:

A. Within the next 60 days after the effective date of this AD, perform an inspection to ensure correct installation of the three retaining plate assemblies, which secure the jet pipe inside the Jet pipe manifold, in accordance with British Aerospace Service Bulletin 78/9, Revision 1, dated September 1985. Any discrepancies found must be corrected prior to further flight.

B. Repeat the inspection required by paragraph A. above, any time the jet pipe is replaced.

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

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

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28,1987.

Frederick M. Isaac,

Deputy Director, Northwest Mountain Region.

[FR Doc. 87-20745 Filed 9-9-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 87-NM-104-AD]

Airworthiness Directives; British Aerospace 125-800A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to certain British Aerospace Model 125-800A series airplanes, that would require the addition of drain holes in the aileron tab and the inboard aileron hinge to prevent water accumulation within the tab. This action is prompted by a report that the aileron tabs on certain airplanes were not fitted with drain holes, and this could result in entrapment of water within the tab, possibly causing the tab to exceed its mass balance limits. This condition, if not corrected, could lead to flutter if control surface mass balance limits are exceeded.

DATES: Comments must be received no later than October 15, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-104-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-104-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist on certain British Aerospace Model 125-800A airplanes. Drain holes were not provided in the aileron tabs of certain airplanes, and entrapment of water within the tab can occur. The accumulation of water in control surfaces can adversely affect their mass balance. This condition, if not corrected, could lead to flutter if control surface mass balance limits are exceeded.

British Aerospace (BAe) issued Service Bulletin 57-64-(3067), dated November 29, 1985, which describes rework instruction to add drainage provisions to the aileron tabs of certain Model 125-800A airplanes. The CAA has classified the service bulletin as mandatory.

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

Since this condition is likely to exist on airplanes of this model registered in the United States, an AD is proposed that would require rework of the aileron tabs and the inboard aileron hinges in accordance with the service bulletin previously mentioned.

It is estimated that 30 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $2,400.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26,

1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($80). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to certain British Aerospace Model 125–800A series airplanes, listed in British Aerospace (BAe) Service Bulletin 57–64–(3067), dated November 29, 1985, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent entrapment of water within the aileron tab accomplish the following:

A. Within the next 100 landings or within one year after the effective date of this AD, whichever occurs sooner, modify the aileron tab and the inboard aileron hinge to provide drainage in accordance with BAe Service Bulletin 57–64–(3067), dated November 29, 1985.

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

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

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1987.

Frederick M. Isaac,

Deputy Director, Northwest Mountain Region.

[FR Doc. 87–20746 Filed 9–9–87; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 87–NM–103–AD]

Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to all British Aerospace Model H.S. 748 series airplanes with Modification 1472 incorporated, but without Modification 7513 incorporated, which would require replacement of certain nose landing gear jack support bracket bearing cap attachment studs. This proposal is prompted by reports of incidents where the nose landing gear has malfunctioned due to the failure of the nose landing gear jack support bracket bearing cap attachment studs. This condition, if not corrected, could result in the inability to lower or lock down the nose gear for landing.

DATE: Comments must be received no later than October 15, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM–103), Attention: Airworthiness Rules Docket No. 87–NM–103–AD, Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Donald L. Kurle, Systems and Equipment Branch, ANM–130S; telephone (206) 431–1946. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

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

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of an unsafe condition which may exist on certain BAe Model H.S. 748 series airplanes. There have been several reports of incidents where the nose landing gear malfunctioned due to the failure of a nose landing gear jack support bracket bearing cap stud. This condition, if not corrected, could result in the inability to lower or lock down the nose gear for landing.

British Aerospace (BAe) issued Alert Service Bulletin A53/53, Revision 1, dated May 1987, which establishes a fatigue life of 7,000 landings for the nose landing gear jack support bracket bearing cap attachment stud, recommends stud replacement after stud has experienced 7,000 landings, and introduces an interim inspection to ensure continued security and integrity of the nose landing gear support structure until replacement of the stud is

completed. The CAA has classified the service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreements.

Since this condition is likely to exist or develop on airplanes of this same type design registered in the United States, an AD is proposed which would require replacement of nose landing gear jack support bracket bearing cap attachment studs which have exceeded 7,000 landings, and interim inspections of the nose landing gear jack support structure until studs exceeding 7,000 landings have been replaced, in accordance with the service bulletin previously sentioned.

It is estimated that 3 airplanes of U.S. registry would be affected by this AD, that it would take approximately 0.2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD on U.S.operators is estimated to be $24.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($8). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model H.S. 748 series airplanes with Modification 1472 incorporated, but without Modification 7513 incorporated, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent inability to lower or lock down the nose gear for landing, accomplish the following:

A. Prior to the accumulation of 7,000 landings or within the next 90 days after the effective date of this AD, whichever occurs later, replace nose landing gear jack support bracket bearing cap attachment studs, Part Number 2cD13248, in accordance with British Aerospace Alert Service Bulletin A53/53 Revision 1, dated May 1987.

B. Replacement studs must, in turn, be replaced prior to accumulation of 7,000 landings.

C. Until studs exceeding a life of 7,000 landings have been replaced, nose landing gear jack support structure must be inspected prior to each day's first flight to ensure each stud and bearing cap are secure and correctly fitted in accordance with British Aerospace Alert Service Bulletin A53/53, Revision 1, dated May 1987.

D. On assemblies where the bearing caps or studs are found loose, all four bearing cap attachment studs must be replaced before the next flight, in accordance with British Aerospace Alert Service Bulletin A53/53, Revision 1, dated May 1987.

E. Incorporation of Modification 7513, as described in British Aerospace Alert Service Bulletin A53/53, Revision 1, dated May 1987, constitutes terminating action for the requirements of paragraphs A., B., C., and D., above.

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

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

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington on August 28, 1987.

Frederick M. Isaac,

Deputy Director, Northwest Mountain Region.

[FR Doc. 87-20748 Filed 9-9-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 87-NM-102-AD]

Airworthiness Directives; British Aerospace Model H.S. 748 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes an airworthiness directive (AD), applicable to all Model H.S. 748 airplanes, that would require inspections of the engine subframe/wing attachment assembly, and repair, if necessary. This proposal is prompted by service experience which has shown that abnormal movement and wear of the engine subframe/wing attachment assembly can lead to the failure of the split-bush and/or taper bolt. This condition, if not corrected, could lead to severe stress and damage to the engine support structure.

DATE: Comments must be received no later than October 15, 1987.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-102-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Golder, Standardization Branch, Seattle Aircraft Certification Office, ANM-113; telephone (206) 431-1967. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attention: ANM-103), Attention: Airworthiness Rules Docket No. 87-NM-102-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral airworthiness agreement, notified the FAA of service experience where abnormal movement and wear of the engine subframe/wing attachment assembly could lead to the failure of the split-bush and/or taper-bolt on British Aerospace H.S. 748 series airplanes. This condition, if not corrected, could lead to severe stress and damage to the engine support structure.

British Aerospace (BAe) issued Service Bulletin No. 54-29, dated October 1986, which describes a series of periodic inspections to detect and repair worn assemblies on all H.S. 748 aircraft. The CAA has classified the service bulletin as mandatory.

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

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require inspections of the engine subframe/wing attachment assembly in accordance with the service bulletin previously mentioned. Any excessive movement or wear found must be repaired in a manner approved by the FAA before further flight.

It is estimated that 3 airplanes of U.S. registry would be affected by this AD, that it would take approximately 23 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of this AD to U.S. operators is estimated to be $2,760.

For the reasons discussed above, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities because of the minimal cost of compliance per airplane ($920). A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

British Aerospace: Applies to all Model H.S. 748 airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent severe stress and damage to the engine support structure, accomplish the following:

A. Within the next 6 months after the effective date of this AD, or prior to accumulating 6,000 landings, whichever is later, and thereafter at intervals not to exceed 2,000 landings, perform a visual inspection of the engine subframe/wing attachment assemblies in accordance with Paragraph 2A of British Aerospace Service Bulletin 54-29, dated October 1986. Any assembly found to exhibit excessive movement or wear must be repaired, prior to further flight, in a manner approved by the FAA.

B. No later than the next scheduled engine removal after the effective date of this AD or prior to accumulating 6,000 landings, whichever is later, and thereafter at intervals not to exceed 6,000 landings, perform a visual inspection of the engine subframe/wing attachment assemblies while trying to induce movement, in accordance with paragraph 2C of British Aerospace Service Bulletin 54-29, dated October 1986. Any components found to be unserviceable must be repaired prior to further flight in a manner approved by the FAA.

C. Prior to the next scheduled engine removal after the effective date of this AD, or prior to accumulating 12,000 landings, whichever is later, and thereafter at intervals not to exceed 12,000 landings, perform an inspection with the taper bolt and taper split-bush removed from the engine subframe/wing attachment assemblies in accordance with paragraph 2D of British Aerospace Service Bulletin 54-29, dated October 1986. Any components found to be unserviceable must be repaired prior to further flight in a manner approved by the FAA.

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

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

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414 Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on August 28, 1987.

Frederick M. Isaac,

Deputy Director, Northwest Mountain Region

[FR Doc. 87-20749 Filed 9-9-87; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 87-AGL-17]

Proposed Establishment of Transition Area; Solon Springs, WI

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish the Solon Springs, WI, transition area to accommodate a new NDB Runway 19 Standard Instrument Approach Procedure (SIAP) to Solon Springs Municipal Airport, Solon Springs, WI. The intended effect of this action is to ensure segregation of the aircraft using approach procedures in instrument conditions from other aircraft operating under visual weather conditions in controlled airspace.

DATE: Comments must be received on or before October 9, 1987.

ADDRESS: Send comments on the proposal in triplicate to: Federal Aviation Administration, Regional Counsel, AGL-7, Attn: Rules Docket No. 87-AGL-17, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 87-AGL-17." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of Regional Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area airspace near Solon Springs, WI.

The development of a new NDB Runway 19 SIAP requires that the FAA designate airspace to ensure that the procedure will be contained within controlled airspace.

The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

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

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

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

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

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 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:

Solon Springs, WI [New]

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Solon Springs Municipal Airport (lat. 46°18'30" N., long. 91°48'45" W.), and within 3 miles each side of the 003° bearing from the Solon Springs Municipal Airport extending from the 5 mile radius area to 8.5 miles north of the airport.

Issued in Des Plaines, Illinois, on August 26, 1987.

Teddy W. Burcham,

Manager, Air Traffic Division.

[FR Doc. 87-20743 Filed 9-9-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 31, and 301

[INTL-55-86]

Definition of Resident Alien

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the definition of a resident alien. Changes to the applicable tax law were made by the Tax Reform Act of 1984. The regulations would provide the public with guidance needed to comply with that Act and would affect the federal income tax liability of alien individuals.

DATES: Written comments and requests for a public hearing must be delivered or mailed by November 9, 1987. The amendments are proposed to be effective for taxable years beginning after December 31, 1984.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (INTL–55–86), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Marnie J. Carro of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) (202–566–3499) not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 871, 904, 953, 1301, 1441 and 6013, the Employment Tax Regulations (26 CFR Part 31) under sections 3121 and 3306 and the Regulations on Procedure and Administration (26 CFR Part 301) under section 7701 (b) of the Internal Revenue Code of 1954. These amendments are proposed to provide regulations under Section 7701 (b), which was added to the Code by section 138 of the Tax Reform Act of 1984 (Pub. L. 98–369, 98 Stat. 672) and to amend the regulations under sections 871, 904, 953, 1303, 1441, 6013, 3121 and 3306 to reflect the addition of section 7701 (b) by the Act.

Prior Law

Section 7701 (b) was added by the Tax Reform Act of 1984 to provide a statutory definition of the terms "resident alien." and "nonresident alien." The issue of an individual's status as a resident or a nonresident is central to a determination of his United States federal income tax liability. Resident aliens are taxed on worldwide income in much the same manner as United States citizens. In contrast, nonresidents are taxed in a far more restrictive manner and are subject to tax on foreign source income only under very limited circumstances.

Prior to the addition of section 7701 (b), definitions of resident alien and nonresident alien were provided only in the Income Tax Regulations. These regulations applied a subjective test and defined the terms on the basis of an individual's intentions with regard to the length and nature of his stay in the United States. Residence depended on whether the alien was "a mere transient or sojourner" in the United States. An alien who lacked a definite intention as to the length and nature of a stay was considered to be a resident. An alien who possessed a visa that limited his stay to a definite period was considered to be a nonresident, absent "exceptional circumstances."

Statutory Provisions

The Tax Reform Act of 1984 added section 7701 (b) to the Code to provide a definition of the term "resident alien." Under section 7701 (b) (1), and alien individual is considered to be a resident of the United States if he statisfies either of two tests: the green card test of the substantial presence test. As provided in section 7701 (b) (1) (A) (i) and (b) (6), an alien individual is considered to be a resident under the green card test if he is lawful permanent resident of the United States at any time during the calendar year. Under the substantial presence test provided in section 7701 (b) (3), and alien individual is treated as a resident if (1) he is physically present in the United States for 183 days or more during the current year, or (2) the sum of the days the alien is physically present in the United States during the current year, plus one-third the number of days the alien is physically present in the United States during the first preceding calendar year, plus one sixth the number of days the alien is physically present in the United States during the second preceding year equals or exceeds 183 days. Section 7701 (b) (3) also provides that an individual shall not be considered to meet the substantial presence test if the individual is present in the United States for fewer than 183 days in the current year, has a tax home in a foreign country, and maintains a closer connection to that foreign country than the United States.

Section 7701 (b) (2) provides special rules for determining an individual's residency starting date and residency termination date. If an individual was not a resident during the preceding calendar year, an individual's residency starting date will be the first day during the calendar year that is present for purposes of the substantial presence test or as a lawful permanent resident (green card test). A special residency starting date rule is provided for certain electing taxpayers who arrive in the United States too late in the calendar year to meet the substantial presence test for that year. An individual's residency termination date will be the last day that an individual is present in the United States (or is a lawful permanent resident) if he has a closer connection to a foreign country for the remainder of the year, and is not considered to be a resident at any time during the following calendar year. Section 7701 (b) (2) provides that presence of 10 days or less will be disregarded in certain cases for purposes of the residency starting and termination dates.

Section 7701 (b) (4) provides that an alien individual, who is not a resident under the substantial presence test or the green card test during the current year, will be deemed to be resident for a portion of the current year if the individual (1) was not a resident during the preceding calendar year; (2) is a resident under the substantial presence test in the calendar year following the current year; (3) is present in the United States during the current year for both 31 consecutive days and 75 percent of the days starting with the first day of such 31-day period; and (4) elects to be treated as a resident.

Section 7701(b) (3), (5) and (7) provide that certain days of presence in the United States will be excluded for purposes of the computation required by the substantial presence test. An individual's presence in the United States will be disregarded if he is (1) a foreign government-related individual; (2) a teacher or trainee; (3) a student; (4) a professional athlete; (5) unable to leave the United States because of a medical condition that arose while he was present in the United States; (6) a regular commuter from Mexico or Canada; or (7) in transit between two foreign points.

Section 7701(b)(9) provides that, unless an individual establishes otherwise, he will be considered to be a calendar year taxpayer. If an individual is a resident for any calendar year and has previously established a fiscal year, he will be treated as a resident with respect to any portion of his taxable year that is within such calendar year.

Section 7701(b)(10) provides a limited anti-avoidance rule directed at long term residents of the United States who interrupt their United States residency briefly. Under this section, an alien who is a resident for three calendar years and interrupts his United States residency for fewer than three calendar years will be subject to tax under section 877 during his period of

nonresidency if the tax imposed by that section is greater than the tax imposed by section 871 on nonresident alien individuals generally. Section 877 subjects a nonresident former United States citizen to tax on all of his United States source income for the ten year period following his expatriation at the rates that apply to United States residents. For this purpose, gain from the sale of property located in the United States and gain from the sale of stock of United States corporations and certain securities is treated as United States source income regardless of where the sale occurs or title is transferred. Because section 7701(b)(10) is effective for taxable years beginning after December 31, 1984, section 877, thus, could not apply in this context before 1988.

Explanation of Provisions

Section 301.7701(b)–1 provides rules for determining whether an alien individual is a resident or a nonresident of the United States. Paragraph (b) provides rules for determining whether an individual is a lawful permanent resident of the United States. Paragraph (c) provides rules for determining whether an individual meets the substantial presence test. These rules include definitions of the terms "physical presence," "current year," and "United States."

Section 301.7701(b)–2 provides rules for determining whether an individual who otherwise meets the substantial presence test will be considered to be a nonresident because he meets the closer connection/tax home exception to the substantial presence test. Paragraph (b) defines the term "tax home." Paragraph (d) provides examples of significant contacts that should be maintained with the individual's foreign country for purposes of the closer connection exception. Paragraph (e) provides rules for determining when the closer connection/tax home exception is unavailable.

Section 301.7701(b)–3 provides rules for determining whether certain individuals may exclude days of presence in the United States for purposes of the substantial presence test. Paragraph (b) defines the term "exempt individual." In this context, the terms "foreign government-related individual," "international organization," "teacher/trainee," "student," "immediate family" and "professional athlete" are defined. Paragraph (c) provides rules for determining whether a medical condition will be considered to arise in the United States. Paragraph (d) defines the term "in transit" and "foreign point." Paragraph (e) specifies which individuals will be considered to be regular commuters from Mexico or Canada.

Section 301.7701(b)–4 provides rules for determining an individual's residency starting date and residency termination date. These rules include definitions of the terms "residency starting date" and "residency termination date." Rules are provided for de minimis presence prior to an individual's residency starting date and after an individual's residency termination date. Special rules are provided for determining the residency starting date for an individual who elects to be treated as a resident.

Section 301.7701(b)–5 provides rules for determining whether an individual will be taxed in the same manner as a United States citizen who renounces citizenship for tax avoidance purposes. In contrast to section 877, the regulations do not require an individual to have a tax avoidance motive.

Section 301.7701(b)–6 provides rules for determining an individual's taxable year. The rules are intended to prevent a resident alien from reducing United States tax by shifting income from one taxable year to another.

Section 301.7701(b)–7 clarifies the effect that the definition of resident alien will have on an alien individual who is also a resident of a treaty partner of the United States. The rules require such individuals to determine their tax liability as if they were nonresident aliens under the Code if they choose to claim any treaty benefits as residents of a treaty country. The Internal Revenue Service particularly invites comments about the operation of these rules on such dual residents.

Section 301.7701(b)–8 provides procedural rules for establishing that an individual is qualified to exclude days of presence from the computation required by the substantial presence test. A statement must be filed with the Internal Revenue Service by an individual who is seeking to exclude days from the computation required by the substantial presence test as an exempt individual or as an individual who is unable to leave the United States because of a medical condition that arose while he was present in the United States. A different statement must be filed by an individual who is claiming the closer connection/tax home exception to the substantial presence test.

Section 301.7701(b)–9 provides the effective dates for the proposed regulations. Paragraph (b) provides a transitional rule for purposes of determining the residency starting date for an individual who held a green card in 1984. Paragraph (c) provides a transitional rule for determining whether days of presence in 1983 and 1984 will be included in the computation required by the substantial presence test.

The proposed regulations amend §§ 31.3121(b)(19)–1 and 31.3306(c)(18)–1 (relating to services of certain nonresident aliens that do not constitute employment for purposes of the employment tax and the unemployment tax, respectively) which provide that an alien individual who is temporarily present in the United States as a nonimmigrant under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act is deemed to be a nonresident alien individual. The proposed amendments preclude characterizing an individual as a nonresident for purposes of the employment tax and unemployment tax if such individual is considered to be a resident alien pursuant to section 7701(b) and the regulations thereunder.

The regulations under sections 871 (relating to taxation of nonresident alien individuals), 904 (relating to the foreign tax credit), 953 (relating to income from insurance of United States risks), 1303 (relating to individuals who qualify for income averaging), 1441 (relating to the withholding of tax on nonresident aliens), and 6013 (relating to the filing of a joint return) would be revised to reflect the addition of section 7701(b).

Special Analysis

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although this document is a notice of a proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any

person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**. The collection of information requirements contained in this notice of proposed rulemaking have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on these requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, D.C. 20503. The Internal Revenue Service requests that persons submitting comments on these requirements to OMB also send copies of those comments to the Service.

Drafting Information

The principal author of this regulation is Marnie J. Carro of the Office of Associate Chief Counsel (International), Internal Revenue Service. However, other personnel from offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of substance and style.

List of Subjects

26 CFR 1.861–1—1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit, FSC, Sources of income, United States investments abroad.

26 CFR 1.1301–0—1.1348–3

Income taxes, Readjustment between years, Income averaging, Maximum tax on earned income.

26 CFR 1.1441–1—1.1465–1

Income taxes, Aliens, Foreign corporations.

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding.

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Proposed Amendments to the Regulations

Accordingly, the proposed amendments to 26 CFR Parts 1, 31, and 301 are as follows:

PART 1—[AMENDED]

Income Tax Regulations

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

Authority: 26 U.S.C. 7805. * * * Sections 1.871–9, 1.904(b)–3, 1.953–2, 1.1303–1, 1.1441–5, and 1.6013–6 also issued under 26 U.S.C. 7701(b)(11). * * *

§ 1.871–9 [Amended]

Par. 2. Paragraph (a) of § 1.871–9 is amended by removing "§ 1.871–2" in the second sentence and inserting in its place "§ 301.7701(b)–1 through § 301.7701(b)–9".

§ 1.904 [Amended]

Par. 3. Paragraph (f) of § 1.904(b)–3 is amended by removing "the rule under § 1.871–2(b)" and inserting in its place "§ 301.7701(b)–1 through § 301.7701(b)–9".

§ 1.953–2 [Amended]

Par. 4. Paragraph (d) of § 1.953–2 is amended by removing "§§ 1.871–2 to 1.871–5, inclusive" in the sixth sentence and inserting in its place "§ 301.7701(b)–1 through § 301.7701(b)–9".

§ 1.1303–1 [Amended]

Par. 5. Paragraph (b) of § 1.1303–1 is amended by removing "§ 1.871–2 through § 1.871–4" in the second sentence and inserting in its place "§ 301.7701(b)–1 through § 301.7701 (b)–9".

§ 1.1441–5 [Amended]

Par. 6. Paragraph (d) of § 1.1441–5 is amended by removing "§ 1.871–2 in the first sentence and inserting in its place "§ 301.7701(b)–1 through § 301.7701–9".

§ 1.6013–6 [Amended]

Par. 7. Paragraph (a)(2)(ii) of § 1.6013–6 is amended by removing "§§ 1.871–2 through § 1.871–5" and inserting in its place "§ 301.7701(b)–1 through § 301.7701(b)–9".

PART 31—[AMENDED]

Employment Tax Regulations

Par. 8. The authority for Part 31 continues to read in part:

Authority: 26 U.S.C. 7805. * * * Sections 31.3121(b) (19)–1 and 31.3306(c)(18)–1 also issued under 26 U.S.C. 7701(b)(11). * * *

§ 31.3121 [Amended]

Par. 9. Paragraph (a)(1) of § 31.3121(b)(19)–1 is amended by inserting after the second sentence the following sentence: "The preceding sentence does not apply to the extent it is inconsistent with section 7701(b) and the regulations thereunder."

§ 31.3306 [Amended]

Par. 10. Paragraph (a)(1) of § 31.3306(c)(18)–1 is amended by inserting after the second sentence the following sentence: "The preceding sentence does not apply to the extent it is inconsistent with section 7701(b) and the regulations thereunder."

PART 301—[AMENDED]

Regulations on Procedure and Administration

Par. 11. The authority for Part 301 continues to read in part:

Authority: 26 U.S.C. 7805. * * * Sections 301.7701(b)–1 through 301.7701(b)–9 also issued under 26 U.S.C. 7701(b)(11). * * *

Par. 12. New § 301.7701(b)–1 through § 301.7701(b)–9 are added immediately after § 301.7701–16. The added sections read as follows:

§ 301.7701(b)–1 Resident alien.

(a) *Scope.* Section 301.7701(b)–1 (b) provides rules for determining whether an alien individual is lawful permanent resident of the United States. Section 301.7701(b)–1 (c) provides rules for determining if an alien individual satisfies the substantial presence test. Section 301.7701(b)–2 provides rules for determining when an alien individual will be considered to maintain a tax home in a foreign country and to have a closer connection to that foreign country. Section 301.7701(b)–3 provides rules for determining if an individual is an exempt individual because of his status as a foreign government-related individual, teacher, trainee, student, or professional athlete. Section 301.7701(b)–3 as provides rules for determining whether an individual may exclude days of presence in the United States because the individual was unable to leave the United States because of a medical condition. Section 301.7701(b)–4 provides rules for determining an individual's residency starting and termination dates. Section 301.7701(b)–5 provides rules for applying section 877 to a nonresident alien individual. Section 301.7701(b)–6 provides rules for determining the taxable year of an alien. Section 301.7701(b)–7 provides rules for determining the effect of these regulations on rules in tax conventions to which the United States is a party. Section 301.7701(b)–8 provides procedural rules for establishing that an individual is a nonresident alien. Section 301.7701(b)–9 provides the effective dates of section 7701(b) and the regulations thereunder. Unless the context indicates otherwise, the regulations under §§ 301.7701(b)–1

through 301.7701(b)–9 apply for purposes of determining whether a United States citizen is also a resident of the United States. (This determination may be relevant, for example, to the application of section 861(a)(1) which treats income from interest-bearing obligations of residents as income from sources within the United States.) The regulations do not apply for purposes of section 911.

(b) *Lawful permanent resident*—(1) *Green card test.* An alien is a resident alien with respect to a calendar year if he is a lawful permanent resident at any time during the calendar year. A lawful permanent resident is an individual who has been lawfully granted the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. Resident status is deemed to continue unless it is rescinded or administratively or judicially determined to have been abandoned.

(2) *Rescission of resident status.* Resident status is considered to be rescinded if a final administrative or judicial order of exclusion or deportation is issued regarding the alien individual. For purposes of this paragraph, the term "final judicial order" means an order that is no longer subject to appeal to a higher court of competent jurisdiction.

(3) *Administrative or judicial determination of abandonment of resident status.* An administrative or judicial determination of abandonment of resident status may be initiated by the alien individual, the Immigration and Naturalization Service (INS), or a consular officer. If the alien initiates this determination, resident status is considered to be abandoned when the individual's application for abandonment or other appropriate form is filed with the INS or a consular officer. If the INS or a consular officer initiates this determination, resident status will be considered to be abandoned upon the issuance of a final administrative order of abandonment. If an individual is granted an appeal to a federal court of competent jurisdiction, a final judicial order is required.

(c) *Substantial presence test*—(1) *In general.* An alien individual is a resident alien if he meets the substantial presence test. An individual satisfies this test if he has been present for at least 183 days during a three year period that includes the current year. For purposes of this test, each day of presence in the current year is counted as a full day. Each day of presence in the first preceding year is counted as one-third of a day and each day of presence in the second preceding year is counted as one-sixth of a day. For purposes of this paragraph, fractional days of presence will be counted as whole days. (See § 301.7701(b)–9 (b)(2) for transitional rules for calendar years 1985 and 1986.)

(2) *Determination of presence*—(i) *Physical presence.* For purposes of the substantial presence test, an individual shall be treated as pressent in the United States on any day that he is physically present in the United States at any time during the day. (But see § 301.7701 (b)–(3) relating to days of presence that may be excluded for purposes of the substantial presence test.)

(ii) *United States.* For purposes of section 7701(b) and the regulations thereunder, the term "United States" when used in a geographical sense includes the states and the District of Columbia. It also inlcudes the territorial waters of the United States, the air space over the United States, and the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. It does not nclude the possessions and territories of the United States.

(3) *Current year.* The term "current year" means any calendar year for which an alien individual is determinig his resident status.

(4) *Thirty-one day minumum.* If an individual is not physically present for more than 30 days during the current year, the substantial presence test will not be applied for that year even if the three-year total is 183 or more days. For purposes of the substantial presence test, it is irrelevant that an individual was not present for more than 30 days in the first of second year preceding the current year.

(d) *Application of section 7701(b) to the possessions and territories.* Section 7701(b) provides the basis for determining whether an alien individual is a resident alien of a United States possession or territory that administers income tax laws that are identical (except for the substitution of the name of the possession or territory for the term "United States" where appropriate) to those in force in the United States. If, after the application of section 7701(b) and the regulations thereunder, an alien individual is a resident of the United States and a resident of a United States possession or territory, the principles of § 301.7701(b)–2 (d) (relating to significant contacts maintained by an individual with a foreign county) shall be applied in order to establish that the individual is a resident alien of either the United States or a United States possession or territory, but not both.

(e) *Examples.* This section may be illustrated by the following examples:

Example (1). B an alien individual, is present in the United States for 122 days in the current year. He was present in the United States for 122 days in the first preceding calendar year and for 122 days in the second preceding calendar year. In determining his status for the current year, B counts all 122 days in the United States in the current year plus ⅓ of the 122 days in the United States in the first preceding calendar year year (40 ⅔ days) and ⅙ of the 122 days in the United States during the second preceding calendar year (20⅓ days). The total of 122 + 40 ⅔ + 20⅓ equals 183 days. B meets the substantial presence test and is a resident alien for the current year.

Example (2). C, an alien individual, is present in the United States for 25 days during the current year. He was present in the United States for 365 days during the first preceding year and 365 days during the second preceding year. The substantial presence test does not apply because C is present in the United States for fewer than 31 days during the current year.

§ 301.7701(b)–2 Closer connection exception.

(a) *In general.* An alien individual who meets the substantial presence test may nevertheless be considered a nonresident alien for the current year if the following conditions are satisfied:

(1) The individual is present in the United States for fewer than 183 days in the current year,

(2) The individual maintains a tax home in a foreign country during the current year, and

(3) The individual has a closer connection to the foreign country in which he maintains a tax home than to the United States.

(b) *Foreign country.* For purposes of section 7701(b) and the regulations thereunder, the term "foreign country" when used in a geographical sense includes any territory under the sovereignty of the United Nations or a government other than that of the United States. It inlcudes the territorial waters of the foreign country (determined in accordance with the laws of the United States), the air space over the foreign country, and the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country and over which the foreign country has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources. It also includes the possessions and territories of the United States.

(c) *Tax home*—(1) *Definition.* For purposes of section 7701(b) and the regulations thereunder, the term "tax home" has the same meaning that it has for purposes of section 911(d)(3) (without regard to the second sentence therein) and the regulations thereunder. Thus, under section 7701(b), an individual's tax home is considered to be located at his regular or principal (if more than one regular) place of business, or if the individual has no regular or principal place of business because of the nature of the business, then at his regular place of abode in a real and substantial sense.

(2) *Duration and nature of tax home.* The tax home maintained by the alien individual must be in existence for the entire current year. The tax home must be located in the same foreign country for which the individual is claiming to have the closer connection described in paragraph (d) of this section.

(d) *Closer connection to a foreign country.* An alien individual will be considered to have a closer connection to a foreign country than the United States if the individual or the Commissioner establishes that such individual has maintained more significant contacts with the foreign country than with the United States. In determining whether an individual has maintained more significant contacts with a foreign country than the United States, the facts and circumstances to be considered include (but are not limited to):

(1) The location of the individual's permanent home;

(2) The location of the individual's family;

(3) The location of personal belongings, such as automobiles, furniture, clothing and jewelry owned by the individual and his family;

(4) The location of social, political, cultural or religious organizations in which the individual has a current relationship;

(5) The location of the individual's personal bank accounts;

(6) The type of driver's license held by the individual;

(7) The country of residence designated by the individual on forms and documents;

(8) The types of official forms and documents filed by the individual, such as Form 1078 (Certificate of Alien Claiming Residence in the United States) or Form W–9 (Payer's Request for Taxpayer Identification Number); and

(9) The location of the jurisdiction in which the individual votes.

For purposes of this paragraph, it is immaterial whether a permanent home is a house, an apartment, or a furnished room. It is also immaterial whether the home is owned or rented by the alien individual. It is material, however, that the dwelling be available at all times, continuously, and not solely for stays of short duration.

(e) *Closer connection exception unavailable.* An alien individual who has personally applied, or taken other affirmative steps, to change his status to that of a permanent resident during the current year or has an application pending for adjustment of status during the current year will not be eligible for the closer connection exception. An affirmative step to change status to that of a permanent resident includes (but is not limited to):

(1) The filing of Immigration and Naturalization Form I–508 (Waiver of Immunities) by the alien,

(2) The filing of Immigration and Naturalization Form I–485 (Application for Status as Permanent Resident) by the alien, or

(3) The filing of Department of State Form OF–230 (Application for Immigrant Visa and Alien Registration) by the alien.

§ 301.7701 (b)-3 Days excluded for purposes of the substantial presence test.

(a) *In general.* In computing days of presence in the United States for purposes of the substantial presence test, an alien is considered to be present if the individual is physically present in the United States at any time during the day. However the following days may be excluded and will not count as days of presence in the United States:

(1) Days that an individual is present in the United States as an exempt individual,

(2) Days that an individual is prevented from leaving the United States because of a medical condition that arose while the individual was present in the United States,

(3) Days that an individual is in transit between two points outside the United States, and

(4) Days on which a regular commuter residing in Canada or Mexico commutes to and from employment in the United States.

(b) *Exempt individuals*—(1) *In general.* An exempt individual is an individual who is either a —

(i) Foreign government-related individual,

(ii) Teacher or trainee,

(iii) Student, or

(iv) Professional athlete who is temporarily present in the United States to compete in a charitable sports event described in section 274(l)(1)(B).

(2) *Foreign government-related individual*— (i) *In general.* A foreign government-related individual is an individual or a member of the immediate family of an individual who is temporarily present in the United States (A) as a full-time employee of an international organization, (B) by reason of diplomatic status, or (C) by reason of a visa that the Secretary of the Treasury or his delegate (after consultation with the Secretary of State when appropriate) determines represents full-time diplomatic or consular status. An individual described in this paragraph shall be considered to be temporarily present in the United States if such individual is not a lawful permanent resident as described in paragraph (b)(1) of § 301.7701 (b)-(1) and regardless of the actual amount of time that the individual is present in the United States.

(ii) *Definition of international organization.* The term "international organization" means any public international organization that has been designated by the President by Executive Order as being entitled to enjoy the privileges, exemptions, and immunities provided for in the International Organizations Act (22 U.S.C. 288).

(iii) *Full-time diplomatic or consular status.* An individual is considered to have full-time diplomatic or consular status if:

(A) He has been accredited by a foreign government recognized de jure or de facto by the United States;

(B) He intends to engage primarily in official activities for such foreign government while in the United States; and

(C) He has been recognized by the President, or by the Secretary of State, or by a consular officer acting on behalf of the Secretary of State as being entitled to such status.

(3) *Teacher or Trainee.* A teacher or trainee includes any individual (and such individual's immediate family), other than a student, who is admitted temporarily to the United States as a nonimmigrant under subparagraph (J) (relating to the admission of teachers and trainees into the United States) of section 101 (a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(15)(J)) and who substantially complies with the requirements of being admitted.

(4) *Student.* A student is any individual (and such individual's immediate family) who is admitted temporarily to the United States as a nonimmigrant under subparagraph (F) (relating to the admission of students into the United States) or subparagraph

(J) (relating to the admission of teachers and trainees into the United States) of section 101 (a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(15) (F), (J)) who substantially complies with the requirements of being admitted.

(5) *Professional athlete.* A professional athlete is an individual who is temporarily present in the United States to compete in a charitable sports event described in section 274(l)(1)(B). For purposes of computing the days of presence in the United States, only days on which the athlete actually competes in a charitable sports event described in section 274(l)(1)(B) shall be excluded. Thus, days on which the individual is present to practice for the event, or to perform promotional or other activities related to the event, shall not be excluded for purposes of the substantial presence test.

(6) *Substantial compliance.* An individual described in paragraph (b) (3) or (4) of this section will be deemed to substantially comply with the visa requirements relevant to residence for tax purposes if the individual has not engaged in activities that are prohibited by the Immigration and Nationality Act and the regulations thereunder and could result in the loss of F or J visa status. An individual will not be deemed to comply substantially with the visa requirements relevant to residence for tax purposes merely by showing that the individual's visa has not been revoked. An independent determination of substantial compliance may be made by the Internal Revenue Service for any individual claiming to be an exempt individual under paragraph (b) (3) or (4) of this section. For example, if an individual with an F visa (student visa) is found to have accepted unauthorized employment or to have maintained a course of study that is not considered by the Internal Revenue Service to be full time, he will not be considered to comply substantially with his visa requirements regardless of whether his visa has been revoked.

(7) *Relationship between student exemption and teacher/trainee exemption*—(i) *In general.* Except as otherwise provided, an individual will not be able to exclude days of presence from the substantial presence test as a teacher, trainee if the individual has been exempt as a teacher or trainee if the individual has been exempt as a teacher, trainee, or student for any part of two of the six preceding calendar years. If all of an individual's compensation in the current year and for four of the six preceding calendar years is income described in section 872(b)(3), such individual will not be able to exclude days of presence from the substantial presence test as a teacher or trainee if the individual has been exempt as a teacher, trainee, or student for any part of four of the six preceding calendar years. An individual will not be able to exclude days of presence from the substantial presence test as a student if the individual has been exempt as a teacher, trainee, or student for any part of more than five calendar years, unless it is established to the satisfaction of the district director that the individual does not intend to reside permanently in the United States and has substantially complied with the requirements of the student visa providing for the individual's temporary presence in the United States.

For purposes of this paragraph (b)(7), the facts and circumstances to be considered in determining if an individual has demonstrated an intent to reside permanently in the United States include (but are not limited to):

(A) Whether the individual has maintained a closer connection with a foreign country as described in § 301.7701(b)–2, and

(B) Whether the individual has taken affirmative steps within the meaning of paragraph (e) of § 301.7701(b)–2 to adjust the individual's status from nonimmigrant to lawful permanent resident.

The rules in this paragraph (b)(7) relating to stated periods of exempt status apply only for those stated periods that occur after 1984. Thus, an alien who is present as a student during the calendar years 1982–1990 will not be subject to the five year rule for students until 1990.

(ii) *Example.* The following example illustrates the application of paragraph (b)(7)(i) of this section.

Example. B is temporarily present in the United States during the calendar year as a teacher, within the meaning of subparagraph J of section 101(15) of the Immigration and Nationality Act. B did not receive compensation described in section 872(b)(3) in any of the preceding 6 years. B has been treated as an exempt student for the past 4 years. Although this is the first year that B is seeking to be exempt as a teacher, he will not be considered an exempt individual for the year because he has been exempt as a student for at least 2 of the preceding 6 years.

(8) *Immediate family.* The immediate family of an exempt individual includes the individual's spouse and unmarried children (whether by blood or adoption) who are under 21 years of age, who reside regularly in the household of the exempt individual, and who are not members of some other household. The immediate family of a foreign government-related individual does not include attendants, servants, and personal employees of such individual.

(c) *Medical condition*—(1) *In general.* An individual will not be considered present on any day that the individual intends to leave and is unable to leave the United States because of a medical condition or medical problem that arose while the individual was present in the United States. A day of presence will not be excluded if the individual, who was initially prevented from leaving, is subsequently able to leave the United States and then remains in the United States beyond a reasonable period for making arrangements to leave the United States. A day will also not be excluded if the medical condition arose during a prior stay in the United States (whether or not days of presence during the prior stay were excluded) and the alien returns to the United States for treatment of the medical condition or medical problem that arose during the prior stay.

(2) *Preexisting medical condition.* A medical condition or problem will not be considered to arise while the individual is present in the United States, if the condition or problem existed prior to the individual's arrival in the United States, and the individual was aware of the condition or problem, regardless of whether the individual required treatment for the condition or problem when the individual entered the United States.

(d) *Days in transit.* An alien may exclude days of presence in the United States if he is in transit between two foreign points, and is physically present in the United States for fewer than 24 hours. For purposes of this paragraph, and individual will be considered to be in transit if he pursues activities that are substantially related to completing his travel to a foreign point of destination. For example, an alien who travels between airports in the United States in order to change planes en route to his destination will be considered to be in transit. However, if he attends a business meeting while he is present in the United States, whether or not such meeting is within the confines of the airport. he will not be considered to be in transit. For purposes of this paragraph, the term "foreign point" means any areas that are not included within the definition of the term "United States" provided in paragraph (c)(2)(ii) of § 301.7701(b)–1.

(e) *Regular commuters from Mexico or Canada.* An alien will not be considered to be present in the United States on days that the individual commutes to the individual's residence

in Mexico or Canada if the individual regularly commutes from Mexico or Canada. For purposes of this paragraph, the term "commutes" means to travel to employment or self-employment and to return to one's residence within a 24-hour period. An alien individual will be considered to commute regularly if he commutes to his location of employment of self-employment in the United States from his residence in Mexico or Canada on more than 80% of the workdays during the current year.

(f) *Determination of excluded days applies beyond year of determination.* If an alien individuals determines that he is permitted to exclude a day of presence pursuant to paragraph (b), (c), (d), or (e) of this section, then that day shall not be taken into account in the current year or the first of second preceding year.

§ 301.7701(b)–4 Residency time periods.

(a) *First year of residency.* An alien who was not a United States resident during the preceding calendar year and who is a United States resident for the current year will begin to be a resident for tax purposes on the alien's residency starting date. The residency starting date for an alien who meets the substantial presence test is the first day during the calendar year on which the individual is present in the United States. The residency starting date for an alien who meets the green card test is the first day during the calendar year of which the individual is physically present in the United States as a lawful permanent resident. The residency starting date for an alien who satisfies both the substantial presence test and the green card test will be the earlier of the first day the individual is physically present in the United States as a lawful permanent resident of the United States or the first day during the year that the individual is present for purposes of the sustantial presence test. (See § 301.7701(b)–9(b)(1) for the transitional rule relating to the residency starting date of an alien individual who was a lawful permanent resident in 1984.)

(b) *Last year of residency.* An alien who is a United States resident during the current year but who is not a United States resident at any time during the following calendar year will cease to be a resident for tax purposes on the individual's residency termination date. Generally, the residency termination date will be the last day of the calendar year. Notwithstanding the preceding sentence, the residency termination date for an alien who meets the substantial presence test is the last day during the year that the alien is physically present in the United States if the alien establishes a closer connection to a foreign country (as defined in § 301.7701 (b)–2 (d)) than the the United States for the remainder of the year. Similarly, the residency termination date for an alien who meets the "green card" test is the first day during the year that the alien is no longer a lawful permanent resident if the alien establishes a closer connection to a foreign country than the the United States for the remainder of the year. The residency termination date for an alien who satisfies both the substantial presence test and the "green card" test for the current year, will be the later of the first day the individual is no longer a lawful permanent resident of the United States or the last day the individual was a resident under the substantial presence test if the alien establishes a closer connection to a foreign country than to the United States for the remainder of the year.

(c) *Rules relating to residency starting date and residency termination date—* (1) *De minimis presence.* An alien may be present in the United States for up to 10 days without triggering the residency starting date (for purposes of the substantial presence test) or extending the residency termination date (for purposes of the substantial presence test and the green card test) if the individual is able to establish a closer connection to a foreign country (as defined in § 301.7701 (b)–2 (d)) than the United States during that period. Days from more than one period of presence may be disregarded for purposes of determining an individual's residency starting date or termination date so long as the total is not more than 10 days. However, an individual may not disregard any days that occur in a period of consecutive days of presence, if all the days that occur during that period cannot be excluded. An individual must include days of presence for purposes of determining whether the individual meets the substantial presence test even though the days may be disregarded for purposes of determining the individual's residency starting date or residency termination date.

(2) *Proration.* If an individual's residency starting date does not fall on the first day of the tax year, or the individual's residence termination date does not fall on the last day of the tax year, the individual's income tax liability should be calculated in accordance with § 1.871–13 dealing with the taxation of individuals who change residence status during the taxable year.

(3) *Residency starting date for certain individuals*—(i) *In general.* If an alien individual (who otherwise does not meet the substantial presence test or the green card test for the current year) is physically present in the United States for at least 31 consecutive days during the current year, and also for a period of continuous presence beginning with the first day of such thirty-one day period, the individual shall be considered to be a resident during the current year, and the individual's residency starting date shall be the first day of such thirty-one day period, if—

(A) The individual was not a resident of the United States under the substantial presence test or the green card test in the year preceding the current year;

(B) The individual is a resident of the United States in the subsequent year under the substantial presence test (whether or not the individual is also a resident of the United States under the green card test); and

(C) The individual elects to be treated as a resident during the current year.

(ii) *Determination of presence.* Except as otherwise provided in paragraph (c)(3)(iii) of this section, an individual shall be treated as present in the United States on any day that he is physically present in the United States at any time during the day.

(iii) *Thirty-one day period and period of continuous presence.* For purposes of this paragraph (c)(3), the term "thirty-one day period" means any period of 31 consecutive days during which an individual is actually present in the United States during each day of the period. The term "continuous presence" means a period of presence in the United States that includes 75 percent of the days (rounded to the nearest day) in the current year following (and including) the first day of the individual's thirty-one day period of presence. Only for purposes of the continuous presence requirement, an individual will be deemed to be present in the United States for up to 5 days on which the individual is absent from the United States. These days will not be deemed to be days of presence for purposes of the thirty-one day period of presence requirement. If an individual is present for more than one thirty-one day period of presence and satisfies the continuous presence requirement with regard to each period, the individual's residency starting date shall be the first day of the first thirty-one day period of presence. If an individual is present for more than one thirty-one day period of presence but satisfies the continuous presence requirement only for a later thirty-one day period, the individual's residency starting date shall be the first day of the later thirty-one day period of

presence. For purposes of this paragraph (c)(3), days of presence that are otherwise excluded under section 7701(b)(3)(D)(i) and § 301.7701(b)-3(a)(1), (3), and (4) shall not be counted as days of presence for purposes of either the thirty-one day period or continuous presence requirement.

(iv) *Election procedure—(A) Filing requirements.* An alien individual shall make an election to be treated as a resident under paragraph (c)(3) of this section by attaching a statement (decribed in paragraph (c)(3)(iv)(B)) to the individual's income tax return (Form 1040) for the taxable year for which the election is to be in effect (the election year). The alien individual may not make this election until such time as he has satisfied the substantial presence test of section 7701(b)(1)(A)(ii) for the year following the election year. If an alien individual has not satisfied the substantial presence test for the year following the election year as of the due date (not including extensions) of the tax return for the election year, the alien individual may request an extension of time for filing the return until after he has satisfied such test, provided that he pays with his extension application the amount of tax he expects to owe for the election year computed as if he were a nonresident alien throughout the election year. If the alien individual has not satisfied the substantial presence test of section 7701(b)(1)(A)(ii) as of the due date and has not requested an extension of time until he has satisfied that test, then the alien individual must file as a nonresident alien for the current year. The alien individual may subsequently elect to be treated as a resident by filing an amended return (on Form 1040) for the election year. An election made under paragraph (c)(3) of this section may not be revoked without approval of the Commissioner of his delegate.

(B) *Statement.* The statement required by paragraph (c)(3)(iv)(A) of this section shall include the name and address of the alien individual and contain a signed declaration that the election is being made. It must specify—

(*1*) That the alien individual was not a resident in the year immediately preceding the election year;

(*2*) That the alien individual is a resident under the substantial presence test in the year following the election year and the individual's number of days of presence in the United States during such year;

(*3*) The date or dates of the alien individual's thirty-one day period of presence and continuous presence in the United States during the election year; and

(*4*) The date or dates of absence from the United States during the election year that are deemed to be days of presence.

(d) *Examples.* The following examples illustrate the operation of this section.

Example (1). B, a citizen of foreign country X, is an alien who has never before been a United States resident for tax purposes. B comes to the United States on January 6, 1985, to attend a business meeting and returns to country X on January 10, 1985. B is able to establish a closer connection to country X for the period January 6–10. On March 1, 1985, B moves to the United States and resides here until August 20, 1985, when he returns to country X. On December 12, 1985, he comes to the United States for pleasure and stays here until December 16, 1985 when he returns to country X. B is able to establish a closer connection to country X for the period December 12–16. B is not a United States resident for tax purposes during the following year and can establish a closer connection to country X for the remainder of calendar year 1985. B is a resident of the United States under the substantial presence test because B is present in the United States for 183 days (5 days in January plus 173 days for the period March 1–August 20 plus 5 days in December). B's residency starting date is March 1, 1985, and his residency termination date is August 20, 1985.

Example (2). The facts are the same as in example (1) except that B does not come to the United States in December, 1985. B comes to the United States to attend a business meeting on August 21, 1985 and leaves the United States on August 25. B's residency termination date will be August 25, 1985.

Example (3). C, a citizen of foreign country Y, is an alien who has never before been a United States resident for tax purposes. C comes to the United States for the first time on February 10, 1985, and attends a business conference until February 24, 1985, when he returns to country Y. On April 20, 1985, C enters the United States as a lawful permanent resident. On November 10, 1985, C surrenders his green card but stays on in the United States until November 20, 1985 when he returns to country Y. On December 8, 1985, C comes to the United States and stays here until December 17, 1985 when he returns to country Y. He can establish a closer connection to country Y for that period. C is not a resident of the United States during the following calendar year and can establish a closer connection to country Y for the remainder of calendar year 1985. C qualifies as a United States resident under both the green card test and the substantial presence test. C's residency starting date under the green card test is April 20, 1985. Under the substantial presence test, C's residency starting date is February 10, 1985, because he is present for more than 10 days in February and cannot take advantage of the de minimis presence rule. Therefore, C's residency starting date is February 10, 1985. C's residency termination date under the green card test is November 10, 1985. His residency termination date under the substantial presence test is November 20, because B can disregard 10 days of presence in December. Thus, his residency termination date is November 20, 1985, the later of his residency termination date under the substantial presence test or the green card test.

Example (4). The facts are the same as in example (3) except that C is initially present in the United States on business from February 5 to February 9, 1985. C is able to establish a closer connection to country Y for that period. C may take advantage of only 10 days of de minimis presence and may exclude days from a continuous period of presence only if he can exclude all the days that occur during that period. Thus, C may choose either of the following periods of residency: residency starting date February 5, 1985, and residency termination date November 20, 1985, or residency starting date April 20, 1985, and residency termination date December 17, 1985.

Example (5). D, a citizen of foreign country Z, is an alien who has never before been a United States resident for tax purposes. D comes to the United States on November 1, 1985 and is present in the United States for 31 consecutive days (from November 1 to December 1, 1985). D returns to country Z on December 1 and does not come back to the United States until December 17, 1985. He remains in the United States for the rest of the year. During 1986, D is a resident of the United States under the substantial presence test. D may elect to be treated as a resident of the United States for 1985 because he was present in the United States in 1985 for a 31 consecutive day period of presence (November 1–December 1, 1985) and for 75 percent of the days following (and including) the first day of D's 31 consecutive day period of presence. If D makes the election to be treated as a resident, his residency starting date will be November 1, 1985.

Example (6). The facts are the same as in example (5) except that D is absent from the United States on December 24, 25, 29, 30 and 31. D may make the election to be treated as a resident for 1985 because up to 5 days of absence will be deemed to be days of presence for purposes of the continuous presence requirement.

Example (7). F, a citizen of foreign country M, is an alien individual who has never before been a United States resident for tax purposes. F comes to the United States on January 1, 1985 and remains in the United States until January 31, 1985, when he returns to country M. F comes back to the United States on October 1, 1985 and is present in the United States until November 1, 1985. From November 1, 1985 until December 31, 1985, F is present in the United States for 38 days. Although F satisfies two 31 consecutive day periods of presence, (January 1–January 31 and October 1–November 1), he satisfies the continuous presence requirement only with regard to the later period of presence. Thus, is F makes the election to be treated as a resident, his residency starting date is October 1, 1985.

(e) *No lapse*—(1) *Residency in prior year.* An alien who was a United States resident during the preceding calendar year and who is a United States resident

for the current year will continue to be taxable as a resident at the beginning of the current year. For purposes of this paragraph (e)(1), it is immaterial whether an individual is considered to be a resident under the substantial presence test or the green card test.

(2) *Residency in following year.* An alien who is a United States resident for any part of the current year and who is also a United States resident for any part of the following year (regardless of whether the individual has a closer connection to a foreign country than the United States during the current year) will be taxable as a resident through the end of the current year. For purposes of this paragraph (e)(2), it is immaterial whether an individual is considered to be a resident under the substantial presence test or the green card test.

(3) *Example.* The following example illustrates the application of this paragraph (e).

Example. B, an alien individual who is a citizen of foreign country M, comes to the United States for the first time on May 1, 1985, and remains in the United States until November 5, 1985, when he returns to country M. B comes back to the United States on March 5, 1986 as a lawful permanent resident and remains in the United States until September 10, 1986, when he surrenders his green card and returns to country M. B does not qualify as a resident in calendar year 1987. B's United States residency in calendar year 1985 continues through December 31, 1985, because he is a United States resident in the following calendar year. In calendar year 1986, B's United States residency is deemed to begin on January 1, 1986 because B qualified as a resident in the preceding calendar year. Thus, B's residency period in the United States begins on May 1, 1985, and ends on September 10, 1986.

§ 301.7701 (b)–5 Coordination with section 877.

(a) *General rule.* An alien individual will be subject to United States income tax in the manner provided by section 877, regardless of whether the individual has a tax avoidance motive, if the alien:

(1) Is a resident alien of the United States pursuant to paragraph (b) or paragraph (C) of § 301.7701 (b)–1 (or by virtue of an election to be treated as a resident pursuant to § 301.7701 (b)–4 (c) (3)) for at least three consecutive calendar years (the initial residency period) beginning after December 31, 1984;

(2) Is once again a nonresident; and

(3) Is a resident of the United States before the close of the third calendar year beginning after the individual's residency termination date in the initial residency period.

For purposes of paragraph (a) (1) of this section, the term "consecutive years" means a consecutive year or any part of a consecutive year.

(b) *Tax imposed.* The tax provided for under paragraph (a) of this section will be imposed only if the amount of tax would exceed the amount of tax that would be imposed under section 871, relating to the taxation of nonresident aliens.

(c) *Example.* The following example illustrates the application of this section.

Example. B, a citizen of foreign country F, enters the United States on December 10, 1985, as a lawful permanent resident. On February 5, 1987, B surrenders his green card and returns to country F. B meets the initial residency period requirement because he is a resident of the United States for part of 3 consecutive years (1985, 1986 and 1987). B returns to the United States on October 5, 1990, as a lawful permanent resident. Because B became a resident of the United States before the close of the third calendar year (1990) beginning after the close of the initial residency period (February 5, 1987), he is subject to tax under section 877(b) for the intervening period of nonresidency, February 6, 1987 through October 4, 1990, if the amount of the tax imposed under section 877 is more than the tax imposed under section 871.

§ 301.7701(b)–6 Taxable year.

(a) *In general.* An alien who has not established the fiscal year as his taxable year prior to the period that the individual is subject to United States income tax as a resident or a nonresident shall adopt the calendar year as his taxable year. An individual will be considered to have established a fiscal year (whether in the United States or a foreign country) if the annual period on which the individual computes his income is a fiscal year, the individual keeps his books in accordance with such fiscal year, and the requirements of section 441 and § 1.441–1(e) are otherwise satisfied. An alien who has established a fiscal year and is a resident alien during the calendar year will be treated as a resident alien with respect to any portion of his taxable year (beginning with the individual's residency starting date and ending with the individual's residency termination date) that falls within such calendar year.

(b) *Example.* The following example illustrates the operation of this section.

Example. B, a citizen and resident of foreign country F, was engaged in a United States business during 1982 and filed a return on a fiscal year basis. B's fiscal year runs from October 1 to September 30. B comes to the United States on March 8, 1985 and remains in the United States until October 10, 1985, when he returns to country F. B, who is not a United States resident at any time in 1986, is a United States resident for the period that begins on March 8, 1985, and ends on October 10, 1985. For his fiscal year that ends on September 30, 1985, B will be taxed as a United States resident for the period that begins on March 8, 1985 and ends on September 30, 1985. For his fiscal year that ends on September 30, 1986, B will be taxed as a United States resident for the period that begins on October 1, 1985 and ends on October 10, 1985.

§ 301.7701(b)–7 Coordination with income tax treaties.

(a) *Consistency requirement.* If an alien individual is considered to be a resident of the United States pursuant to section 7701(b) and the regulations thereunder and is also considered to be a resident of a country with which the United States has an income tax convention pursuant to the convention, then the rules on residency provided in such convention shall apply for purposes of determining the individual's residence for treaty purposes. If the alien individual determines that he is a resident of the foreign country for treaty purposes, and the alien individual claims a treaty benefit (as a nonresident of the United States) so as to reduce his United States income tax liability with respect to any item of income covered by an applicable tax convention during a taxable year, such individual shall be treated as a nonresident alien of the United States for purposes of computing such individual's United States income tax liability under the provisions of the Internal Revenue Code and the regulations thereunder with respect to that taxable year. The application of this section shall be limited to an alien individual who is considered to be a resident of a treaty country pursuant to a provision of a treaty that provides for resolution of conflicting claims of residence by the United States and its treaty partner. Such an individual shall be treated as a United States resident for all purposes of the Internal Revenue Code other than the computation of such individual's United States income tax liability.

(b) *Filing requirements.* An alien individual described in paragraph (a) of this section shall make a return on Form 1040 on or before the date prescribed by law (including extensions) for making an income tax return as a resident. Such individual shall prepare such return and compute his tax liability as a resident alien, without regard to any treaty benefit to which he may be entitled. If the individual has any item of income for the taxable year covered by a treaty with respect to which the individual is claiming a treaty benefit to reduce his United States income tax liability, he shall attach Form 1040NR to this return. Such individual shall complete Form 1040NR and compute his tax liability as

a nonresident alien. He shall indicate on Form 1040NR (or on a statement attached thereto) any item of income for which he is claiming a treaty benefit. The full return, consisting of Form 1040 and Form 1040NR (with any attached statements), shall be filed with the Internal Revenue Service Center with which Form 1040 of such individual is required to be filed.

(c) *Examples.* The following examples illustrate the application of this section.

Example (1). B, an alien individual, is a resident of foreign country X, under X's internal law. Country X is a party to an income tax convention with the United States. B is also a resident of the United States under United States law. B is considered to be a resident of country X under the articles of the convention. The convention does not specifically deal with characterization of foreign corporations as controlled foreign corporations or the taxability of United States shareholders on inclusions of subpart F income, but it provides, in an "Other Income" article similar to Article 21 of the 1981 draft of the United States Model Income Tax Convention (U.S. Model), that items of income of a resident of country X that are not specifically dealt with in the articles of the convention shall be taxable only in country X. B owns 80% of the one class of stock of foreign corporation R. The remaining 20% is owned by C, a United States citizen who is unrelated to B. In 1985, corporation R's only income is interest that is foreign personal holding company income under § 1.954–2. Because the United States-X income tax convention does not deal with characterization of foreign corporations as controlled foreign corporations, United States internal income tax law applies. Therefore, B and C are United States shareholders within the meaning of § 1.951–1(g), corporation R is a controlled foreign corporation within the meaning of § 1.957–1, and corporation R's income is included in C's income as subpart F income under § 1.951–1. B may avoid current taxation on his share of the subpart F inclusion by filing as a nonresident (*i.e.*, by following the procedure in § 301.7701(b)–7(b)). If B files as a nonresident, then his share of the subpart F income will not be subject to tax in the United States because the "Other Income" article of the convention reserves to the state of residence the exclusive right to tax income other than those items specifically covered in the convention.

Example (2). The facts are the same as example (1) except that B also earns United States source dividend income. The United States-X income tax convention provides that the rate of United States tax on United States source dividends paid to residents of country X shall not exceed 15 percent of the gross amount of the dividends. B's United States tax liability with respect to the dividends would be smaller if he were treated as a resident alien, subject to tax on a net basis (*i.e.*, after the allowance of deductions) than if he were treated as a nonresident alien. If, however, B chooses to file as a nonresident in order to claim treaty benefits with respect to his share of R's subpart F income, his overall United States tax liability, including the portion attributable to the dividends, must be determined as if he were a nonresident alien.

Example (3). C, a married alien individual with three children, is a resident of foreign country Y, under Y's internal law. Country Y is a party to an income tax convention with the United States. C is also a resident of the United States under United States law. C is considered to be a resident of country Y under the articles of residency of the convention. The convention specifically covers, among other items of income, personal services income, dividends and interest. C is sent by his country Y employer to work in the United States from January 1, 1985 until December 31, 1985. During 1985, C also earns United States source dividends and interest and incurs mortgage interest expenses on his personal residence. The United States-Y treaty provides that remuneration for personal services performed in the United States by a country Y resident is exempt from United States tax if, among other things, the individual performing such services is present in the United States for a period that is not in excess of 183 days. The treaty provides that the rate of United States tax on United States source dividends paid to residents of Y shall not exceed 15 percent of the gross amount of the dividends and it exempts residents of Y from United States tax on United States source interest. In filing his 1985 tax return, C may choose to file either as a resident alien without claiming any treaty benefits or as a nonresident alien if he desires to claim any treaty benefit. C files as a nonresident (*i.e.*, by following the procedure described in § 301.7701(b)–7(b)). Because C does not satisfy the requirements of the United States-Y treaty with regard to exempting personal services income from United States tax, C will be taxed on his personal services income at graduated rates under section 1 of the Code pursuant to section 871(b) of the Code. He will not be entitled to deduct his mortgage interest expenses or to claim more than one personal exemption because he is taxed as a nonresident alien under the Code by virtue to his decision to claim treaty benefits, and section 873 of the Code denies nonresidents the deduction for personal residence mortgage interest expense and generally limits them to only one personal exemption. C will be subject to a tax of 15 percent of the gross amount of his dividend income under section 871(a) of the Code as modified by the treaty, and he will be exempt from tax on his interest income. C is not entitled to file a joint return with his spouse even if she is a resident alien under the Code for 1985.

Example (4). The facts are the same as in example (3) except that C does not choose to claim treaty benefits with respect to any items of income covered by the treaty (*i.e.*, he files as a resident). Therefore, he is taxed as a resident under the Code and pays tax at graduated rates on his personal services income, dividends, and interest. In addition, he is entitled to deduct his mortgage interest expenses and to take personal exemptions for his spouse and three children. C will be entitled to file a joint return with his spouse if she is a resident alien for 1985 or, if she is a nonresident alien, C and his spouse may elect to file a joint return pursuant to section 6013.

§ 301.7701(b)–8 Procedural rules.

(a) *Who must file*—(1) *Closer connection exception.* An alien individual who otherwise meets the substantial presence test must file a statement to explain the basis of the individual's claim that he is able to satisfy the closer connection exception described in § 301.7701(b)–2.

(2) *Exempt individuals and individuals with a medical condition.* An alien individual must file a statement to explain the basis of the individual's claim that he is able to exclude days of presence in the United States because the individual—

(i) Is an exempt individual as described in § 301.7701(b)-3 (b)(3) (teacher/trainee), § 301.7701(b)-3 (b)(4) (student), or § 301.7701(b)-3 (b)(5) (professional athlete), or

(ii) Has a medical condition or problems as described in § 301.7701(b)-3 (c).

(3) *De minimus presence and residency starting and termination dates.* A statement must be filed by an individual who is seeking to establish—

(i) That a period of de minimus presence of ten or fewer days should be disregarded for purposes of the individual's residency starting or termination date, or

(ii) A residency termination date.

(b) *Contents of statement*—(1) *Closer connection exception.* The statement filed by an individual described in paragraph (a)(1) of this section shall be dated, signed by the individual claiming the exception, and verified by a declaration that the statement is made under penalties of perjury. The statement shall contain the following information:

(i) The individual's name, address, United States taxpayer identification number, if any, and United States visa number, if any;

(ii) The country that issued the individual's passport and number of such passport;

(iii) The taxable year for which the statement is to apply;

(iv) The total number of days of presence in the United States during the current year, during the first preceding calendar year, and during the second preceding calendar year;

(v) Whether the individual has applied for, or has taken other affirmative steps to apply for, permanent resident status during the current year or whether the individual has an application pending for adjustment of status to that of a permanent resident during the current year; and

(vi) Sufficient facts to determine whether the individual has maintained a closer connection to a foreign country and a tax home in such foreign country for the entire current year as described in § 301.7701(b)-2.

(2) *Exempt individuals and individuals with a medical condition.* The statement filed by an individual described in paragraph (a)(2) of this section shall be dated, signed by the individual who is claiming that days of presence in the United States should be excluded from the computation required by the substantial presence test, and verified by a declaration that the statement is made under the penalty of perjury. The statement shall contain items (i) through (iv) described in paragraph (b)(1) of this section and the following information (as applicable):

(i) A brief description of the medical condition or problem that prevented the individual from leaving the United States;

(ii) A written statement from the individual's physician or other medical official (including the name, address, and telephone number of the physician or other medical official) verifying that the individual was unable to leave the United States because of the medical condition or problem described in paragraph (b)(2)(i) of this section and that there was no indication that the individual's condition or problem was preexisting as defined in § 301.7701 (b)-3 (c)(2);

(iii) The name, address, and telephone number of the academic institution attended by an F or J visa holder during the current year;

(iv) The name, address, and telephone number of the director of the academic or other specialized program that a J visa holder has participated in during the current year;

(v) the type of visa held by a J or F visa holder during the six preceding calendar years.

(vi) The charitable sports event or events in which the individual competes during the calendar year and the dates of competition;

(vii) The section 501(c)(3) organization or organizations benefitted by the sports event; and

(viii) Sufficient facts to verify that all of the net proceeds of the charitable sports event are contributed to the organization or organizations described in paragraph (b)(2)(vii) of this section.

(3) *De minimis presence and residency starting and termination dates.* The statement filed by an individual described in paragraph (a)(3) of this section shall be dated, signed by the individual seeking to exclude de minimis presence for purposes of the individual's residency starting or termination data or to establish a residency termination date, and verified by a declaration that the statement is made under the penalty of perjury. The statement shall contain the information described in items (i), (ii) and (iii) described in paragraph (b)(1) of this section and the following information (as applicable):

(i) The first day that the individual was present in the United States during the current year;

(ii) The last day that the individual was present in the United States during the current year;

(iii) Dates of de minimis presence that the individual is seeking to exclude from his residency starting or termination dates;

(iv) Sufficient facts to establish that the individual has maintained a closer connection to a foreign country during a period of de minimis presence;

(v) Sufficient facts to establish that an individual has maintained a closer connection to a foreign country following the individual's last day of presence in the United States during the current year or following the abandonment or rescission of an individual's green card during the current year;

(vi) Date that the individual's status as a lawful permanent resident was abandoned or rescinded; and

(vii) Sufficient facts (including copies of relevant documents) to establish that the individual's status as lawful permanent resident has been abandoned or rescinded.

(c) *How to file.* Individuals described in paragraph (a) of this section who are required to make a return on Form 1040 or 1040NR pusruant to § 1.6012–1(b) must attach the statement described in paragraph (b) of this section to the return. An individual who is not required to file either Form 1040 or 1040NR must file the statement with the Internal Revenue Service Center, Philadelphia, PA 19255 on or before the date prescribed by law (including extensions) for making an income tax return for the calendar year for which the statement applies.

(d) *Penalty for failure to file statement.* If an individual is required to file a statement pursuant to paragraph (a)(1), (a)(2)(ii), or (a)(3) of this section and fails to file such statement on or before the date prescribed by law (including extensions) for making an income tax return, the individual will not be eligible for the closer connection exception described in § 301.7701(b)–2 and will be required to include all days of presence in the United States (calculated without the benefit of § 301.7701(b)–3(b)(3), (4), or (5), § 301.7701(b)–3(c), and § 301.7701(b)–4(c)(1)) for purposes of the substantial presence test and for determining the individual's residency starting and termination dates. If an individual is considered to be a resident because of this paragraph and the individual is also a resident of a country with which the United States has an income tax convention pursuant to that convention, the individual shall be treated in the manner provided in of § 301.7701(b)–7(a) (relating to the treatment of individuals who are dual residents).

§ 301.7701(b)–9 Effective dates of §§ 301.7701(b)–1 through 301.7701(b)–9.

(a) *In general.* Except as indicated in paragraph (b) of this section, §§ 301.7701(b)–1 through 301.7701(b)–9 apply to taxable years beginning after December 31, 1984. For the rules applicable to earlier taxable years, see §§ 1.871–2 through 1.871–5.

(b) *Special rules*—(1) *Green card test-residency starting date.* If an alien was a lawful permanent resident throughout 1984 (regardless of whether he was physically present in the United States), or was physically present in the United States at any time during 1984 while a lawful permanent resident, the individual will be considered to have been a resident of the United States during 1984 for purposes of applying the provisions of section 7701(b)(2)(A) and § 301.7701(b)–4 such that the individual will, if he meets the substantial presence or green card test in 1985, be considered a resident of the United States as of January 1, 1985, regardless of when the individual is first present in the United States in 1985.

(2) *Substantial presence test-years included.* For purposes of applying the substantial presence test for calendar years 1985 and 1986, days of presence in 1984 will only be counted for aliens who had been residents under prior law (§§ 1.871–2 through 1.871–5) at the end of calendar year 1984. Days of presence in 1983 will only be counted for aliens who had been residents under prior law at the end of both calendar year 1983 and 1984.

(3) *Professional athletes.* For purposes of applying the substantial presence test, only days of presence in the United States after October 22, 1986, shall be excluded for individuals described in § 301.7701(b)–3(1)(iv) (professional athletes).

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87–20779 Filed 9–9–87; 8:45 am]

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DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[Order No. 1217-87]

28 CFR Parts 20 and 50

Identification Division; Policy Changes

AGENCY: Federal Bureau of Investigation, Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule changes FBI Identification Division policy in effect since July 1, 1974, relating to the exchange of identification records with federally chartered or insured banking institutions, officials of state and local governments for purposes of employment and licensing, and certain segments of the securities industry. In addition, the rule reflects the amendment to Title 7, United States Code (U.S.C.), section 21(b)(4)(E) as provided for in Public Law 97-444 which permits registered futures associations access to all data on identification records. The policy restricting the dissemination of arrest data more than one-year old with no disposition was originally placed in effect to reduce possible denials of employment opportunities or licensing privileges. However, this restriction may prevent agencies legally authorized to access the Criminal File of the Identification Division from receiving relevant arrest information concerning the potential employee or licensee. For example, an arrest for rape or child abuse which is over one-year old and not accompanied by a disposition cannot be provided to a state agency authorized by law to determine an individual's suitability for employment in a child-care center. Also, as currently implemented, the one-year rule makes it impossible to determine with finality when an applicant has no criminal record even though 90 percent of the replies relate to individuals with no criminal record. All negative responses receive the same reply, i.e., "No Record or No Record Meeting Dissemination Criteria." Therefore, the Identification Division user never knows whether the applicant has no criminal record or whether he/she has a record that cannot be disseminated because of the one-year rule. The new rule will make it possible for the FBI to disseminate all data on identification records, answer with finality the question of whether an individual has a criminal record, provide for the public safety, and yet protect the privacy interests of the individual with the record by giving him/her the opportunity to complete and/or challenge the accuracy of the information contained in the identification record prior to a determination being made that the individual is not suitable for a license or employment based on the challenged or incomplete information in his/her FBI identification record.

DATE: Comments must be received on or before November 9, 1987.

FOR FURTHER INFORMATION CONTACT: Melvin D. Mercer, Jr., Chief of the Recording and Posting Sections, Identification Division, FBI, Washington, DC 20537-9700, telephone number (202) 324-5454.

SUPPLEMENTARY INFORMATION: The procedure to obtain change, correction or updating of an FBI identification record is set forth in § 16.34 of Title 28 of the Code of Federal Regulations (CFR).

This is not a major rule within the meaning of Executive Order Number 12291. This rule will not have a substantial impact on a significant number of small businesses.

This proposed rule change necessitates changes to §§ 50.12 and 20.33(a)(3) of Title 28 of the CFR and the Commentary to § 20.33 appearing in the appendix immediately following Part 20, as the one-year restriction rule is referred to in those sections and the Commentary.

List of Subjects in 28 CFR Parts 20 and 50

Administrative practice and procedure, Law enforcement, Authority delegations (Government agencies).

By virtue of the authority vested in me as Attorney General under 28 U.S.C. 534, 15 U.S.C. 78q, 7 U.S.C. 21(b)(4)(E), and Pub. L. 92-544 (86 Stat. 1115), Part 20, Subpart C, and Part 50 of Title 28 of the CFR are proposed to be amended as follows:

PART 20—[AMENDED]

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

Authority: Sections 501 and 524(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197, 42 U.S.C. 3701, et seq. (Act), 28 U.S.C. 534, and Pub. L. 92-544, 86 Stat. 1115.

2. In § 20.33, paragraph (a)(3) is revised to read as follows:

§ 20.33 Dissemination of criminal history record information.

(a) * * *

(3) Pursuant to Public Law 92-544 (86 Stat. 1115) for use in connection with licensing or local/state employment or for other uses only if such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States. Refer to § 50.12 for dissemination guidelines relating to requests processed under this subsection.

* * * * *

Appendix—[Amended]

3. In the "Appendix—Commentary on Selected Sections of the Regulations on Criminal History Record Information System", the commentary for § 20.33 is revised to read as follows:

* * * * *

Section 20.33 Incorporates provisions cited in 28 CFR 50.12 regarding dissemination of identification records outside the Federal Government for noncriminal justice purposes:

* * * * *

PART 50—[AMENDED]

4. The authority citation for Part 50 continues to read as follows:

Authority: 28 U.S.C. 508, 509, 510; 5 U.S.C. 301, 552, 552a; 15 U.S.C. 16(d).

5. Section 50.12 is revised to read as follows:

§ 50.12 Exchange of FBI identification records.

(a) The Federal Bureau of Investigation, hereinafter referred to as the FBI, is authorized to expend funds for the exchange of identification records with officials of federally chartered or insured banking institutions and with officials of state and local governments for purposes of employment and licensing, pursuant to section 201 of Public Law 92-544 (86 Stat. 1115). Also, pursuant to 15 U.S.C. 78q and 7 U.S.C. 21(b)(4)(E) respectively, such records can be exchanged with certain segments of the securities industry and with registered futures associations.

(b) The Director of the FBI is authorized by 28 CFR 0.85(j) to approve procedures relating to the exchange of identification records with federally chartered or insured banking institutions, officials of state and local governments for purposes of employment and licensing, certain segments of the securities industry, and registered futures associations. Under this authority, effective [date will be set when final rule is published], the FBI Identification Division will make all data on identification records available for such purposes. Records obtained under this authority may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities. Officials at the

governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. These officials cannot deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. Those officials making such determinations must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in § 16.34 of Title 28 of the CFR. A statement incorporating these use and challenge requirements will be placed on all records disseminated under this program. This policy is intended to ensure that all relevant criminal record information is made available to provide for the public safety and further, to protect the interests of the prospective employee/licensee who may be affected by the information or lack of information in an identification record.

(c) There will be no change in FBI Identification Division procedures for dissemination of all criminal record information for law enforcement purposes and to agencies of the Federal Government as currently authorized by 28 U.S.C. 534.

Date: August 19, 1987.

Arnold I. Burns,

Acting Attorney General.

[FR Doc. 87-20738 Filed 9-9-87; 8:45 am]

BILLING CODE 4410-01-M

POSTAL SERVICE

39 CFR Part 111

Supplements to Second-Class Publications; Extension of Time for Comment

AGENCY: Postal Service.

ACTION: Proposed rule; extension of time.

SUMMARY: On July 22, 1987, the Postal Service published in the **Federal Register** (52 FR 27565) a proposed rule change intended to provide the mailing industry with an additional opportunity to furnish ideas and suggestions on the shape of future regulations on the use of supplements to second-class publications. The Postal Service requested comments on the proposed rule change on or before September 7, 1987.

Certain mailer representatives requested a twenty day extension of the comment period in order to make a more complete assessment of the proposal and its potential effects.

The Postal Service believes that the requested extension is reasonable and will serve the public interest in this case.

Accordingly, the Postal Service is extending the deadline for comments on the proposed rule change until October 5, 1987.

DATE: Comments on the proposed rule change must be received on or before October 5, 1987.

ADDRESS: Written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service 475 L'Enfant Plaza West SW., Washington, DC 20260-5360. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 8430, at the above address.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Young, (202) 268-5321.

Paul J. Kemp,

Supervisory Attorney, Legislative Division.

[FR Doc. 87-20785 Filed 9-9-87; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 50 and 52

[AD-FRL-3259-2]

PM_{10} Fugitive Dust Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period for proposed policy statement.

SUMMARY: On July 1, 1987, at 52 FR 24716, EPA proposed three alternatives to its existing fugitive dust policy to address the new particulate matter standard known as PM_{10}. That notice requested that comments be filed on or before July 31, 1987. At the request of the American Mining Congress (AMC), EPA extended the comment period to August 31, 1987. At the request of the Natural Resources Defense Council (NRDC) EPA is now extending the comment period to September 30, 1987.

DATE: All comments must be submitted on or before September 30, 1987.

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

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

SUPPLEMENTARY INFORMATION:

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

On July 1, 1987, at 52 FR 24634, EPA announced its final decisions concerning the idicator and levels of the NAAQS for PM and the requirements for implementing those new standards. Also, on July 1, 1987, EPA solicited comments on alternative SIP requirements for RFDA's and on the adequacy of the definitions which are used in identifying RFDA's. The EPA requested that comments be submitted within 30 days or by July 31, 1987. At the request of counsel for AMC, EPA extended the comment period by 30 days to allow members of that organization to develop meaningful comments. The NRDC has requested by letter of August 14, 1987, from their senior attorney, David D. Doniger, that they be given until September 30, 1987, to submit their comments. (A copy of the letter from NRDC has been placed in the docket.) The EPA believes that NRDC's request is reasonable and is therefore again extending the comment period on the proposal for the Fugitive Dust Policy until September 30, 1987.

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

Dated: September 2, 1987.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 87-20761 Filed 9-9-87; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 410

[SERC-327-P]

Medicare Program; Medicare Coverage of Hepatitis B Vaccine for High and Intermediate Risk Individuals, Hemophilia Clotting Factors and Certain X-Ray Services

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement section 2323 of Pub. L. 98–369, the Deficit Reduction Act of 1984, which provides Medicare coverage for hepatitis B vaccine for those individuals who are eligible for Medicare and at high or intermediate risk of contracting hepatitis B. The proposed rule solicits public comment on our definition of those individuals who are at high or intermediate risk of contracting hepatitis B. It would also implement section 2324 of Pub. L. 98–369, which provides coverage for the self-administration of hemophilia clotting factors and the items necessary for their administration to Medicare eligibles. In addition, this proposal would clarify regulations governing Medicare coverage of certain x-ray services.

DATE: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5:00 p.m. on November 9, 1987.

ADDRESS: Mail comments to the following address:

Health Care Financing Administration, Department of Health and Human Services, Attention: BERC–327–P, P.O. Box 26676, Baltimore, Maryland 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to file code BERC–327–P. Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of this document, in Room 309–G of the Department's offices at 200 Independence Ave. SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT:

James Hannon, 301–597–1734, for issues relating to Hepatitis B vaccine and Hemophilia Clotting Factors.

Kenneth Dickinson, 301–594–9406, for issues relating to X-ray services.

SUPPLEMENTARY INFORMATION:

I. Hepatitis B Vaccine

A. Background

Hepatitis B virus causes major public health problems in the United States, particularly in debilitated patients. On November 16, 1981, the Food and Drug Administration (FDA) approved the hepatitis B vaccine for combating debilitating liver disease caused by the hepatitis B virus. FDA recognizes the vaccine as effective for people at high risk of acquiring the disease. However, section 1862(a)(1)(A) of the Social Security Act (the Act) excludes Medicare payments for items and services that are not reasonable and necessary for the diagnosis or treatment of illness or injury, or to improve the functioning of a malformed body member. Further, prior to the July 18, 1984 enactment of the Deficit Reduction Act of 1984 (DRA) (Pub. L. 98–369), section 1862(a)(7) of the Act specifically precluded payment for immunizations, except as allowed under section 1861(s)(10) of the Act for coverage of pneumococcal vaccine. Currently, regulations at 42 CFR 405.310(e) preclude payment for vaccinations or inoculations unless directly related to the treatment of an injury or direct exposure, such as antirabies treatment, tetanus antitoxin or booster vaccine, botulin antitoxin, antivenom sera, or immune globulin. Thus, in the past, Medicare program coverage has been limited by statute to treatment of hepatitis B patients, rather than prevention of hepatitis B.

Section 2323 of DRA amended section 1861(s)(10) of the Act to provide Medicare coverage for hepatitis B vaccine to the extent that it is reasonable and necessary for the prevention of illness for those individuals who are at high or intermediate risk of contracting hepatitis B. The statute requires the Secretary to determine, by regulations, criteria for identifying individuals who are at high or intermediate risk of contracting hepatitis B.

For Medicare reimbursement purposes, the vaccine may be administered—upon the order of a doctor of medicine or osteopathy—by qualified staff of home health agencies, skilled nursing facilities, ESRD facilities, hospital outpatient departments, persons recognized under the "incident to physician's services" provision of the law (section 1861(s)(2)(A)), as well as, doctors of medicine and osteopathy.

Section 2323 did not require Medicare entitlement for individuals outside the universe of Medicare beneficiaries, and an individual who is otherwise not eligible for Medicare cannot be considered entitled to Medicare coverage for the hepatitis B vaccine simply by virtue of belonging to one of the groups defined as high or intermediate-risk.

The Conference Report accompanying DRA (H.R. Rep. No. 861, 98th Cong., 2d Sess. 1310 (1984)) reflects congressional intent that regulations governing coverage of Hepatitis B vaccine be developed using specifically, but not necessarily exclusively, the information developed by the Centers for Disease Control (CDC) for identification of high and intermediate risk groups. A copy of the 1985 hepatitis recommendations by the Immunization Practices Advisory Committee of CDC is included as an addendum for your reference.

B. Recommendations Received From CDC, FDA and the Manufacturer

1. High Risk Groups

The CDC, FDA and the manufacturer of Hepatitis B vaccine all recommended identifying the following categories of individuals as being at high risk of contracting hepatitis B:

- Hemodialysis patients;
- Hemophiliacs who receive Factor VIII or IX concentrates,
- Clients of institutions for the mentally retarded;
- Persons who live in the same household as hepatitis B carriers;
- Homosexual men; and
- Illicit injectable drug abusers.

We also propose including Pacific Islanders on this list, based on a subsequent CDC recommendation. Pacific Islanders would be defined as those Medicare beneficiaries residing on Pacific Islands under U.S. jurisdiction. Residents of the Hawaiian Islands would not fall under this definition, and would be covered only if they qualified under one of the other high or intermediate risk categories.

With the concurrence of the CDC and FDA, because persons on hemodialysis are not the only End-Stage Renal Disease (ESRD) patients who are exposed to hepatitis B, we propose to include all ESRD patients in the high-risk group.

CDC, FDA and the manufacturer also suggested that infants born to women

who are hepatitis B carriers or have acute hepatitis B be included in the high-risk group. We decided not to accept this recommendation since it is unlikely, because of age, that an infant would be a Medicare beneficiary.

The manufacturer also included the following individuals in their high-risk grouping:

- Alaskan Eskimos;
- Recipients of pooled blood; and
- Immigrants/refugees from areas of high hepatitis B endemicity.

However, we have not accepted these recommendations. "Alaskan Eskimos" are receiving the vaccine through a program of the Indian Health Service under a CDC recommendation that covers special high risk populations. (CDC terms the "Alaskan Eskimos" as "Native Americans living in Alaska.") "Recipients of pooled blood" are included within the definition of Factor VIII or IX concentrate users. Immigrants/refugees would be included under "persons who live in the same household as carriers". Also, there are refugee programs that provide vaccination services to eligible enrollees.

2. Intermediate Risk Groups

Recommendations from CDC, FDA and the manufacturer included the following individuals in the intermediate-risk group:

- Staff in institutions for the mentally retarded;
- Workers in health care professions who have frequent contact with blood-derived body fluids during routine work;
- Prisoners;
- Classroom/home contacts of mentally retarded carriers; and
- Military or other personnel assigned to areas of high endemicity (for example, Korea).

Based on a subsequent CDC recommendation, we also propose including on this list heterosexually active persons with multiple sexual partners. In order to qualify on this basis, claims for such services would have to include documentation of the individual having at least two episodes of sexually transmitted diseases within the preceding 5 years.

We have decided not to accept the recommendation to include prisoners in the intermediate risk group because the Medicare statute excludes from coverage expenses incurred by individuals who have no legal obligation to pay. In this regard, the governmental entity operating the prison is responsible for providing the inmates' medical needs.

We also decided not to create a separate category for classroom/home contacts of mentally retarded carriers as an intermediate risk group. Since the mentally retarded are included in the classification of hepatitis B carriers and the household members of the hepatitis B carrier are already considered a high risk group, the creation of a separate group for home contacts of mentally retarded carriers would generally not identify additional individuals for vaccination. Moreover, it has been difficult to determine the risk for other contacts of the mentally retarded, namely, the classroom contacts. Staff members (faculty and institutional employees) are considered as intermediate risk because of their close continued contact with the mentally retarded and are identified in one of the pre-named groups. However, the risk of classmate contacts, because of their casual contact, has been more difficult to assess.

Studies are being done to determine which individuals who come in contact with the mentally retarded should be vaccinated. Since there is a limited supply of the vaccine and classmates are at different levels of risk, we believe that recommendations will suggest limiting vaccination to highly infected individuals and those whose level of exposure might suggest need for vaccination.

We decided not to accept the recommendation to include military or other personnel assigned to areas of high endemicity since it is highly unlikely that such persons would be Medicare beneficiaries.

3. Other Recommendations.

CDC and FDA recommended prevaccination screening for antibodies to hepatitis B for all persons in high-risk groups except infants of hepatitis B carrier mothers. We cannot include coverage of such screening since there is no statutory authority to permit coverage of routine screening. In accordance with CDC's and FDA's advice that "persons shown to have protective antibodies (anti-HBs) need not be vaccinated", we would not cover and reimburse for hepatitis B vaccine in those cases where there is known to be laboratory evidence positive for antibodies to hepatitis B.

The manufacturer suggested that the term "susceptible" be used to distinguish those individuals who require the vaccine from those who would not benefit because of pre-formed antibodies. However, we concluded that use of the term "susceptible" to describe those in the high and intermediate risk group who qualify for Medicare coverage of the hepatitis B vaccine could be interpreted as requiring laboratory evidence of susceptibility in every case. It is our view that the patient's physician generally is in the best position to decide the need for laboratory testing to determine susceptibility and will not provide the vaccine unless he or she believes the individual is susceptible. Therefore, we decided not to specifically include the term "susceptible" and to provide that beneficiaries in the high and intermediate risk groups would be eligible for coverage in the absence of laboratory evidence that is positive for antibodies to hepatitis B.

C. Proposed High and Intermediate Risk Individuals Identified by HCFA

We propose to identify the following groups of individuals as being at high or intermediate risk of contracting hepatitis B:

High Risk Groups:

a. ESRD patients;

b. Hemophiliacs who receive Factor VIII or IX concentrates;

c. Clients of institutions for the mentally retarded;

d. Persons who live in the same household as an hepatitis B carrier;

e. Homosexual men;

f. Illicit injectable drug abusers; and

g. Pacific Islanders (except residents of Hawaii).

Intermediate Risk Groups:

a. Staff in institutions for the mentally retarded;

b. Workers in health care professions who have frequent contact with blood or blood-derived body fluids during routine work; and

c. Heterosexually active persons with multiple sexual partners (that is, Medicare beneficiaries having at least two or more documented episodes of sexually transmitted diseases within the preceding 5 years).

Persons in the above-listed groups would *not* be considered at high or intermediate risk of contracting hepatitis B if they have undergone a prevaccination screening and found to be positive for antibodies to hepatitis B, such as the screening of ESRD patients who are routinely tested for hepatitis B antibodies as part of their continuing monitoring and therapy.

II. Hemophilia Clotting Factors

A. Background

Antihemophilic clotting factor (AHF) is a clot-promoting procoagulation protein found in the plasma of normal individuals. It provides a critical component of the coagulation system

and is essential for normal coagulation and hemostasis (arrest of bleeding) to take place. The AHF is used as needed to stop bleeding or, in certain high-risk individuals, to prevent certain predictable adverse bleeding complications. AHF is infused before surgical procedures involving hemophiliac patients. AHF is also infused to stop or prevent bleeding of traumatic or spontaneous origin in patients with congenital disorders of coagulation.

AHF may be self-infused by patients in the home setting, or may be administered or self-infused in centers, clinics, emergency rooms or hospitals. A wide base of experience now exists regarding self infusion of AHF in both institutional and home use settings. In 1975 Congress passed an amendment to the Public Health Service Act, section 606 of Pub. L. 94–63, Special Health Revenue Sharing Act of 1975, enabling the establishment of the Comprehensive Hemophilia Diagnostic and Treatment Centers (CHDTC), of which 24 such centers exist nationwide. Since the establishment of these centers, self-infusion of AHF by selected patients who are specially trained to do so has become a readily accepted practice. This experience with self-administration has demonstrated significant reductions in cost of managing hemophiliacs.

Section 2324 of the DRA added subparagraph (I) to section 1861(s)(2) of the Act to provide Medicare coverage for blood clotting factors for hemophilia patients competent to use such factors to control bleeding without medical or other supervision, and items related to the administration of those factors, subject to utilization controls deemed necessary by the Secretary for the efficient use of the factors.

B. Proposed Revision

We would amend § 405.231 to provide for Medicare coverage of blood clotting factors for hemophilia patients competent to use those factors to control bleeding without medical or other supervision, and for items related to the administration of those factors. We propose that the statutorily required utilization controls, deemed necessary for the efficient use of the factors, would be controls on the amount of clotting factors determined to be necessary to have on hand. These amounts would be determined by the carrier, based on the historical utilization pattern or profile developed by the carrier for each patient.

III. Diagnostic X-Ray Services

A. Supervision of X-Ray Services

1. Background

Section 1861(s)(3) of the Act provides Medicare coverage for "diagnostic x-ray tests (including tests under the supervision of a physician, furnished in a place of residence used as the patient's home, if the performance of such tests meets health and safety conditions as the Secretary may find necessary)". The parenthetical language was added to the Act by section 134(a) of Pub. L. 90–248, the Social Security Amendments of 1967.

In accordance with the Social Security Amendments of 1965, regulations were previously published at what is now 42 CFR 410.32, which require that in order to be covered, all x-rays must be performed under the direct supervision of a physician. The Social Security Amendments of 1967 mandate, however, that Medicare cover portable x-ray services even when furnished without direct physician supervision. Thus, the Secretary established an exception to the general provisions governing x-ray services which permits coverage of portable x-ray services when furnished under the general supervision of a physician. The term direct supervision refers to those diagnostic x-ray services that require the immediate personal supervision of a physician. However, general supervision is when x-ray procedures are performed by technicians without direct personal physician supervision.

On the advice of medical consultants, we limited coverage of x-ray services furnished under general physician supervision to skeletal films involving the extremities, pelvis, vertebral column or skull, and chest or abdominal films that do not involve the use of contrast media. At a later date, we recognized that this policy was not uniformly applied to owners of stationary x-ray equipment because the services that were covered when furnished by portable x-ray suppliers with general physician supervision still required direct physician supervision when furnished in a stationary x-ray unit.

2. Proposed Revision

We propose to revise § 410.32 to provide Medicare coverage for certain diagnostic x ray procedures performed by technologists under general physician supervision, if those technicians are employees of the physician and their general supervision and training, as well as the maintenance of the necessary equipment and supplies, are the continuing responsibility of the physician. Such procedures are limited to skeletal films involving the extremities, pelvis, vertebral column or skull and chest or abdominal films which do not involve the use of contrast media.

In allowing coverage of this service, we recognize that the Secretary has no specific authority to promulgate health and safety conditions for the provision of this hazardous service as the Secretary does for portable x-ray services. As a result, we must rely on the traditional safeguards found in the physician's responsibility for his or her patient. Thus, we would require that these x-ray facilities must be operated by a physician and that claims for stationary x-ray services must be included in a physician's or physician directed clinic's bill.

B. Routine Chest X-Ray Examinations

We are taking this opportunity to clarify that Medicare does not cover routine chest x-rays performed for purposes other than treatment or diagnosis of a specific illness, symptom, complaint or injury. This is a technical clarification of our exclusion regulations at § 405.310(a), and will not result in any change in payments.

IV. Proposed Revisions to Regulations Text

We propose to make the following revisions to the regulations text:

- We propose to revise § 405.310(a) to clarify that routine chest x-rays are excluded from Medicare coverage.
- We propose to revise §§ 405.310 (e) and (k) to provide Medicare coverage for the administration of hepatitis B vaccine to the extent that it is reasonable and necessary for the prevention of illness.
- We propose to revise § 410.10 to include hepatitis B vaccine and blood clotting factors for hemophilia patients in the term "medical and other health services".
- We propose to revise § 410.29(a) to exclude from the term "medical and other health services", any drug or biological that can be self-administered, except hemophilia clotting factors that would be covered as provided in § 410.63(b).
- We propose to revise § 410.32(a) to provide Medicare coverage for certain diagnostic x-ray procedures performed by technicians in a physician's office without direct personal physician supervision.
- We propose to add a new 42 CFR 410.63(a) to include criteria for identifying those individuals at high or intermediate risk of contracting hepatitis

B, and also add a new § 410.63(b) to provide Medicare coverage of blood clotting factors for hemophilia patients competent to use those factors to control bleeding without medical or other supervision, and for items related to the administration of those factors.

V. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 requires us to prepare and publish an initial regulatory impact analysis for any proposed major rule. A major rule is defined as any regulation that is likely to result in: (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic or export markets.

We estimate that coverage of hepatitis B vaccine under section 2323 of Pub. L. 98-369 will increase Medicare expenditures but not by a significant amount. We are unable to isolate the effects of this proposed rule from the effects of the statute since some amount of coverage is required by the Act.

It was stated in an article that was published in *The New England Journal of Medicine* on September 9, 1982, entitled "Indications for Use of Hepatitis B Vaccine Based on Cost-Effectiveness Analysis", that hepatitis B vaccine has the potential not only to prevent substantial morbidity and mortality but also, when administered selectively, to produce net savings in hepatitis-associated medical-care costs. Vaccination will result in the greatest savings when it is performed before or early during a period of unavoidable high risk when the prevalence of immunity is likely to be low despite high attack rates.

Regarding Medicare coverage of self-administered hemophilia clotting factors, the National Hemophilia Foundation estimates, that of approximately 20,000 hemophiliacs in the United States, only about 1,300 are eligible for Medicare. There may be a slight net savings resulting from this new coverage as a result of fewer complications leading to hospitalization and less consumption of blood products. Additional benefits may accrue to beneficiaries due to reductions in unemployment and absenteeism, and less out-of-pocket medical expenses. However, because of the small number of persons affected, we believe the total effects to be negligible.

The proposed revision of requirements for x-ray services should not result in any changes in provider behavior that would have an economic impact.

Because the annual economic impact of these provisions would not exceed $100 million, and because no other threshold criterion under Executive Order 12291 would be exceeded, this proposed rule is not considered a major rule and an initial regulatory impact analysis is not required.

B. Regulatory Flexibility Act

Consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. Sections 601 through 612), we prepare and publish a regulatory flexibility analysis for regulations unless the Secretary certifies that the regulations would not have a significant economic impact on a substantial number of small entities. All facilities treating Medicare patients identified at high or intermediate risk of hepatitis B infection would be considered small entities under the RFA, as would owners and operators of stationary x-ray units.

The effects of increased coverage for vaccinations would be felt primarily by facilities furnishing dialysis services since this is the largest patient population at high risk and health professionals treating these patients would be included in the intermediate-risk group. While we conclude that program payments to such facilities would be increased and that some efficiencies would be realized, we do not believe that the payments or types of savings associated with the vaccinations would represent a significant portion of these facilities' total program payments.

Regarding coverage of hemophilia clotting factors, the number of beneficiaries affected (approximately 1,300) would be small and, therefore, the impact on providers or suppliers would be negligible. As noted above, the economic effects of the proposed clarification on coverage of x-ray services would also be negligible.

For the above reasons, we have determined, and the Secretary certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities.

VI. Paperwork Reduction Act

These proposed changes would not impose information collection requirements; consequently, they need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.).

VII. Response to Comments

Because of the large number of comments we receive on proposed regulations, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments received timely and respond to the major issues in the preamble to that rule.

VIII. List of Subjects

42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Cost-based reimbursement, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reasonable charges, Reporting requirements, Rural areas, Prospective payment system, X-rays.

42 CFR Part 410

Medical and other health services, Medicare.

I. We are proposing to amend 42 CFR Part 405 as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart C—Exclusions, Recovery of Overpayment, Liability of a Certifying Officer and Suspension of Payment

Subpart C is amended as follows:

1. The authority citation for Subpart C continues to read as follows:

Authority: Secs. 1102, 1815, 1833, 1842, 1861, 1862, 1866, 1870, 1871, and 1879 of the Social Security Act (42 U.S.C. 1302, 1395g, 13951, 1395u, 1395x, 1395y, 1395cc, 1395gg, 1395hh, 1395pp), and 31 U.S.C. 3711.

2. In § 405.310 the introductory language is republished; paragraphs (a)(1) and (e) are revised; and a new paragraph (k)(4) is added to read as follows:

§ 405.310 Particular services excluded from coverage.

The following services are excluded from coverage.

(a) *Routine physical checkups such as—*

(1) Examinations (including, routine chest x-rays) performed for a purpose other than treatment or diagnosis of a

specific illness, symptom, complaint, or injury; or

* * * * *

(e) *Immunizations, except for*—

(1) Vaccinations or inoculations directly related to the treatment of an injury or direct exposure such as antirabies treatment, tetanus antitoxin or booster vaccine, botulin antitoxin, antivenom sera, or immune globulin;

(2) Pneumococcal vaccinations that are reasonable and necessary for the prevention of illness; and

(3) Hepatitis B vaccinations that are reasonable and necessary for the prevention of illness for those individuals who are at high or intermediate risk of contracting hepatitis B as defined in § 410.63(a) of this part.

* * * * *

(k) *Any services that are not reasonable and necessary for one of the following purposes:*

* * * * *

(4) In the case of hepatitis B vaccine, for the prevention of illness for those individuals at high or intermediate risk of contracting hepatitis B. (Section 410.63(a) of this part sets forth criteria for identifying those individuals.)

* * * * *

II. We are proposing to amend 42 CFR Part 410 as set forth below:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

Subpart B—Medical and Other Health Services

Subpart B is amended as follows:

1. The authority citation for Part 410 continues to read as follows:

Authority: Secs. 1102, 1823, 1833, 1835, 1861 (r), (s) and (cc), 1871, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395k, 13951, 1395n, 1395x, (r), (s) and (cc), 1395hh, and 1395rr).

2. The table of contents is amended by adding a new § 410.63 to read as follows:

Subpart B—Medical and Other Health Services

* * * * *

§ 410.63 Exceptions to certain exclusions from coverage.

3. In § 410.10, the introductory language is republished and new paragraphs (p) and (q) are added to read as follows:

§ 410.10 Medical and other health services: Included services.

Subject to the conditions and limitations specified in § 410.12 of this part, "medical and other health services" includes the following services:

* * * * *

(p) Hepatitis B vaccine.

(q) Blood clotting factors for hemophilia patients.

4. In § 410.29, the introductory language is republished and paragraph (a) is revised to read as follows:

§ 410.29 Limitations on drugs and biologicals.

Medicare Part B does not pay for the following:

(a) Except as provided in § 410.28(a) of this part, any drug or biological that can be self-administered, except hemophilia clotting factors, as provided in § 410.63(b) of this part.

* * * * *

5. In § 410.32, the introductory language is republished and paragraph (a) is revised to read as follows:

§ 410.32 Diagnostic X-ray tests, diagnostic laboratory tests, and other diagnostic tests: Conditions.

(a) *Diagnostic X-ray services*—(1) *Basic rule.* Except as provided in paragraphs (a)(2) and (a)(3) of this section, diagnostic x-ray tests are covered only if performed under the direct personal supervision of a physician.

(2) Portable x-ray services furnished in a place of residence used as the patient's home, are covered if—

(i) These services are furnished under the general supervision of a physician; and

(ii) The supplier of these services meets the requirements set forth in Subpart N of Part 405 of this Chapter.

(3) Diagnostic x-ray procedures performed by technologists under general physician supervision are covered, if—

(i) The general supervision and training of the technologists, as well as the maintenance of the necessary equipment and supplies, are the continuing responsibility of the physician; and

(ii) The procedures are limited to skeletal films involving the extremities, pelvis, vertebral column or skull and chest or abdominal films which do not involve the use of contrast media.

* * * * *

6. A new § 410.63 is added to read as follows:

§ 410.63 Exceptions to certain exclusions from coverage.

Notwithstanding the exclusion from coverage of vaccines (see § 405.310) and self-administered drugs (see § 410.29), the following services are included as medical and other health services covered under § 410.10, subject to the specified conditions:

(a) *Hepatitis B vaccine: Conditions.* Effective September 1, 1984, hepatitis B vaccinations that are reasonable and necessary for the prevention of illness for those individuals who are at high or intermediate risk of contracting hepatitis B as listed below:

(1) *High risk groups.* (i) End Stage Renal Disease (ESRD) patients;

(ii) Hemophiliacs who receive Factor VIII or IX concentrates;

(iii) Clients of institutions for the mentally retarded;

(iv) Persons who live in the same household as a hepatitis B carrier;

(v) Homosexual men;

(vi) Illicit injectable drug abusers; and

(vii) Pacific Islanders (that is, those Medicare beneficiaries who reside on Pacific islands under U.S. jurisdiction, other than residents of Hawaii).

(2) *Intermediate Risk Groups.* (i) Staff in institutions for the mentally retarded;

(ii) Workers in health care professions who have frequent contact with blood or blood derived body fluids during routine work; and

(iii) Heterosexually active persons with multiple sexual partners (that is, those Medicare beneficaries who have had at least two documented episodes of sexually transmitted diseases within the preceding 5 years).

(3) *Exception.* Individuals described in paragraphs (a)(1) and (2) of this section would *not* be considered at high or intermediate risk of contracting hepatitis B if they have undergone a prevaccination screening and have been found to be currently positive for antibodies to hepatitis B.

(b) *Blood clotting factors.* Effective July 18, 1984, blood clotting factors to control bleeding, for hemophilia patients competent to use these factors, without medical or other supervision, and items related to the administration of those factors. The amount of clotting factors covered under this provision is determined by the carrier based on the historical utilization pattern or profile developed by the carrier for each patient.

(Catalog of Federal Domestic Assistance Program No. 13-774, Medicare—Supplementary Medical Insurance Program)

Dated: January 13, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

Approved: June 11, 1987.

Otis R. Bowen,

Secretary.

ADDENDUM

Recommendation of the Immunization Practices Advisory Committee (ACIP)

Recommendations for Protection Against Viral Hepatitis

June 7, 1985

The following statement updates all previous recommendations on use of immune globulins for protection against viral hepatitis (MMWR 1981; 30:423–35) and use of hepatitis B vaccine and hepatitis B immune globulin for prophylaxis of hepatitis B (MMWR 1982;31:317–28 and MMWR 1984;33:285–90).

Introduction

The term "viral hepatitis" is commonly used for several clinically similar diseases that are etiologically and epidemiologically distinct (*1*). Two of these, hepatitis A (formerly called infectious hepatitis and hepatitis B (formerly called serum hepatitis) have been recognized as separate entities since the early 1940s and can be diagnosed with specific serologic tests. The third, currently known as non-A, non-B hepatitis, is probably caused by a least two different agents, and lacking specific diagnostic tests, remains a disease diagnosed by exclusion. It is an important form of acute viral hepatitis in adults and currently accounts for most post-transfusion hepatitis in the United States. An epidemic type of non-A, non-B hepatitis, which is probably spread by the fecal-oral route and is different from the types seen in the United States, has been described in parts of Asia and North Africa (*2*).

A fourth type of hepatitis, delta hepatitis, has recently been characterized as an infection dependent on hepatitis B virus. It may occur as a coinfection with acute hepatitis B infection or as superinfection of a hepatitis B carrier (*3*).

Hepatitis surveillance

Approximately 21,500 cases of hepatitis A, 24,300 cases of hepatitis B, 3,500 cases of non-A, Non-B hepatitis, and 7,100 cases of hepatitis type unspecified were reported in the United States in 1983. Most cases of each type occur among young adults. Since reporting from many localities is incomplete, the actual number of hepatitis cases occuring annually is thought to be several times the reported number.

Immune Globulins

Immune globulins used in medical practice are sterile solutions of antibodies (immunoglobulins) from human plasma. They are prepared by cold ethanol fractionation of large plasma pools and contain 10%–18% protein. In the United States, plasma is primarily obtained from professional donors. Only plasma shown to be free of hepatitis B surface antigen (HBsAg) is used to prepare immune globulins.

Immune globulin (IG), (formerly called "immune serum globulin," ISG, or "gamma globulin") produced in the United States contains antibodies against the hepatitis A virus (anti-HAV) and the hepatitis B surface antigen (anti-HBs). Tests of IG lots prepared since 1977 indicates that both types of antibody have uniformly been present. Hepatitis B immune globulin (HBIG) is an IG prepared from plasma containing high titers of anti-HBs.

Netither IG nor HBIG commercially available in the United States transmits hepatitis or other viral infections. There is no evidence that the causative agent of AIDS (human T-lymphotropic virus type III/lymphadenopathy-associated virus [HTLV–III/LAV]) has been transmitted by IG or HBIG (*4*).

Serious adverse effects from immune globulins administered as recommended have been exceedingly rare. Standard immune globulins are prepared for intramuscular use and should not be given intravenously. Two preparations for intravenous use in immunodeficient and other selected patients have recently become available in the United States but are not recommended for hepatitis prophylaxis. Immune globulins are not contraindicated for pregnant women.

Hepatitis A

Hepatitis A is caused by the hepatitis A virus (HAV), a 27-nm ribonucleic acid (RNA) agent that is a member of the picornavirus family. The illness caused by HAV characteristically has an abrupt onset with fever, malaise, anorexia, nausea, abdominal discomfort, and jaundice. Severity is related to age. In children, most infections are asymptomatic, and illness is usually not accompanied by jaundice. Most infected adults become symptomatically ill with jaundice. Fatality among reported cases is infrequent (about 0.6%).

Hepatitis A is primarily transmitted by person-to-person contact, generally through fecal contamination. Transmission is facilitated by poor personal hygiene, poor sanitation, and intimate (intrahousehold or sexual) contact. Common-source epidemics from contaminated food and water also occur. Sharing utensils or cigarettes or kissing are not believed to transmit the infection.

The incubation period of hepatitis A is 15–50 days (average 28–30). High concentrations of HAV (10^8 particles/g) are found in stools of infected persons. Fecal virus excretion reaches its highest concentration late in the incubation period and early in the prodromal phase of illness, and diminishes rapidly once jaundice appears. Greatest infectivity is during the 2-week period immediately before the onset of jaundice. Viremia is of short duration; virus has not been found in urine or other body fluids. A chronic carrier state with HAV in blood or feces has not been demonstrated. Transmission of HAV by blood transfusion has occurred but is rare.

The diagnosis of acute hepatitis A is confirmed by finding IgM-class anti-HAV in serum collected during the acute or early convalescent phase of disease. IgG-class anti-HAV, which appears in the convalescent phase of disease and remains detectable serum thereafter, appparently confers enduring protection against disease. Commercial tests are available to detect IgM anti-HAV and total anti-HAV in serum.

Although the incidence of hepatitis A in the United States has decreased over the last 15 years, it is still a common infection in older children and young adults. About 38% of reported hepatitis cases in this country are attributable to hepatitis A.

Recommendations for IG prophylaxis of hepatitis A. Numerous field studies conducted in the past 4 decades confirm that IG given before exposure or during the incubation period of hepatitis A is protective against clinical illness (5–7). Its prophylactic value is greatest (80%–90%) when given early in the incubation period and declines thereafter (7).

Preexposure prophylaxis. The major group for whom preexposure prophylaxis is recommended is international travelers. The risk of hepatitis A for U.S. citizens traveling abroad varies with living conditions, incidence of hepatitis A infection in areas visited, and length of stay (*8,9*). In general, travelers to developed areas of western Europe, Japan, and Australia are at no greater risk of infection than in the United States. In contrast, travelers to developing countries may be at significant risk of infection. In such areas, the best way to prevent hepatitis A and other enteric diseases is to avoid potentially contaminated water or food. Drinking water (or beverages with ice)

of unknown purity and eating uncooked shellfish or uncooked fruits or vegetables that are not peeled (or prepared) by the traveler should be avoided.

IG is recommended for travelers to developing countries if they will be eating in settings of poor or uncertain sanitation (some restaurants or homes) or will be visting extensively with local persons, especially young children, in settings with poor sanitary conditions. Persons who plan to reside in developing areas for long periods should receive IG regularly if they anticipate exposure as described above or will be living in rural areas with poor sanitation.

For such travelers, a single dose of IG of 0.02 ml/kg is recommended if travel is for less than 2 months. For prolonged travel, 0.06 ml/kg should be given every 5 months. For persons who require repeated IG prophylaxis, screening for total anti-HAV antibodies before travel may be useful to define susceptibility and eliminate unnecessary doses of IG in those who are immune.

Postexposure prophylaxis. A serologic test for the diagnosis of acute hapatitis A is now widely available. Since only 38% of acute hepatitis cases in the United States result from hepatitis A, serologic confirmation of hepatitis A in the index case is recommended before treatment of contacts. Serologic screening of contacts for anti-HAV before giving IG is not recommended because screening is more costly than IG and would delay its administration.

IG should be given as soon as possible after exposure; giving IG more than 2 weeks after exposure is not indicated.

Specific recommendations for IG prophylaxis of hepatitis A depend on the nature of the HAV exposure:

1. *Close personal contact.* IG is recommended for all household and sexual contacts of persons with hepatitis A.

2. *Day-care centers.* Day-care facilities with children in diapers can be important settings for HAV transmission (10–12). IG should be administered to all staff and attendees of day-care centers or homes if: (a) one or more hepatitis A cases are recognized among children or employees; or (b) cases are recognized in two or more households of center attendees. When an outbreak (hepatitis cases in three or more families) occurs, IG should also be considered for members of households whose diapered children attend. In centers not enrolling children in diapers, IG need only be given to classroom contacts of an index case.

3. *Schools.* Contact at elementary and secondary schools is usually not an important means of transmitting hepatitis A. Routine administration of IG is not indicated for pupils and teachers in contact with a patient. However, when epidemiologic study clearly shows the existence of a school- or classroom-centered outbreak, IG may be given to those who have close personal contact with patients.

4. *Institution for custodial care.* Living conditions is some institutions, such as prisons and facilities for the developmentally disabled, favor transmission of hepatitis A. When outbreaks occur, giving IG to residents and staff who have close contact with patients with hepatitis A may reduce the spread of disease. Depending on the epidemiologic circumstances, prophylaxis can be limited in extent or can involve the entire institution.

5. *Hospitals* Routine IG prophylaxis for hospital personnel is not indicated. Rather, sound hygienic practices should be emphasized. Staff education should point out the risk of exposure to hepatitis A and emphasize precautions regarding direct contact with potentially infective materials (13).

Outbreaks of hepatitis A among hospital staff occur occasionally, usually in association with a unsuspected index patient who is fecally incontinent. Large outbreaks have occurred amoung staff and family contacts of infected infants in neonatal intensive-care units. In outbreaks, prophylaxis of persons exposed to feces of infected patients may be indicated.

6. *Offices and factories.* Routine IG administration is not indicated under the usual office or factory conditions for persons exposed to a fellow worker with hepatitis A. Experience shows that casual contact in the work setting does not result in virus transmission.

7. *Common-source exposure.* IG might be effective in preventing foodborne or waterborne hepatitis A if exposure is recognized in time. However, IG is not recommended for persons exposed to a common source of hepatitis infection after cases have begun to occur in those exposed, since the 2-week period during which IG is effective will have been exceeded.

If a foodhandler is diagnosed as having hepatitis A, common-source transmission is possible but uncommon. IG should be administered to other foodhandlers but is usually not recommended for patrons. However, IG administration to patrons may be considered if (a) the infected person is directly involved in handling, without gloves, foods that will not be cooked before they are eaten; (b) the hygienic practices of the foodhandler are deficient; and (c) patrons can be identified and treated within 2 weeks of exposure. Situations where repeated exposures may have occurred, such as in institutional cafeterias, may warrant stronger consideration of IG use.

For postexposure IG prophylaxis, a single intramuscular dose of 0.02 ml/kg is recommended.

Hepatitis B

Hepatitis B virus (HBV) infection is a major cause of acute and chronic hepatitis, cirrhosis, and primary hepatocellular carcinoma worldwide. The frequency of HBV infection and patterns of transmission vary markedly in different parts of the world. In the United States, western Europe, and Australia, it is a disease of low endemicity, with only 0.1%–0.5% of the population being virus carriers and infection occurring primarily during adulthood. In contrast, HBV infection is highly endemic in China and Southeast Asia, sub-Saharan Africa, most Pacific islands, and the Amazon Basin; in these areas, 5%–15% of the population carry the virus, and most persons acquire infection at birth or during childhood. In other parts of the world, HBV is moderately endemic, and 1%–4% of persons are HBV carriers. Recommendations for prophylaxis of hepatitis B will vary in accordance with local patterns of HBV transmission. The recommendations that follow are intended for use in the United States.

Hepatitis B infection is caused by the HBV, a 42-nm, double-shelled deoxyribonucleic acid (DNA) virus. Several well-defined antigen-antibody systems have been associated with HBV infection (Table 1). HBsAg, formerly called "Australia antigen" or "hepatitis-associated antigen," is found on the surface of the virus and on accompanying 22-nm spherical and tubular forms. HBsAg can be identified in serum 30–60 days after exposure to HBV and persists for variable periods. The various subtypes (adr, adw, ayw, ayr) of HBsAg provide useful epidemiologic markers. Antibody against HBsAg (anti-HBs) develops after a resolved infection and is responsible for long-term immunity. Anti-HBc, the antibody to the core antigen (an internal component of the virus), develops in all HBV infections and persists indefinitely. IgM anti-HBc appears early in infection and persists for 6 or more months; it is a reliable marker of acute or recent HBV infection. The hepatitis B e antigen (HBeAg) is a third antigen, presence of which correlates with HBV replication and high infectivity. Antibody to HBeAg (anti-HBe) develops is most HBV infections and correlates with lower infectivity.

The onset of acute hepatitis B is generally insidious. Clinical symptoms and signs include various combinations of anorexia, malaise, nausea, vomiting, abdominal pain, and jaundice. Skin rashes, arthralgias, and arthritis can also occur. Overall fatality rates for reported cases generally do not exceed 2%. The incubation period of hepatitis B is long—45–160 days (average 60–120).

TABLE 1.—HEPATITIS NOMENCLATURE

Abbreviation	Term	Comments
Hepatitis A		
HAV	Hepatitis A virus	Etiologic agent of "infectious" hepatitis; a picornavirus; single serotype.
Anti-HAV	Antibody to HAV	Detectable at onset of symptoms; lifetime persistence.
IgM anti-HAV	IgM class antibody to HAV	Indicates recent infection with hepatitis A; positive up to 4–6 months after infection
Hepatitis B		
HBV	Hepatitis B virus	Etiologic agent of "serum" or "long-incubation" hepatitis; also known as Dane particle.
HBsAg	Hepatitis B surface antigen	Surface antigen(s) of HBV detectable in large quantity in serum; several subtypes identified.
HBeAg	Hepatitus B e antigen	Soluble antigen; correlates with HBV replication, high titer HBV in serum, and infectivity of serum.
HBcAg	Hepatitis B core antigen	No commercial test available.
Anti-HBs	Antibody to HBsAg	Indicates pst infection with and immunity to HBV, passive antibody from HBIG, or immune response from HBV vaccine.
Anti-HBe	Antibody to HBeAg	Presence in serum of HBsAg carrier suggests lower titer of HBV.
Anti-HBc	Antibody to HBcAg	Indicates past infection with HBV at some undefined time.
IgM anti-HBc	IgM class antibody to HBcAg	Indicates recent infection with HBV; positive for 4–6 months after infection
Delta Hepatitis		
δ virus	Delta virus	Etiologic agent of delta hepatitis; may only cause infection in presence of HBV.
δ-ag	Delta antigen	Detectable in early acute delta infection.
Anti-δ	Antibody to delta antigen	Indicates past or present infection with delta virus.
Non-A, Non-B Hepatitis		
NANB	Non-A, Non-B Hepatitis	Diagnosis of exclusion. At least two candidate viruses; epidemiology parallels that of hepatitis B.
Epidemic Non-A, Non-B Hepatitis		
Epidemic NANB	Epidemic non-A, non-B hepatitis	Causes large epidemics in Asia, North Africa; fecal-oral or waterborne.
Immune Globulins		
IG	Immune globulin (previously ISG, immune serum globulin, or gamma globulin).	Contains antibodies to HAV, low titer antibodies to HBV.
HBIG	Hepatitis B immune globulin	Contains high tier antibodies to HBV.

TABLE 2.—PREVALENCE OF HEPATITIS B SEROLOGIC MARKERS IN VARIOUS POPULATION GROUPS

Population group	Prevalence of serologic markers of HBV infection	
	HBsAg (%)	All markers (%)
High risk:		
Immigrants/refugees from areas of high HBV endemicity	13	70–85
Clients in institutions for the mentally retarded	10–20	35–80
Users of illicit parenteral drugs	7	60–80
Homosexually active men	6	35–80
Household contacts of HBV carriers	3–6	30–60
Patients of hemodialysis units	3–10	20–80
Intermediate risk:		
Health-care workers: frequent blood contact	1–2	15–30
Prisoners (male)	1–8	10–80
Staff of institutions for the mentally retarded	1	10–25
Low risk:		
Health-care workers: no or infrequent blood contact	0.3	3–10
Healthy adults (first-time volunteer blood donors)	0.3	3–5

IG and HBIG. IG and HBIG contain different amounts of anti-HBs. IG is prepared from plasma that is not preselected for anti-HBs content. Since 1977, all lots tested have contained anti-HBs at a titer of at least 1:100 by radioimmunoassay (RIA). HBIG is prepared from plasma preselected for high-titer anti-HBs. In the United States, HBIG has an anti-HBs titer of higher than 1:100,000 by RIA. There is no evidence that the causative agent of AIDS (HTLV-III/LAV) has been transmitted by IG OR HBIG (*4*).

Hepatitis B vaccine. Hepatitis B vaccine licensed in the United States is a suspension of inactivated, alum-adsorbed 22-nm surface antigen particles that have been purified from human plasma by a combination of biophysical (ultracentrifugation) and biochemical procedures. Inactivation is a threefold process using 8M urea, pepsin at pH 2, and 1:4000 formalin. These treatment steps have been shown to inactivate representatives of all classes of viruses found in human blood, including the causative agent of AIDS (HTLV-III/LAV) (*14*). HB vaccine contains 20 μg/ml of HBsAg protein.

After a series ot three intramuscular doses of hepatitis B vaccine, over 90% of healthy adults develop protective antibody (*15, 16*). A course of three 10-μg doses induces antibody in virtually all infants and children from birth through 9 yearss of age. The deltoid (arm) is the recommended site for hepatitis B vaccination in adults: immunogenicity of vaccine in adults is significantly lower when injections are given in the buttock (81%) (*17*). The immunogenicity of the intradermal route has not yet been cleary established.

Field trials of the U.S.-manufactured vaccine have shown 80%–95% efficacy in preventing infection or hepatitis among susceptible persons (*16, 18*). Protection against illness is virtually complete for persons who develop adequate antibody levels * after vaccination. The duration of protection and need for booster doses are not yet defined. However, only 10%–15% of persons who develop adequate antibody after three vaccine doses will lose antibody within 4 years, and among those who lose antibody, protection against viremic infection and liver inflammation appears to persist. Immunogenicity and efficacy of the licensed vaccine in hemodialysis patients is much lower than in normal adults; protection may last only as long as adequate antibody levels persist (*19*).

* Adequate antibody is 10 or more sample ratio units (SRU) by RIA or positive by enzyme immunoassay

Vaccine usage. Primary vaccination consists of three intramuscular doses of vaccine, with the second and third doses givern 1 and 6 months, respectively, after the first. Adults and older children should be given 20 μg (1.0 ml) per dose, while children under 10 years should receive 10 μg (0.5 ml) per dose. For patients undergoing hemodialysis and for other immunosuppressed patients, a 40-μg (2.0–ml) dose should be used. Vaccine doses administered at longer intervals provide equally satisfactory protection, but optimal protection is not conferred until after the third dose. Hepatitis B vaccine should only be given in the deltoid muscle in adults and children or in the anterolateral thigh muscle in infants and neonates. Since hepatitis B vaccine is an inactivated (noninfective) product, it is presumed that there will be no interference with other simultaneously administered vaccines.

Data are not available on the safety of the vaccine for the developing fetus. Because the vaccine contains only noninfectious HBsAg particles, there should be no risk to the fetus. In contrast, HBV infection in a pregnant woman may result in severe disease for the mother and chronic infection for the newborn. Pregnancy should not be considered a contraindication to the use of this vaccine for persons who are otherewise eligible.

Vaccine storage. Vaccine should be stored at 2 C–8 C (36 F–46 F) but not frozen. *Freezing destroys the potency of the vaccine.*

Side effects and adverse rections. The most common side effect observed in prevaccination trials was soreness at the injection site. Among an estimated 750,000 vaccinees, approximately 100 episodes of severe illness have been reported after receipt of vaccine. These have included arthralgias, neurologic reactions (such as Guillain-Barré syndrome), and other illnesses. The rate of Guillan-Barré syndrome following HB vaccine does not appear to be significantly increased above that observed in normal adults. Such temporally associated illnesses are not considered to be etiologically related to heatitis B vaccine.

Effect of vaccination on carriers and immune persons. The vaccine produces neither therapeutic nor adverse effects in HBV carriers (*20*). Vaccination of individuals who possess antibodies against HBV from a previous infection is not necessary but will not cause adverse effects. Such individuals will have a postvaccination increase in their anti-HBs levels. Passively acquired antibody, whether from HBIG or IG administration or from the transplacental route, will not interfere with active immunization (*21*).

Prevaccination serologic screening for susceptibility. The decision to screen potential vaccine recipients for prior infection depends on three variables: (1) The cost of vaccination; (2) the cost of testing for susceptibility; and (3) the expected prevalence of immune individuals in the group. Figure 1 shows the relative cost-effectiveness of screening, given different costs of screening tests and the expected prevalence of immunity. In constructing the figure, the assumption was made that the cost of three doses of vaccine is $100 and that there are additional costs for administration. For any combination of screening costs and immunity to hepatitis, the cost-effectiveness can be estimated. For example, if the expected prevalence of serologic markers for HBV is over 20%, screening is cost-effective if costs of screening are no greater than $30 per person. If the expected prevalence of markers is less than 8%, and if the costs of screening are greater than $10 per person, vaccination without screening is cost-effective.

HBV infection in the United States. The estimated lifetime risk of HBV-infection in the United States varies from almost 100% for the highest-risk groups to approximately 5% for the population as a whole. An estimated 200,000 persons, primarily young adults, are infected each year. One-quarter become ill with jaundice; more than 10,000 patients require hospitalization; and an average of 250 die of fulminant disease each year. Between 6% and 10% of young adults with HBV infection become carriers. The United States currently contains an estimated pool of 500,000–1,000,000 infectious carriers. Chronic active hepatitis develops in over 25% of carriers and often progresses to cirrhosis. Furthermore, HBV carriers have a risk of developing primary liver cancer that is 12–300 times higher than that of other persons. It is estimated that 4,000 persons die from hepatitis B-related cirrhosis each year in this country and that more than 800 die from hepatitis B-related liver cancer.

The role of the HBV carrier is central in the epidemiology of HBV transmission. A carrier is defined as a person who is HBsAg-positive on at least two occasions at least 6 months apart. Although the degree of infectivity is best correlated with HBeAg-positivity, any person positive for HBsAg is potentially infectious. The likelihood of developing the carrier state varies inversely with the age at which infection occurs. During the perinatal period, HBV transmitted from HBeAg-positive

mothers results in HBV carriage in up to 90% of infected infants, whereas 6%–10% of acutely infected adults become carriers.

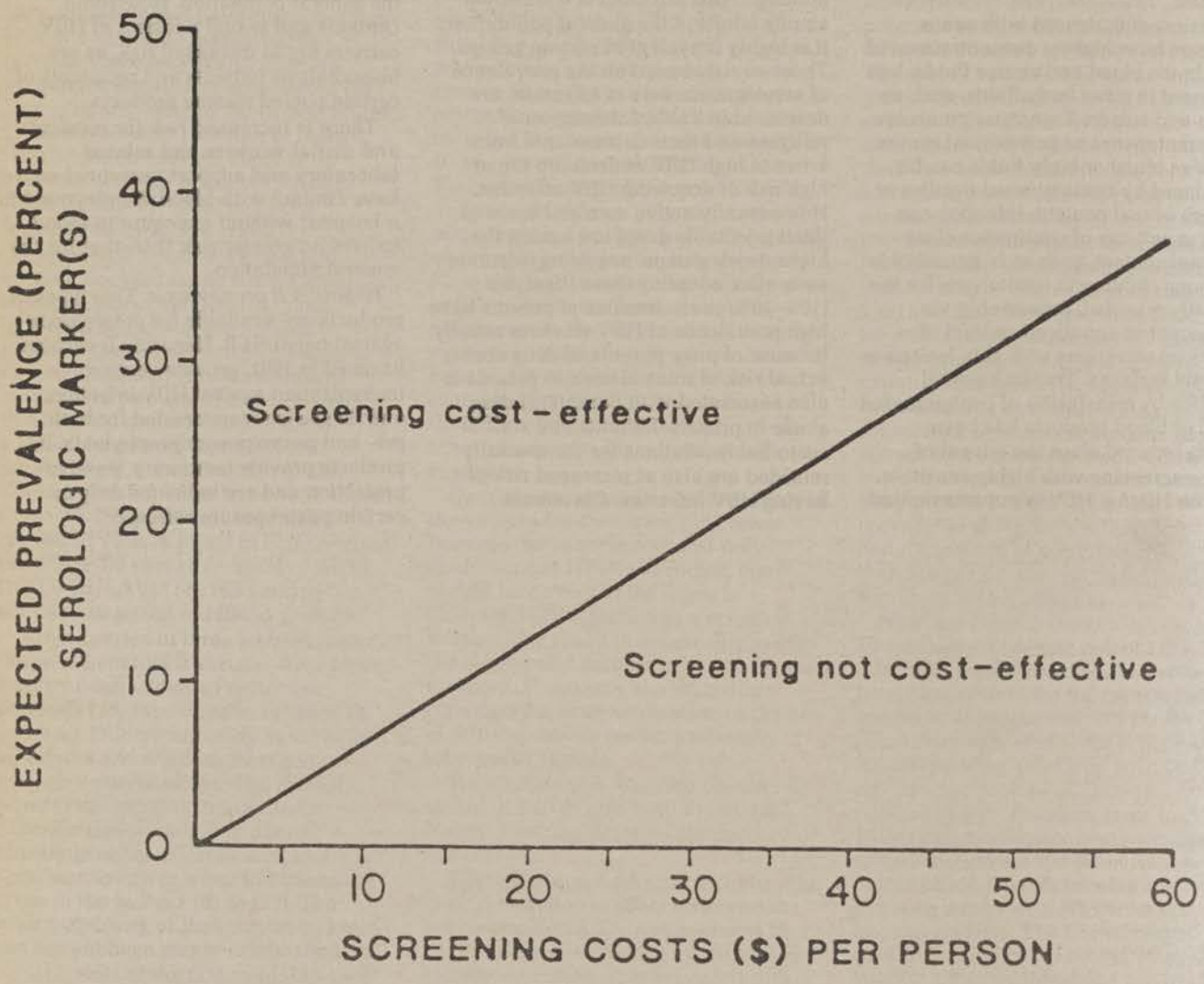
Carriers and persons with acute infection have highest concentrations of HBV in the blood and serous fluids; less is present in other body fluids, such as saliva and semen. Transmission occurs via percutaneous or permucosal routes. Infective blood or body fluids can be introduced by contaminated needles or through sexual contact. Infection can occur in settings of continuous close personal contact, such as in households or among children in institutions for the mentally retarded, presumably via inapparent or unnoticed contact of infectious secretions with skin lesions or mucosal surfaces. Transmission of infection by transfusion of contaminated blood or blood products has been greatly reduced since the advent of routine screening with highly sensitive tests for HBsAg. HBV is not transmitted via the fecal-oral route or by contamination of food or water.

Serologic surveys demonstrate that, although HBV infection is uncommon among adults in the general population, it is highly prevalent in certain groups. Those at risk, based on the prevalence of serologic markers of infection, are described in Table 2. Immigrants/refugees and their descendants from areas of high HBV endemicity are at high risk of acquiring HBV infection. Homosexally active men and users of illicit injectable drugs are among the highest-risk groups, acquiring infection soon after adopting these lifestyles (10%–20%/year). Inmates of prisons have high prevalence of HBV markers usually because of prior parenteral drug abuse; actual risk of transmission in prisons is also associated with parenteral drug abuse in prisons. Patients and staff in custodial institutions for the mentally retarded are also at increased risk of having HBV infection. Classroom contacts, particularly teachers or instructors, of some deinstitutionalized carriers may also be at higher risk than the general population. Household contacts and sexual partners of HBV carriers are at increased risk, as are hemodialysis patients and recipients of certain pooled plasma products.

There is increased risk for medical and dental workers and related laboratory and support personnel who have contact with blood. Employment in a hospital without exposure to blood carries no greater risk than that for the general population.

Hepatitis B prophylaxis. Two types of products are available for prophylaxis against hepatitis B. Hepatitis B vaccine, licensed in 1981, provides active immunization against HBV infection, and its use is recommended for both pre- and postexposure prophylaxis. IG products provide temporary, passive protection and are indicated only in certain postexposure settings.

FIGURE 1. Cost-effectiveness of prevaccination screening of hepatitis B virus vaccine candidates*



Screening in groups with the highest risk of HBV infection (Table 2) will be cost-effective unless testing costs are extremely high. For groups at intermediate risk, cost-effectiveness of screening may be marginal, and vaccination programs may or may not utilize screening. For groups with a low expected prevalence of HBV serologic markers, such as health professionals in their training years, screening will not be cost-effective.

For routine screening, only one antibody test, either anti-HBc or anti-HBs, need be used. Anti-HBc will identify all previously infected persons, both carriers and noncarriers, but will not discriminate between members of the two groups. Anti-HBs will identify those previously infected, except carriers. For groups expected to have carrier rates of under 2%, such as healthcare workers, neither test has a particular advantage. For groups with higher carrier rates, anti-HBc may be preferred to avoid unnecessary vaccination of carriers. If the RIA anti-HBs test is used for screening, a minimum of 10 RIA sample ratio units should be used to designate immunity (2.1 is the usual designation of a positive test). If enzyme immunoassay (EIA) is used, the manufacturers' recommended positive is appropriate.

Serologic confirmation of postvaccination immunity and revaccination of nonresponders. When given in the deltoid, hepatitis B vaccine produces protective antibody (anti-HBs) in more than 90% of healthy persons. Testing for immunity following vaccination is not recommended routinely but is advised for persons whose subsequent management depends on knowing their immune status, such as dialysis patients and staff, and for persons in whom a suboptimal response may be anticipated, such as those who have received vaccine in the buttock.

Revaccination of persons who do not respond to primary series

(nonresponders) producer adequate antibody in only one-third when the primary vaccination has been given in the deltoid. Therefore, revaccination of nonresponders to deltoid injection is not recommended routinely. For persons who did not respond to a primary vaccine series given in the buttock, preliminary data from two small studies suggest that revaccination in the arm induces adequate antibody in over 75%. Revaccination should be strongly considered for such persons.

Preexposure vaccination. Persons at substantial risk of acquiring HBV infection who are demonstrated or judged likely to be susceptible should be vaccinated. They include:

1. *Health-care workers.* The risk of health-care workers acquisition HBV-infection depends on the frequency of exposure to blood or blood products and on the frequency of needlesticks. These risks vary during the training and working career of each individual but are often highest during the professional training period. For this reason, it is recommended that vaccination be completed during training in schools of medicine, dentistry, nursing, laboratory technology, and other allied health professions.

The risk of HBV infection for hospital personnel can vary both among hospitals and within hospitals. In developing specific immunization strategies, hospitals should use available published data about the risk of infection (22–24) and may wish to evaluate their own clinical and institutional experience with hepatitis B. Studies in urban centers have indicated that occupational groups with frequent exposure to blood and/or needles have the highest risk of acquiring HBV infection, including (but not limited to) the following groups: medical technologists, operating room staff, phlebotomists and intravenous therapy nurses, surgeons and pathologists, and oncology and dailysis unit staff. Groups shown to be at increased risk in some hospitals include: emergency room staff, nursing personnel, and staff physicians.

Other health-care workers based outside hospitals who have frequent contact with blood or blood products are also at increased risk of acquiring HBV infection. These include (but are not limited to): dental professionals (dentists, oral surgeons, dental hygienists), laboratory and blood bank technicians, dialysis center staff, emergency medical technicians, and morticians.

2. *Clients and staff of institutions for the mentally retarded.* Susceptible clients and staff who work closely with clients of institutions for the mentally retarded should be vaccinated. Risks for staff are comparable to those for health-care personnel in other high-risk environments. However, the risk in institutional environments is associated, not only with blood exposure, but also with bites and contact with skin-lessions and other infective secretions. Susceptible clients and staff who live or work in smaller (group) residential settings with known HBV carriers should also receive hepatitis B vaccine

3. *Hemodialysis patients.* Numerous studies have established the high risk of HBV transmission in hemodialysis units. Although recent data have shown not only a decrease in the rate of HBV infection in hemodialysis units but also a lower vaccine efficacy in these patients, vaccination is recommended for susceptible patients. Environmental control measures and regular serologic screening (based on immune status) of patients should be maintained.

4. *Homosexually active men.* Susceptible homosexually active men should be vaccinated regardless of their ages or duration of their homosexual practices. It is important to vaccinate persons as soon as possible after their homosexual activity begins. Homosexually active women are not at increased risk of sexually transmitted HBV infection.

5. *Users of illicit injectable drugs.* All users of illicit injectable drugs who are suspectible to HBV should be vaccinated as early as possible afer their drug use begins.

6. *Recipients of certain blood products.* Patients with clotting disorders who receive clotting factor concentrates have an elevated risk of acquiring HBV infection. Vaccination is recommended for these and should be initiated at the time their specific clotting disorder is identified. Screening is recommended for patients who have already received multiple infusions of these products.

7. *Household and sexual contacts of HBV carriers.* Household contacts of HBV carriers are at high risk of acquiring HBV infection. Sexual contacts appear to be at greatest risk. When HBV carriers are identified through routine screening of donated blood, diagnostic testing in hospitals, prenatal screening, screening of refugees, or other screening programs, they should be notified of their status and their susceptible household contacts vaccinated.

Families accepting ophans or unaccompanied minors from countries of high HBV endemicity should have the child screened for HBsAg, and if positive, family members should be vaccinated.

8. *Other contacts of HBV carrers.* Persons in causual contact with carriers at schools, offices, etc., are at minimal risk of acquiring HBV infection, and vaccine is not routinely recommended for them. However, classroom contacts of deinstitutionalized mentally retarded HBV carriers who behave aggressively or have special medical problems that increase the risk of exposure to their blood or serous secretions may be at risk. In such situations, vaccine may be offered to classroom contacts.

9. *Special high-risk populations.* Some American populations, such as Alaskan Eskimos, native Pacific islanders, and immigrants and refugees from areas with highly endemic disease (particularly eastern Asia and sub-Saharan Africa) have high HBV infection rates. Depending on specific epidemiologic and public health considerations, more extensive vaccination programs should be considered.

10. *Immates of long-term correctional facilities.* The prison environment may provide a favorable setting for the transmission of HBV because of the frequent use of illicit injectable drugs and homosexual practices. Moreover, it provides an access point for vaccination of parenteral drug abusers. Prison officials should consider undertaking screening and vaccination programs directed at those who abuse drugs before or while in prison.

11. *Heterosexually active persons.* Heterosexually active persons with multiple sexual partners are at increased risk of acquiring HBV infection; risk increases with increasing sexual activity. Vaccination should be considered for persons who present for treatment of sexually transmitted diseases and who have histories of sexual activity with multiple partners.

12. *International travelers.* Vaccination should be considered for persons who plan to reside more than 6 months in areas with high levels of endemic HBV and who will have close contact with the local population. vaccination should also be considered for short-term travelers who are likely to have contact with blood from or sexual contact with residents of areas with high levels of endemic disease. Hepatitis B Vaccination of travelers ideally should begin 6 months before travel in order to complete the full vaccine series; however, a partial series will offer some protection against HBV infection.

Postexposure prophylaxis for hepatitis B. Prophylactic treatment to prevent hepatitis B infection after exposure to HBV should be considered in the following situations: perinatal exposure of an infant born to an HBsAg-positive mother; accidental percutaneous or permucosal exposure to HBsAg-positive blood; or sexual exposure to an HBsAg-positive person.

Recent studies have established the relative efficacies of immune globulins and/or hepatitis B vaccine in various exposure situations. For perinatal exposure to an HBsAg-positive, HBeAg-positive mother, a regimen combining one dose of HBIG at birth with the hepatitis B vaccine series started soon after birth is 85%–90% effective in preventing development of the HBV carrier state (25.27). Regimens involving either multiple doses of HBIG alone, or the vaccine series alone, have 70%–75% efficacy, while a single dose of HBIG alone has only 50% efficacy (28).

For accidental percutaneous exposure or sexual exposure, only regimens including HBIG and/or IG have been studied. A regimen of two HBiG doses, one given after exposure and one a month later, is about 75% effective in preventing hepatitis B following percutaneous exposure; a single dose of HBiG has similar efficacy when used following sexual exposure (29–31). IG may have some effect in preventing clinical hepatitis B following percutaneous exposures and can be considered as an alternative to HBIG when it is not possible to obtain HBIG.

Recommnendations on postexposure prophylaxis are based on the efficacy data discussed above and on the likelihood of future HBV exposure of the person requiring treatment. In perinatal exposure and percutaneous exposure of high-risk health-care personnel, a regimen combining HBIG with hepatitis B vaccine will provide both short- and long-term protection, will be less costly than the two-dose HBIG treatment alone, and is the treatment of choice.

Perinatal exposure. One of the most efficient modes of HBV transmission is from mother to infant during birth. If the mother is positive for both HBsAg and HBeAg, about 70%–90% of infants will become infected, and up to 90% of these infected infants will become HBV carriers. If the HBsAg-positive carrier mother is HBeAg-negative, or if anti-HBe is present, transmission occurs less frequently and rarely leads to the HBV carrier state. However, severe acute disease, including fatal fulminant hepatitis in the neonate, has been reported (32,33). Prophylaxis of infants from all HBsAg-positive mothers is recommended, regardless of the mother's HBeAg or anti-HBe status.

The efficacy of a combination of HBIG plus the hepatitis B vaccine series has been confirmed in recent studies. Although the following regimen is recommended (Table 3), other schedules have also been effective (25–27, 34). The major consideration for all these regimens is the need to give HBIG as soon as possible after delivery.

TABLE 3—Hepatitis B Virus Postexposure Recommendations

Exposure	HBIG		Vaccine	
	Dose	Recommended timing	Dose	Recommended timing
Perinatal	0.5 ml IM	Within 12 hours	0.5ml (10μg) IM of birth	Within 12 hours of birth *; repeat at 1 and 6 months.
Sexual	0.06 ml/kg IM	Single dose within 14 days of sexual contact	(†)	

* The first dose can be given the same time as the HBIG dose but at a different site.
† Vaccine is recommended for homosexual men and for regular sexual contacts of HBV carriers and is optional in initial treatment of heterosexual contacts of persons with acute HBV.

HBIG (0.5 ml [10 μg]) should be administered intramuscularly after physiologic stabilization of the infant and preferably within 12 hours of birth. Hepatitis B vaccine should be administered intramuscularly in three doses of 0.5 ml (10 μg) each. The first dose should be given concurrently with HBIG but at a different site. If vaccine is not available at birth, the first vaccine dose may be given within 7 days of birth. The second and third doses should be given 1 month and 6 months, respectively, after the first. Testing for HBsAg and anti-HBs is recommended at 12–15 months to monitor the final success or failure of therapy. If HBsAg is not detectable, and anti-HBs is present, the child has been protected. Testing for anti-HBc is not useful, since maternal anti-HBc may persist for more than 1 year; the utility of testing for †gM anti-HBc is currently being evaluated. HBIG adminstered at birth should not interfere with oral polio and diphtheria-tetanus-pertussis vaccines administered at 2 months of age.

Maternal screening. Since efficacy of the treatment regimen depends on administering HBIG on the day of birth, it is vital that HBsAg-positive mothers be identified before delivery. Mothers belonging to groups known to be at high risk of acquiring HBV infection (Table 4) should be tested routinely for HBsAg during a prenatal visit. If a mother belonging to a high-risk group has not been screened prenatally, HBsAg screening should be done at the time of delivery, or as soon as possible thereafter, and the infant treated as above if the mother is HBsAg-positive. If the mother is identified as HBsAg-positive more than 1 month after giving birth, the infant should be screened for HBsAg, and if negative, treated with hepatitis B vaccine and HBIG.

The appropriate obstetric and pediatric staff should be notified directly of HBsAg-positive mothers, so the staff may take appropriate precautions to protect themselves and other patients from infectious material, blood, and secretions, and so the neonate may receive therapy without delay after birth.

TABLE 4—WOMEN FOR WHOM PRENATAL HBSAG SCREENING IS RECOMMENDED

1. Women of Asian, Pacific island, or Alaskan Eskimo descent, whether immigrant or U.S.-born.
2. Women born in Haiti or sub-Saharan Africa.
3. Women with histories of:
   a. Acute or chronic liver disease.
   b. Work or treatment in a hemodialysis unit.
   c. Work or residence in an institution for the mentally retarded.
   d. Rejection as a blood donor.
   e. Blood transfusion on repeated occasions.
   f. Frequent occupational exposure to blood in medico-dental settings.
   g. Household contact with an HBV carrier or hemodialysis patient.
   h. Multiple episodes of veneral diseases.
   i. Percutaneous use of illicit drugs.

Acute exposure to blood that contains (or might contain) HBsAg. For accidental percutaneous or permucosal exposure to blood that is known to contain or might contain HBsAg, the decision to provide prophylaxis must take into account several factors: (1) the hepatitis B vaccination status of the exposed person; (2) whether the source of blood is known or unknown; and (3) whether the HBsAg status of the source is known or unknown. Such exposures usually occur in persons who are candidates for hepatitis B vaccine; for any exposure in a person not previously vaccinated, hepatitis B vaccination is recommended.

The following outline and table summarize prophylaxis for percutaneous (needlestick or bite), ocular or mucous-membrane exposure to blood according to the source of exposure and vaccination status of the exposed person (Table 5). For greatest effectiveness, passive prophylaxis with HBIG (or IG) should be given as soon as possible after exposure (its value beyond 7 days of exposure is unclear).

TABLE 5.—RECOMMENDATION FOR HEPATITIS B PROPHYLAXIS FOLLOWING PERCUTANEOUS EXPOSURE

Source	Exposed person	
	Unvaccinated	Vaccinated
HBsAg-positive	1. HBIG x 1 immediately *	1. Test exposed person for anti-HB.§
	2. Initiate HB vaccine † series	2. If inadequate antibody, ¶ HBIG (x1) immediately plus HB vaccine booster dose.
Known source:		
High-risk HBsAg-positive	1. Initiate HB vaccine series	1. Test source for HBsAg-only if exposed is vaccine nonresponder; if source is HBsAg-positive, give HBIG x 1 immediately plus HB vaccine booster dose.
	2. Test source for HBsAg. If positive, HBIG x 1.	
Low-risk HBsAg-postiive	Initiate HB vaccine series	Nothing required.
Unknown source	Initiate HB vaccine series	Nothing required.

* HBIG dose 0.06 ml/kg IM.
† HB vaccine dose 20 μg IM for adults; 10 μg IM for infants or children under 10 years of age. First dose within 1 week; second and third doses, 1 and 6 months later.
§ See text for details.
¶ Less than 10 SRU by RIA, negative by EIA.

1. *Exposed person not previously vaccinated* Hepatitis B vaccination should be considered the treatment of choice. Depending on the source of the exposure, HBsAg testing of the source and additional prophylaxis of the exposed person may be warranted (see below). Screening the exposed person for immunity should be considered if such screening is cost-effective (as discussed in preexposure prophylaxis) and if this will not delay treatment beyond 7 days.

a. *Source known HBsAg-positive.* A single dose of HBIG (0.06 ml/kg) should be given as soon as possible after exposure and within 24 hours, if possible. The first dose of hepatitis B vaccine (20 μg) should be given intramuscularly at a separate site within 7 days of exposure, and the second and third doses given 1 month and 6 months later (Table 5.† If HBIG cannot be obtained, IG in an equivalent dosage (0.06 ml/kg) may provide some benefit.

b. *Source known, HBsAg status unknown.* The following guidelines are suggested based on the relative probability that the source is HBsAg positive and on the consequent risk of HBV transmission:

(1) *High risk that the source is HBsAg-positive, such as patients with a high risk of HBV carriage (Table 2) or patients with acute or chronic liver disease (serologically undiagnosed).* The exposed person should be given the first dose of hepatitis B vaccine (20 μg) within 1 week of exposure and vaccination completed as recommended. The source person should be tested for HBsAg. If positive, the exposed person should be given HBIG (0.06 ml/kg) if within 7 days of exposure.

† For persons who are not given hepatitis B vaccine, a second dose of HBIG should be given 1 month after the first dose.

(2) *Low risk that the source is positive for HBsAg.* The exposed person should be given the first dose of hepatitis B vaccine (20 μg) within 1 week of exposure and vaccination completed as recommended. Testintg of the source person is not necessary.

c. *Source unknown.* The exposed person should be given the first dose of hepatitis B vaccine (20 μg) within 7 days of exposure and vaccination completed as recommended.

2. *Exposed person previously vaccinated against hepatitis B.* For percutaneous exposures to blood in persons who have previously received one or more doses of hepatitis B vaccine, the decision to provide additional prophylaxis will depend on the source of exposure and on whether the vaccinated person has developed anti-HBs following vaccination.

a. *Source known HBsAg-positive.* The exposed person should be tested for anti-HBs unless he/she has been tested within the last 12 months. If the exposed person has adequate § antibody, no additional treatment is indicated.

(1) If the exposed person has not completed vaccination and has inadequate levels of antibody, one dose of HBIG (0.06 ml/kg) should be given immediately and vaccination completed as scheduled.

(2) If the exposed person has inadequate antibody on testing or has previously not responded to vaccine, one dose of HBIG should be given immediately and a booster dose of vaccine (1 mi or 20 μg) given at a different site

(3) If the exposed person shows inadequate antibody on testing but is known to have had adequate antibody in the past, a booster dose of hepatitis B vaccine (1 ml or 20 μg) should be given.

§ Adequate antibody is 10 SRU or more by RIA or positive by EIA.

b. *Source known, HBsAg status unkown.*

(1) *High risk that the source is HBsAg-positive.* Additional prophylaxis is necessary only if the exposed person is a known vaccine nonresponder. In this circumstance, the source should be tested for HBsAg and, if positive, the exposed person treated with one dose of HBIG (0.06 ml/kg) immediately and a booster dose of vaccine (1 ml or 20 μg) at a different site. In other circumstances, screening of the source for HBsAg and the exposed person to anti-HBs is not routinely recommended because the actual risk of HBV infection is very (less than 1 per 1,000).¶

(2) *Low risk that the source is HBsAg-positive.* The risk of HBV infection is minimal. Neither testing of the source for HBsAg, nor testing of the exposed person for anti-HBs, is recommended.

c. *Source unknown.* The risk of HBV infection is minimal. No treatment is indicated.

Sexual contacts of person with acute HBV infection. Sexual contacts of HBsAg-positive persons are at increased risk of acquiring HBV infection, and HBIG has been shown to be 75% effective in preventing such infections (31). Because data are limited, the period after sexual exposure during which HBIG is effective is unknown, but extrapolation from other settings makes it unlikely that this period would exceed 14 days. Prescreening sexual partners for susceptibility before treatment is recommended if it does not delay treatment beyond 14 days after last

¶ Estimated by multiplying the risk of vaccine nonresponse in the person (.10) by the risk of the needle source being HBsAg-positive (05) by the risk of HBV infection in a susceptible person having an HBsAg positive needle-stick injury (20).

exposure. Testing for anti-HBc is the most efficient prescreening test to use in this population group.

A single dose of HBIG (0.06 ml/kg) is recommended for susceptible individuals who have had sexual contact with an HBsAg-positive person, if HBIG can be given within 14 days of the last sexual contact, and for persons who will continue to have sexual contact with an individual with acute hepatitis B before loss of HBsAg in that individual. In exposures between heterosexuals, hepatitis B vaccination may be initiated at the same time as HBIG prophylaxis; such treatment may improve efficacy of postexposure treatment. However, since 90% of persons with acute HBV infection become HBsAg-negative within 15 weeks of diagnosis, the potential for repeated exposure to HBV is limited. Hepatitis B vaccine is, therefore, optional in initial treatment for such exposures. If vaccine is not given, a second dose of HBIG should be given if the index patient remains HBsAg-positive for 3 months after detection. If the index patient is a known carrier or remains positive for 6 months, hepatitis B vaccine should be offered to regular sexual contacts. For exposures among homosexual men, the hepatitis B vaccine series should be initiated at the time HBIG is given, since hepatitis B vaccine is recommended for all susceptible homosexual men. Additional doses of HBIG are unnecessary if vaccine is given. IG is an alternative to HBIG when it is not possible to obtain HBIG.

Household contacts of persons with acute HBV infection. Prophylaxis for other household contacts of persons with acute HBV infection is not indicated unless they have had identifiable blood exposure to the index case, such as by sharing toothbrushes or razors. Such exposures should be treated similarly to sexual exposures. If the index patient becomes a hepatitis B carrier, all household contacts should be given hepatitis B vaccine.

Delta Hepatitis

The delta virus (also known as hepatitis D virus [HDV] by some investigators) is a defective virus that may only cause infection in the presence of active HBV infection. The delta virus has been characterized as a particle of 35-37 nm in size, consisting of RNA (mw 500,000) as genetic material and an internal protein antigen (delta-antigen), coated with HBsAg as the surface protein (*3*). Infection may occur as either coinfection with hepatitis B or superinfection of a hepatitis B carrier, each of which usually cause an episode of acute hepatitis. Coinfection usually resolves, while superinfection frequently causes chronic delta infection and chronic active hepatitis. Both types of infection may cause fulminant hepatitis.

Delta infection may be diagnosed by detection of delta-antigen in serum during early infection and by the appearance of delta antibody during or after infection. Routes of delta transmission appear to be similar to those of hepatitis B. In the United States, delta infection occurs most commonly among persons at high risk of acquiring HBV infection, such as drug addicts and hemophilia patients.

A test for detection of delta antibody is expected to be commercially available soon. Other tests (delta antigen, IgM anti-delta) are available only in research laboratories.

Since the delta virus is dependent on hepatitis B for replication, prevention of hepatitis B infection, either preexposure or postexposure, will suffice to prevent delta infection in a person susceptible to hepatitis B. Known episodes of perinatal, sexual, or percutaneous exposure to sera or persons positive for both HBV and delta virus should be treated exactly as such exposures to hepatitis B alone.

Persons who are HBsAg carriers are at risk of delta infection, especially if they participate in activities that put them at high risk of repeated exposure to hepatitis B (parenteral drug abuse, homosexuality). However, at present there are no products available that might prevent delta infection in HBsAg carriers either before or after exposure.

Non-A, Non-B Hepatitis

United States. Non-A, non-B hepatitis that presently occurs in the United States has epidemiologic characteristics similar to those of hepatitis B, occurring most commonly following blood transfusion and parenteral drug abuse. Multiple episodes of non-A, non-B hepatitis have been observed in the same individuals and may be due to different agents. Chronic hepatitis following acute non-A, non-B hepatitis infection varies in frequency from 20% to 70%. Experimental studies in chimpanzees have confirmed the existence of a carrier state, which may be present in up to 8% of the population.

Although several studies have attempted to assess the value of prophylaxis with IG against non-A, non-B hepatitis, the results have been equivocal, and no specific recommendations can be made (*35,36*). However, for persons with percutaneous exposure to blood from a patient with non-A, non-B hepatitis, it may be reasonable to administer IG (0.06 ml/kg) as soon as possible after exposure.

Epidemic (fecal-oral) non-A, non-B hepatitis. In recent years, epidemics of non-A, non-B hepatitis spread by water or close personal contact have been reported from several areas of Southeast Asia (Indian subcontinent, Burma) and north Africa (*2*). Such epidemics generally affect adults and cause unusually high mortality in pregnant women. The disease has been transmitted to experimental animals, and candidate viruses have been identified; however, no serologic tests have yet been developed (*37*).

Epidemic non-A, non-B hepatitis has not been recognized in the United States or western Europe, and it is unknown whether the causative agent is present in these areas.

Travelers to areas having epidemic non-A, non-B hepatitis may be at some risk of acquiring this disease by close contact or by contaminated food or water. The value of IG in preventing this infection is unknown. The best prevention of infection is to avoid potentially contaminated food or water, as with hepatitis A and other enteric infections.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–268; RM–5811; FCC 87–246]

Television Broadcasting Services; Advanced Television Technology

AGENCY: Federal Communications Commission.

ACTION: Notice of Inquiry.

SUMMARY: This action considers the technical and public policy issues surrounding the use of advanced television technologies by television broadcast licensees. The proceedings is being initiated at this time in view of the number of television technologies designed to improve significantly picture and sound quality that are in various stages of planning and development.

DATE: Comments must be filed on or before November 18, 1987, and reply comments on or before January 19, 1988.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Barbara Kreisman, Mass Media Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry, MM Docket No. 87–268, adopted July 16, 1987, and released August 20 1987.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this document may also be purchased from the Commission's copy contractors, International Transcription Services, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of the Report and Order

1. Numerous new television technologies designed to improve significantly upon television picture and sound quality are in various stages of planning and development. These systems use different amounts of spectrum and different transmission and reception methods, many of which, to some extent, cannot be decoded or displayed by existing television receivers. Many such advanced television systems could be used by either broadcast or non-broadcast media. For these reasons, the Association of Maximum Service Telecasters, Inc. and 57 other broadcast organizations and companies filed a joint "Petition for Notice of Inquiry" requesting the Commission to initiate a proceeding to explore the issues arising from the introduction of these advanced technologies and their possible impact, in either broadcast or non-broadcast uses, on the existing television broadcast service, especially as they relate to the Commission's spectrum allocation and television channel allotment policies.

2. By this *Notice of Inquiry* (*Notice*), the Commission initiates a wide-ranging inquiry to consider the technical and public policy issues surrounding the use of advanced television technologies by television broadcast licensees. In the

Notice, the Commission discusses the interlace/color and quality defects in the present NTSC System and the advantages and disadvantages of various improved NTSC systems and other enhanced television systems. The *Notice* indicates that most of the work relating to ATV technologies is concentrated in one or all of three areas: (a) Video/audio quality performance, (b) compression of transmission bandwidth, and (c) compatibility with the NTSC system. Thus, to assist in its deliberations on the spectrum management and compatibility issues, the *Notice* sets forth numerous questions and urges commenters to focus on the quality-for-bandwidth tradeoffs that distinguish the numerous advanced TV systems.

3. Further, comments are solicited as to whether advanced television systems should be instituted: (1) As a new service separate and distinct from the existing television broadcast service; (2) as service that augments, wherever feasible, existing NTSC service with no provision for full replacement of NTSC service or, (3) as a service integrated fully whth the existing television broadcast service which over time would replace entirely the NTSC service. The Commission did state that, to the extent that such an approach is both technically and economically efficient, it would be inclined toward the latter approach of a replacement service. In addition, the Commission requests comments on the desired technical features for this new service.

4. The *Notice* also discusses the full range of spectrum options and poses questions including: should the Commission implement ATV service at UHF only, or at both VHF and UHF in a comprehensive plan; how much additonal bandwidth can be made available for ATV, and what would be the interference implications if the Commission; (a) Adjusted the co-channel interference protection ratio, (b) adjusted the adjacent channel protection ratio, (c) established standards to permit TV licensees to access a channel (or part of a channel) adjacent to their assignment. Other questions include whether the Commission should modify or eliminate some or all of the UHF taboos channel protection standards; "repack" the VHF and UHF spectrum using adjusted protection criteria to accommodate (for example) 9, 10 or 12 MHz-wide channels; and what would be the technical and economic impact on existing NTSC service if the Commission modified or eliminated the existing protection criteria. The Notice also includes a discussion as to whether the Commission should accommodate ATV in non-broadcast spectrum allocations. Further, various illustrative approaches for implementation of ATV are set forth. Finally, comments are requested on such issues as mutual agreements for waivers of interference protection and taboo restrictions.

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

6. Pursuant to applicable procedures set forth in §§ 1.415, 1.419 and 1.430 of the Commission's Rules, 47 CFR §§ 1.415, 1.419 and 1.430, interested parties may file comments on or before November 18, 1987, and reply comments on or before January 19, 1988. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-20789 Filed 9-9-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-333, RM-5749

Radio Broadcasting Services; Millbrook, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed on behalf of Mac Carter, seeking the allotment of FM Channel 246A to Millbrook, Alabama, as that community's first local broadcast service.

DATES: Comments must be filed on or before October 19, 1987, and reply comments on or before November 3, 1987.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554 In addition to filing comments with the FCC, interested parties should serve the petitioner's consultant, as follows: Paul Reynolds, AmeriMedia, 415 N. College St., Greenville, AL 36037.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making MM Docket No. 87-333, adopted August 5, 1987, and released August 28, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NE., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-20787 Filed 9-19-87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87-307, RM-5909]

Radio Broadcasting Services; Wadesboro, NC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Justine Hope Lambert proposing the allocation of Channel 228A to Wadesboro, NC, as the community's first local FM service. Channel 228A can be allocated to Wadesboro in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.8 kilometers (6.1 miles) northwest to avoid a short-spacing to the construction permit for Station WZNS, Channel 225, Dillon, South Carolina (BPH-850214IF).

DATES: Comments must be filed on or before October 13, 1987, and reply comments on or before October 28, 1987.

ADDRESS: Federal Communications Commission, Washington, DC 20554 In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Justine Hope Lambert, 2613 Craig Avenue, Concord, North Carolina 28025 (Petitioner); York David Anthony, 2613 Craig Avenue, Concord, North Carolina 28025 (Engineering Consultant to the Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–307, adopted July 27, 1987, and released August 27, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–20788 Filed 9–9–87; 8:45 am]

BILLING CODE 6712–01–M

Notices

Federal Register
Vol. 52, No. 175
Thursday, September 10, 1987

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

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

September 4, 1987.

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

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

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

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

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

Extension

- Food and Nutrition Service
- School Lunch Recipe Field Test
- FNS–1163
- Single Time
- State or local governments; 1,411 responses; 706 hours; not applicable under 3504(h)

Anita Manka, (703) 756–3556

New

- Food and Nutrition Service
- Study of Food Stamp Program Certification Costs
- One-time survey
- State or local governments; 13,276 responses; 3,223 hours; not applicable under 3504(h)

Christine Kissmer, (703) 756–3133

Revision

- Food and Nutrition Service
- State Plan and Operating Guidelines, Forms and Waivers
- FNS–366A, FNS–366B
- Annually
- State or local governments; 159 responses; 3,863 hours; not applicable under 3504(h)

Anne Gariazzo, (703) 756–3385

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 87–20821 Filed 9–9–87; 8:45 am]

BILLING CODE 3410–01–M

Commodity Credit Corporation

Proposed Determinations With Regard to the 1988 Program for Extra Long Staple Cotton

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of proposed determinations.

SUMMARY: The Secretary of Agriculture proposes to make the following determinations with respect to the 1988 crop of extra long staple (ELS) cotton: (a) The loan level; (b) the established "target" price; (c) the national program acreage; (d) whether a voluntary reduction percentage should be proclaimed and, if so, the amount of such percentage reduction; (e) whether an acreage limitation program should be implemented and, if so, the percentage reduction under such acreage limitation program; (f) whether an optional land diversion program should be established and, if so, the percentage of diversion required under such program; (g) the loan level for seed cotton; and (h) other related determinations. These determinations are to be made in accordance with the Agricultural Act of 1949, as amended, (the "1949 Act"), and the Commodity Credit Corporation Charter Act, as amended (the "Charter Act").

EFFECTIVE DATE: Comments must be received on or before October 13, 1987 in order to be assured of consideration.

ADDRESS: Director, Commodity Analysis Division, USDA–ASCS, Rm. 3741, South Building, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Leader, Fibers Group, Commodity Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, DC 20013 or call (202) 447–7954. The Preliminary Regulatory Impact Analysis describing the options considered in developing these proposed determinations is available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as "not major" since the proposed provisions are not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the Federal assistance programs to which this notice applies are: Title—Cotton Production Stabilization, Number 10.052 and Title—Commodity Loans and Purchases, Number 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation ("CCC") is not required 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.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

It is necessary that the determinations for the 1988 crop of ELS cotton be made in sufficient time to permit ELS cotton producers to make plans for the production of their crop. Therefore, comments with respect to the following proposed determinations must be received by October 13, 1987 in order to allow the Secretary an adequate period to consider the comments before making the program decisions.

Proposed Determinations

a. *Loan Level.* Section 103(h)(2) of the 1949 Act provides that the Secretary shall determine and announce the loan level for the 1988 crop of ELS cotton by December 1, 1987. The loan level must be established at 85 percent of the simple average price received by producers of ELS cotton during 3 years of the 5-year period ending July 31 in the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period. Based on data through March, 1987, the 1988 loan level is calculated as follows:

(1) Simple average price received by producers for ELS cotton: [1]

August 1, 1982–July 31, 1983—101.00 cents/lb.

August 1, 1983–July 31, 1984—107.00 cents/lb.

August 1, 1984–July 31, 1985—92.80 cents/lb.

August 1, 1985–July 31, 1986—91.80 cents/lb.

August 1, 1986–March 31, 1987—88.40 cents/lb.

(2) Five year average excluding the high and low years:
(101.00+92.80+91.80)/3=95.20 cents/lb.

(3) Multiply result by 0.85:
95.20×0.85=80.92 cents per pound=estimated 1988 loan rate for ELS cotton.

b. *The Established (Target) Price.* Section 103(h)(3)(B) of the 1949 Act provides that the established "target" price for the 1988 crop of ELS cotton shall be 120 percent of the 1988-crop ELS loan level. Based on data as of March, 1987, the 1988 target price equals 1.20×80.92 or 97.10 cents per pound.

[1] Prices do not include an allowance for outstanding loans and Government purchases.

c. *National Program Acreage.* Section 103(h)(4) of the 1949 Act provides that the Secretary shall proclaim a national program acreage (NPA) for the 1988 crop of ELS cotton. Such NPA may, however, be revised for the purpose of determining the allocation factor if the Secretary determines it necessary based upon the latest information. Any revision in the NPA shall be announced as soon as it has been made. The 1988 NPA shall be the number of harvested acres the Secretary determines will be necessary, based on the estimated weighted national average of the farm program payment yields for the 1988 crop, to produce the quantity (less imports) that the Secretary estimates will be utilized domestically and for export during the 1988–89 marketing year.

The NPA shall be subject to such adjustment as the Secretary determines necessary, taking into consideration the estimated carryover supply and the stocks not accounted for by official domestic consumption and export data, so as to provide an adequate but not excessive supply of ELS cotton for the 1988–89 marketing year. In no event shall the national program acreage be less than 60,000 acres. If an acreage limitation program is established for the 1988 crop of ELS cotton, the NPA determination will not be applicable.

A carryover of 65,000 bales is considered to provide an adequate, but not excessive, supply. If required, the national program acreage for the 1988 crop of ELS cotton is currently estimated to be:

(a) Estimated domestic consumption, 1988–89 (480 lb. net wt. bales)	75,000
(b) Plus estimated exports, 1988–89 (480 lb. net wt. bales)	135,000
(c) Minus estimated imports, 1988–89 (480 lb. net wt. bales)	0
(d) Minus adjustment to bring stocks to desired level (480 lb. net wt. bales) [2]	4,000
(e) Plus adjustment for stocks estimated not accounted for by official domestic consumption and export data (480 lb. net wt. bales)	10,000
(f) Times 480 lbs. per bale	103,680,000
(g) Divided by estimated national average of farm program payment yields (lbs./acre)	992
(h) Equal 1988 calculated National Program Acreage (acres)	104,516

A NPA was not announced for the 1987 crop of ELS cotton since an acreage limitation program was implemented for such crop.

Comments from interested persons on the NPA calculations, along with appropriate supporting data, are requested.

[2] The 1988 beginning stock level is estimated to be 69,000 bales. Therefore, the stock adjustment is 69,000 bales minus 65,000 bales or 4,000 bales.

d. *Voluntary Reduction Percentage.* Section 103(h)(6) of the 1949 Act provides that the 1988 individual farm program acreages of ELS cotton eligible for payments shall not be further reduced by application of an allocation factor if the producer reduces the acreage of ELS cotton planted for harvest on the farm from the 1988-crop ELS cotton acreage base established for the farm by at least the percentage recommended by the Secretary in the proclamation of the national program acreage for the 1988 crop. If an acreage limitation program is implemented for the 1988 crop of ELS cotton, the voluntary reduction percentage shall not be applicable to such crop. If required, the recommended national reduction percentage for the 1988-crop of ELS cotton is currently estimated to be:

(a) 1988 estimated ELS cotton acreage base	100,000
(b) Minus 1988 NPA	104,516
(c) Equals reduction needed from acreage base	0
(d) Divided by 1988 ELS cotton acreage base	100,000
(e) Equals 1988 crop reduction percentage	0 percent

Comments from interested persons with respect to the voluntary reduction percentage are requested.

e. *Acreage Limitation Program.* Section 103(h)(8)(A) of the 1949 Act provides that, with respect to the 1988 crop of ELS cotton, if the Secretary determines that the total supply of ELS cotton, in the absence of an acreage limitation program (ALP), will be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency, the Secretary may provide for an ALP. Such limitation shall be achieved by applying a uniform percentage reduction to the acreage base for each ELS-cotton-producing farm. Producers who knowingly produce ELS cotton in excess of the permitted ELS cotton acreage shall be ineligible for ELS cotton loans and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as the result of an acreage limitation shall be the average acreage planted on the farm to ELS cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For the purpose of determining the acreage base, the acreage planted to ELS cotton for harvest shall include any acreage which producers were prevented from planting

to ELS cotton or other nonconserving crops in lieu of ELS cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines necessary to establish a fair and equitable base. A number of acres on the farm determined by dividing (a) the product obtained by multiplying the number of acres required to be withdrawn from the production of ELS cotton times the number of acres actually planted to ELS cotton, by (b) the number of acres authorized to be planted to ELS cotton in accordance with the acreage limitation established by the Secretary, shall be devoted to approved conservation uses in accordance with regulations issued by the Secretary. If an ALP is in effect for the 1988 crop of ELS cotton, the national program acreage, program allocation factor, and voluntary reduction provisions of section 103(h) of the 1949 Act will not be applicable to such crop. The individual farm program acreage shall be the acreage planted on the farm to ELS cotton for harvest within the permitted ELS cotton acreage established for the farm under the ALP.

The need for an ALP for the 1988 crop of ELS cotton will depend upon the projected level of ending stocks for the 1987–88 marketing year and the likely demand for ELS cotton in 1988–89. Estimates as of August 1987 indicate that production may equal utilization in 1987–88, resulting in ending stocks of an estimated 69,000 bales, 4,000 bales above the desirable level of 65,000 bales. Demand for the 1988–89 season is projected to drop; therefore, some reduction in production may be needed to keep stocks near the 65,000-bale level. Options under consideration at this time include a 5-percent ALP, a 10-percent ALP and a 15-percent ALP. However, future developments in weather conditions, market trends, and projections of supply and use could affect the suitability of various production adjustment programs. Options considered at the final determination stage may vary depending upon conditions in existence and information available at that time.

Interested persons are encouraged to comment on whether an ALP should be implemented for the 1988 crop of ELS cotton, and, if so, the appropriate percentage level of such limitation.

f. *Land Diversion Program.* Section 104(h)(8)(B) of the 1949 Act provides that the Secretary may make land diversion payments to producers of ELS cotton, whether or not an ALP for ELS cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage to desirable goals. Such land diversion payments shall be made to producers who devote to conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers or in such manner as the Secretary determines appropriate.

Interested persons are encouraged to address the need for a land diversion program and the appropriate terms and conditions of such a program.

g. *Loan Level for ELS Seed Cotton.* Section 103(h)(17) of the 1949 Act provides that in order to assist producers in the orderly ginning and marketing of their ELS cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Charter Act. Consideration is being given to the level at which loans should be made available for seed cotton under the 1988 program. The loan level presently being considered for seed cotton is 100 percent of the loan level which is applicable for lint cotton. Such loans would be made on the value of the seed cotton adjusted to a lint basis.

Comments from interested persons are requested on the appropriate loan level for seed cotton and the method of adjustment of the value of such cotton to a lint basis for the purpose of determining loan value.

h. *Other Related Provisions.* A number of other determinations must be made in order to carry out the ELS cotton loan program such as: (1) Commodity eligibility; (2) micronaire discounts; (3) loan levels for the individual qualities of 1988-crop ELS cotton; and (4) such other provisions as may be necessary to carry out the program.

Consideration will be given to any data, views and recommendations that may be received relating to the above items.

Authority: Sec. 103(h) of the Agriculture Act of 1949, as amended, 97 Stat. 494 (7 U.S.C. 1444(h)); secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended, 62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b and 714c).

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

Vern Neppl,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 87–20140 Filed 9–9–87; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Tongass Forest Land and Resource Management Plan

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement regarding a proposal to revise the Forest Land and Resource Management Plan for the Tongass National Forest (Region 10–Alaska).

Responsible Official: Michael A. Barton, Regional Forester, Alaska Region, Juneau, Alaska.

Public Participation: Comments concerning the scope of the analysis and the issues to be addressed will be requested in the fall of 1987 through formal public participation, at which time the process used to revise a Forest Land and Resource Management Plan will be presented. A newsletter and other media sources will be used to notify the public of scheduled meeting times, dates, and locations. Those interested in receiving the newsletter are invited to write to the individual listed below and request they be added to the Forest Plan mailing list.

Information Contact: Written questions, comments and suggestions concerning the scope of the analysis, the issues to be addressed, and/or the proposed action are to be sent to: Donald C. Lyon, Forest Plan Interdisciplinary Team Leader, 8465 Old Dairy Road, Juneau, Alaska 99801. (Telephone 907/789–3111).

Purpose for the Action: The National Forest Management Act of 1976 directs the Forest Service to prepare Forest Land and Resource Management Plans (hereafter referred to as Forest Plans) for National Forest System lands. The Tongass Forest Plan was completed in March 1979, and amended in July 1986. The National Forest Management Act implementing Regulations (36 CFR Part 219), state:

A forest plan shall ordinarily be revised on a 10-year cycle or at least every 15 years. It may also be revised whenever the Forest Supervisor determines that conditions or demands in the area covered by the plan

have changed significantly. . . (36 CFR 219.11(g)).

The intended purpose of this action is to complete a revision of the forest plan according to the ordinary 10- to 15-year cycle. The process will include an assessment of the degree to which conditions and demands have changed since the forest plan was first developed in 1979, and then amended in 1986, to assist in determining the degree to which the existing plan should be revised. A range of Forest Plan alternatives will be formulated and considered. One of these alternatives will be referred to as the "No Change" alternative and will be based upon current direction, as amended, and projected into the future. Other alternatives will be formulated and evaluated based upon the public issues, management concerns, and resources use and development opportunities identified through public participation. During the revision process, and until a revised Forest Plan is approved under 36 CFR 219.10(c)(1), the amended Forest Plan will remain in effect and continue to be implemented.

Public Participation

Public participation activities will be used throughout the planning process, beginning with this Notice of Intent, the issuance of a newsletter, notices to the news media, and public presentations intended to:

1. Describe the affected area, the process for revising the amended Forest Plan, and the types of issues expected to be addressed.

2. Describe the anticipated public participation activities and identify the times, dates, and locations of activities already scheduled.

3. Identify the Forest Service official who may be contacted for further information.

The public scoping process for the revision begins with this Notice of Intent. Further public participation activities will be initiated by the Forest Supervisors during the scoping process (40 CFR 1501.7) when the Forest Service will seek information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the land management activities on the Tongass National Forest. The public scoping process is intended to:

1. Describe the revision process to the interested public.

2. Identify public issues, management concerns, and resource use and development opportunities (commonly referred to as "issues").

3. Determine which of the issues will be addressed in detail during the revision process and which of the issues have already been adequately covered by a relevant and previous environmental analysis.

4. Identify the information needed to adequately address the issues.

5. Determine potential cooperating agencies and task assignments.

The information, comments, and assistance provided during the scoping process will be used later in the planning process to analyze the management situation, formulate alternatives, estimate the effects of implementing the different alternatives, and prepare the draft Environmental Impact Statement (DEIS). Further public participation activities will be conducted following the issuance of the DEIS and draft Forest Plan in order to provide the interested public an opportunity to review and comment. Throughout the process, the public will be advised of the location and availability of documents pertaining to the planning process.

Cooperating Agencies

The State of Alaska, through such agencies as it deems appropriate, will be invited to participate as a cooperator in the revision of the Forest Plan. Federal agencies that have jurisdiction by law or special expertise with respect to any environmental impact involved with this proposal will be invited to participate as cooperating agencies.

Review of the Environmental Impact Statement

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by December 1989. At that time, EPA will publish a notice of availability of the DEIS in the **Federal Register.** The comment period on the DEIS and draft Forest Plan will be 90 days from the date the EPA's notice of availability appears in the **Federal Register.** During the review period, the Forest Supervisors will publicize and hold public participation activities in order to obtain adequate public comment. It is very important that reviewers participate at that time. To be the most helpful, comments on the DEIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality (CEQ) Regulations for implementing the procedural provisions of the National Envirnmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of DEIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC.* 435 U.S. 519, 553 (1978). NEPA case law supports the proposition that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement (FEIS). *Wisconsin Heritages, Inc.* v. *Harris.* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

After the comment period ends, the comments will be analyzed and considered by the Forest Service in preparing the final Environmental Impact Statement (FEIS). The FEIS is scheduled to be completed by December 1990. The Forest Service is required to respond in the FEIS to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding the Forest Plan alternative selected. The responsible official, in selecting an alternative, will document the decision and rationale in the Record of Decision. That decision will be subject to appeal under 36 CFR 211.18.

Dated: August 28, 1987.

G. Lynn Sprague,

Deputy Regional Forester.

[FR Doc. 87-20703 Filed 9-9-87; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

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

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

Agency: National Telecommunications and Information Administration

Title: Public Telecommunications Facilities Program Grant Monitoring

Form Number: Agency—SF 269, 270, 272, 1194, CD 442; OMB—0660-0001

Type of Request: Extension of the expiration date of a currently approved collection

Burden: 2,040 respondents; 8,295 reporting and recordkeeping hours
Needs and Uses: The Public Broadcasting Act authorizes grants to be awarded for the planning and construction of public telecommunications facilities. In order to monitor the use of grant funds and process payment requests, grantees are required to submit certain reports and forms periodically.
Affected Public: State or local governments; non-profit institutions
Frequency: Quarterly, annually, recordkeeping
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Sheri Fox, 395–3785

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room 6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Sheri Fox, OMB Desk Officer, Room 3235, New Executive Officer Building, Washington, DC 20503.

Dated: September 3, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–20725 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-CW-M

Foreign-Trade Zones Board

[Docket No. 14–87]

Foreign-Trade Zone 26, Atlanta, GA; Application for Reorganization

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Georgia Foreign-Trade Zone, Inc., (GFTZ), grantee of Foreign-Trade Zone 26 in Atlanta, Georgia, requesting authority to reorganize and relocate its zone project. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on August 27, 1987.

On January 17, 1977, the Board authorized GFTZ to establish a foreign-trade zone project in the Atlanta Port of Entry area (Board Order 115, 42 FR 4186, 1/24/77). The zone is located on 33 acres within a 1200-acre industrial park in Shenandoah, Coweta County, Georgia, some 23 miles southwest of Atlanta. Zone operations at the site were suspended in September 1985.

The reorganization would involve relocating the zone to a 300-acre site adjacent to Atlanta's Hartsfield International Airport in Clayton and Fulton Counties. The site is bounded by I–75, I–285 and U.S. Highway 19–41, and on the east by the airport's runways. The site, known as the Atlanta Tradeport, is owned by the Wilma Tradeport Joint Venture, a Georgia general partnership, and will be operated by one of its subsidiaries, Wilma Foreign-Trade Zone, Inc. No approvals for manufacturing operations are being sought at this time.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Joseph E. Lowry (Chairman), Foreign-Trade Zone Staff, U.S. Department of Commerce, Washington, DC 20230; Howard Cooperman, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southeast Region, 99 Southeast Fifth Street, Miami, Florida 33131–2595; and Colonel C. Hilton Dunn, Jr., District Engineer, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, Alabama 26628–0001.

Comments concering the proposed zone reorganization are invited in writing from interested parties and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before October 23, 1987.

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

U.S. Department of Commerce, District Office, Suite 504, 1365 Peachtree Street, NE., Atlanta, Georgia 30309.
Office of the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, Room 1529, 14th and Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: September 3, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87–20818 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) is extending the closing date from September 21, 1987 to October 1, 1987 for the announcement to solicit competitive applications under its Minority Business Development Center program to operate a MBDC for a three (3) year period, starting January 1, 1988 to December 31, 1988 in the New England Standard Metropolitan Statistical Area (SMSA) excluding the state of Connecticut. Refer to the **Federal Register** dated August 18, 1987 Vol. 52, No. 159, page 30943.

Levi Pace,

Chief, Business Development Group, New York Regional Office.

Date: September 2, 1987.

[FR Doc. 87–20697 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Amended Meeting Notice

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The dates and location as published in the **Federal Register** (52 FR 32959, September 1, 1987) for separate public meetings of the North Pacific Fishery Management Council's Crab Management and Bycatch Committees have been changed as follows:

Crab Management Committee—From September 21, 1987, in Anchorage, AK, to September 14 at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, 7600 San Point Way, N.E., Room 2079, Building 4, Seattle, WA.

Bycatch Committee—From September 25, 1987, in Anchorage, AK, to September 15–17 at the National Marine Fisheries Service, Northwest and Alaska Fisheries Center, 7600 Sand Point Way, N.E., Room 2079, Building 4, Seattle, WA.

All other information as published originally remains unchanged.

For further information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274–4563.

Date: September 3, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87–20858 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council's Scientific and Statistical Committee will convene a public meeting on September 23, 1987, at 1 p.m. at the Council's Headquarters (address below), and adjourn at noon, September 25, to discuss plan development format and operational guidelines, the Spiny Lobster and Swordfish Fishery Management Plans, the mackerel charterboat evaluation study, fish traps, and other fishery management business. A detailed agenda will be available to the public on or about September 14, 1987.

For further information contact Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571–4366.

Date: September 3, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87–20859 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-22-M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Western Pacific Fishery Management Council will convene its 59th public meeting at 10 a.m., September 21, 1987, and on September 22 from 9 a.m. to noon at the State Department of Land and Natural Resources, Board Room, 1151 Punchbowl Street, Honolulu, HI. The Council also will convene a closed session (not open to the public), September 21 from 8:30 a.m. to 9:30 a.m. to discuss personnel matters.

The September 21 session will include discussion of routine fisheries reports from state, territorial, and Federal Government representatives on the Council, from private sector Council members from Hawaii, Guam and American Samoa, and from the observer from the Commonwealth of the Northwestern Mariana Islands. Election of officers for 1987–1988 will be held, members will be appointed to standing committees, and a chairman for each committee will be named. The Council's Ad Hoc Committee on Advisory Panel review will make recommendations to the full Council. The Council will review the updated handbook on its operating policies and procedures, and also will review and make recommendations to the revised 601 regulations and guidelines that are to be followed by the Regional Fishery Management Councils.

The September 22 session will begin with a report from the Precious Corals Plan Monitoring Team on unresolved management issues for the proposed amendment to the Plan: (1) quota for selecting harvesting method and (2) whether or not to include dead coral in the harvesting quotas. The Council also will review the status of amendments to the Crustaceans and Bottomfish Fishery Management Plans, as other projects and elements of the Council's program.

For further information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813; telephone: (808) 523–1368 or FTS 541–1974.

Date: September 3, 1987.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 87–20860 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit to Dr. Steven L. Swartz and Dr. Randall S. Wells

On February 20, 1987, notice was published in the **Federal Register** (52 FR 5326) that an application had been filed by Dr. Steven L. Swartz and Dr. Randall S. Wells for a permit to take humpback (*Megaptera novaeangliae*), blue (*Balaenoptera musculus*), and fin whales (*Balaenoptera physalus*) for scientific research.

Notice is hereby given that on September 4, 1987 as authorized by the provisions of the Marine Mammal Protection Act (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issues a Permit for the above taking subject to certain conditions set forth therein.

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

This permit is available for review in the following offices:

Office of Protected Resources and Habitat Programs, 1825 Connecticut Avenue, NW., Room 805, Washington, DC; and

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

Date: September 4, 1987.

Henry R. Beasley,

Director, International Affairs, National Marine Fisheries Service.

[FR Doc. 87–20861 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit to the Aquarium of Niagara Falls (P99C)

On July 10, 1987, notice was published in the **Federal Register** (52 FR 26056) that an application had been filed by the Aquarium of Niagara Falls, 701 Whirlpool Street, Niagara Falls, New York 14301, for a permit to take three (3) Atlantic bottlenose dolphins (*Tursiops truncatus*) for public display.

Notice is hereby given that on September 4, 1987 as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

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

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

Director Northeast Region, National Marine Fisheries Service, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

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

Dated: September 4, 1987

Henry R. Beasley

Director Office of International Affairs National Marine Fisheries Service.

[FR Doc. 87–20862 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Intent To Grant Co-Exclusive Patent License; Cancer Prognostics, Inc. et al.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Cancer Prognostics Inc., having a place of business at 1250 Broadway, New York, NY 10001, and American Biosystems,

Inc., Marine on St. Croix, MN, a co-exclusive right in the United States to practice the invention embodied in U.S. Patent Application S. N. 6–314,477, "Vitro Cellular Interaction With Amnion Membrane Substrate." The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The intended exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7 The intended license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the intended license would not serve the public interest.

Inquiries, comments and other materials relating to the intended license must be submitted to Papan Devnani, Director, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 87–20704 Filed 9–9–87; 8:45 am]

BILLING CODE 3510–04–M

Notice of Intent To Grant Co-Exclusive Patent License; Cyclex, Inc. et al.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Cyclex Inc., of Los Altos, CA 94002, and Pharmatec, Inc., of Alachua, FL 32615, a co-exclusive right in the United States to practice the invention embodied in U.S. Patent Application S.N. 6–738,749, "Pharmaceutical Preparation Containing Cyclodextrin Derivatives." The patent rights in this invention will be assigned to the United States of America, as represented by the Secretary of Commerce.

The intended exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The intended license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the intended license would not serve the public interest.

Inquiries, comments and other materials relating to the intended license must be submitted to Papan Devnani, Director, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Association Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 87–20705 Filed 9–9–87; 8:45 am]

BILLING CODE 3510–04–M

Travel and Tourism Administration

Meeting; Travel and Tourism Advisory Board

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on September 28, 1987, 9:00 a.m. at the British Tourist Authority, 24 Grosvenor Gardens, London SWIW OET, England.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97–63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to Order
II. Introduction of Board Members
  A. Review of new administrative procedures
  B. Election of Vice Chairman
III. Approval of the Minutes
  A. Approval of Draft Resolution
IV. Old Business
  A. Marketing Operations
  B. Marketing Initiatives
  C. International Marketing Conference
  D. Subcommittee reports on Visa Waiver and User Fees
IV. New Business
  A. Foreign Economic Trends
  B. Sectoral Review on Tourism for Uruguay Round
  C. 1994 Soccer Proposal
  D. USTTA Budget '88
V. Miscellaneous
  A. Establish next meeting date
VI. Adjournment

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation Marketing of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism Administration, Room 1865, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202–377–0140) will respond to public requests for information about the meeting.

Donna Tuttle,

Under Secretary for Travel and Tourism, U.S. Department of Commerce.

[FR Doc. 87–20781 Filed 9–9–87; 8:45 am]

BILLING CODE 3510–11–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of a New Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in Bangladesh

September 4, 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 September 11, 1987. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202)377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota reopenings, 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 establish a new import restraint limit for man-made fiber textile products in Category 645/646, produced or manufactured in Bangladesh.

Background

A CITA directive dated June 10, 1987 (52 FR 22668) established an import restraint limit for man-made fiber textile products in Category 645/646, produced or manufactured in Bangladesh and exported during the twelve-month period which began on October 30, 1986 and extends through October 29, 1987.

The Governments of the United States and Bangladesh have agreed in consultations to further amend their

Bilateral Cotton and Man-Made Fiber Textile Agreement of February 19 and 24, 1986, as amended, to establish a new limit for man-made fiber sweaters in Category 645/646, produced or manufactured in Bangladesh and exported during the fifteen-month period which began on November 1, 1986 and extends through January 31, 1988.

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 (49 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

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

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 4, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: The directive, amends but does not cancel, the directive of June 10, 1987 from the Chairman of the Committee for the Implementation of Textile Agreements, which established a restraint limit for certain man-made fiber textile products in Category 645/646, produced or manufactured in Bangladesh and exported during the twelve-month period which began on October 30, 1986 and extends through October 29, 1987.

Effective on September 11, 1987, the directive of June 10, 1987 is hereby amended to include a new limit for man-made fiber textile products in Category 645/646, produced or manufactured in Bangladesh and exported during the new restraint period which began on November 1, 1986 and extends through January 31, 1988, at a level of 227,500 dozen[1].

Textile products in Category 645/646 which have been exported to the United States prior to November 1, 1986 shall not be subject to this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-20853 Filed 9-9-87; 8:45 am]

BILLING CODE 3510-DR-N

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

Continuation of an Import Restraint Limit and Cancellation of Staged Entry for Certain Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

September 4, 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 September 11, 1987. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566-6828. For information on embargoes and quota re-openings, please call (202) 377-3715.

Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to renew the import restraint limit for man-made fiber textile products in Category 611, produced or manufactured in the People's Republic of China and exported durint the period which began on July 24, 1987 and extends through July 23, 1988. Staged entry for goods in Category 611 exported in excess of the previous restraint limit is being cancelled.

Background

On July 23, 1986 a notice was published in the **Federal Register** FR 26459) which announced the establishment of import restraint limits for certain man-made fiber textile products, including Category 611, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on July 24, 1986 and extended through July 23, 1987.

A further notice was published on July 22, 1987 (52 FR 27573) which announced the establishment of staged entry for certain man-made fiber textile products, including Category 611, produced or manufactured in the People's Republic of China and exported in excess of the restraint limit established in the directive of July 18, 1986 (51 FR 26459).

To avoid continued risk of market disruption, the Committee for the Implementation of Textile Agreements, in accordance with section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, and extended by protocols on December 14, 1977, December 22, 1981 and July 31, 1986; and the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, has decided to renew the restraint limit for the twelve-month period which began on July 24, 1987 and extends through July 23, 1988.

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

A description of the textile 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 20768) 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 categorizations 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.**

Federal Register.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Septemer 4, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 202209.

Dear Mr. Commissioner: To facilitate implementation of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China, I request that, effective on September 11, 1987, you cancel the staged entry period established in the directive of July 18, 1987 for man-made fiber textile products in Category 611, produced or manufactured in the People's Republic of China and exported in excess of the import restraint limit established for the twelve-month period which began on July 24, 1986 and extended through July 23, 1987.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on September 11, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 611, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on July 24, 1987 and extends through July 23, 1988, in excess of 3,748,238 square yards.[1]

Goods shipped in excess of the previous twelve-month period established in the directive of July 18, 1986, which began on July 24, 1986 and extended through July 23, 1987 shall be subject to the level set forth in this letter.

In carrying out the above directions, the Commissioner of Customs should construe entry in the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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,

Arthur Garbel,

Acting Chairman, Committee for the Implemenation of Textile Agreements.

[FR Doc. 87-20854 Filed 9-9-87; 8:45 am]

BILLING CODE 3510-DR-M

Establishment of Import Restraint Limits for Certain Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Malaysia

September 4, 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 September 11, 1987. For futher information contact Pamela Smith, International Trade Specialists, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 343-6496. 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 include shipments of certain silk blend and other vegetable fiber textiles and textile products in Categories 831, 832, 834 and 838, produced or manufactured in Malaysia and exported during 1987 within the limit established for Group II.

Background

A CITA directive dated July 6, 1987 (52 FR 26061) established import restraint limits for certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including a limit for Group II products not subject to specific limits.

Under the term of the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement of July 1 and 11, 1985, as amended and extended, between the Government of the United States and Malaysia, the Committee for the Implementation of Textile Agreements has decided to control silk blend and other vegetable fiber textiles and textiles products in Categories 831, 832, 834 and 838, produced or manufactured in Malaysia and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987. Categories 831, 832, 834 and 838 will be subject to the existing Group II limit established in the directive of July 6, 1987.

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

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

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 4, 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 of July 6, 1987, concerning imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Malaysia and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on September 11, 1987, the directive of July 6, 1987 is amended to control imports of silk blend and other vegetable fiber textiles and textile products in Categories 831, 832, 834 and 838, as part of the existing Group II limit, produced or manufactured in Malaysia and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Textile products in Categories 831, 832, 834 and 838 which have been exported to the United States prior to January 1, 1987 shall not be subject to this directive.

Textile products in Categories 831, 832, 834 and 838 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

There are no charges to be made to the Group II limit for Categories 831, 832, 834 and 838 for the import period January 1, 1987 through 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,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87-20855 Filed 9-9-87; 8:45 am]

BILLING CODE 3510-DR-M

[1] The limit has not been adjusted to account for any imports exported after July 23, 1987.

Reduction of an Import Limit for Certain Cotton, Wool and Man-Made Fiber Sweaters Assembled in the Northern Mariana Islands (CNMI) From Imported Parts

September 4, 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 September 11, 1987. For further information contact Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, DC, (202) 337–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. 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 reduce the limit on imports of cotton, wool and man-made fiber sweaters in Category 345/445/446/645/646 which have been assembled in the Northern Mariana Islands and exported during the period November 1, 1986 through October 31, 1987 to 77,910.

Background

On November 3, 1986, a notice was published in the **Federal Register** (51 FR 39902) which continued and increased the limit for cotton, wool and man-made fiber sweaters in Category 345/445/446/645/646, which were determined by the U.S. Customs Service to be products of foreign countries or foreign territories and exported from the Commonwealth of the Northern Mariana Islands (CNMI) during the period which began on November 1, 1986 and extends through October 31, 1987. The increase of this limit was based upon certification by the United States that 40 percent of local labor was used in production of these textile products.

The purpose of this notice is to advise the public that this requirement has not been fulfilled. Consequently, the limit for cotton, wool and man-made fiber sweaters in Category 345/445/446/645/646, exported from the CNMI during the period November 1, 1986 through October 31, 1987 is being reduced from 100,000 dozen to the prior years limit. This action will overfill the limit and cause an embargo.

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

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

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 4, 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 of October 29, 1986 issued to you by the Chairman of the Committee for the Implementation of Textile Agreements concerning imports of cotton, wool and man-made fiber sweaters in Category 345/445/446/645/646, assembled in the Commonwealth of the Northern Mariana Islands from foreign parts and exported to the United States during the twelve-month period which began on November 1, 1986 and extends through October 31, 1987.

Effective on September 11, 1987, the directive of October 29, 1986 is hereby amended to reduce the limit for cotton, wool and man-made fiber sweaters in Category 345/445/446/645/646 to a level of 77,910 dozen.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–20856 Filed 9–9–87; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the Philippines

September 4, 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 September 11, 1987. For further information contact Kimbang Pham, 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) 535–6735. 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 restraint limit Category 433 for the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Background

A CITA directive dated March 11, 1987 (52 FR 7918) established limits for certain specified categories of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, including a limit for Group II categories and a limit for Category 433, produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1987 and extends through December 31, 1987. Pursuant to a request from the Government of the Republic of the Philippines and under the terms of the Bilateral Textile Agreement on March 7, 1987, between the Governments of the United States and the Republic of the Philippines, Category 433 is being increased by application of swing and carrryforward. The 1987 limit for Group II is being reduced to account for the swing applied to Category 433.

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**.

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

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

September 4, 1987

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on March 11, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1987 and extends through December 31, 1987.

Effective on September 11, 1987, the directive of March 11, 1987 is amended to include the following adjusted restraint limits, under the terms of the Bilateral Textile Agreement of March 7, 1987 [1]

Category	Adjusted 12-month limit [1]
433	3,371 dozen
Group II	
300–320, 330, 332, 349, 350, 353, 354, 359–0 [2], 360–363, 369–0 [3], 400–429, 432, 434–442, 444, 448–459, 464–469, 600–603, 605–627, 630, 632, 644, 653, 654, 659–0 [4], 665–670 and 831–859, as a group.	67,196,310 square yards equivalent.

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

[2] In Category 359–0, all TSUSA numbers except 384.0439, 384.0441, 384.0442, 384.0444, 384.0805, 384.0810, 384.0815, 384.0820, 384.0825, 384.5162, 384.5163, 384.5167, 384.5169, 384.5172, 384.3451, 384.3452, 384.3453 and 384.3454.

[3] In Category 369–0, all TSUSA numbers except 366.2840.

[4] In Category 659–0, all TSUSA numbers except 384.2105, 384.2115, 384.2120, 384.2125, 384.2646, 384.2647, 384.2648, 384.2649, 384.2652, 384.8651, 384.8652, 384.8633, 384.8654, 384.9356, 384.9357, 384.9358, 384.9359, 384.9365, (659–I), 703.0510, 703.0520, 703.0530, 703.0540, 703.0550, 703.0560 703.1000, 703.1610, 703.1620, 703.1630, 703.1640, and 703.1650 (659–H).

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,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–20857 Filed 9–9–87; 8:45 am]

BILLING CODE 3510–DR–M

[1] The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for swing, carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

DEPARTMENT OF DEFENSE

Office of the Secretary

Advisory Committee on Integrated Long-Term Strategy; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Advisory Committee on Integrated Long-Term Strategy will meet in closed session on 29–30 September 1987 in the Pentagon, Washington, DC.

The mission of the Advisory Committee on Integrated Long-Term Strategy is to provide the Secretary of Defense and the Assistant to the President for National Security Affairs with an independent, informed assessment of the policy and strategy implications of advanced technologies for strategic defense, strategic offense and theater warfare, including conventional war. At this meeting the Committee will hold classified discussions of national security matters dealing with long term strategy and policy.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended [U.S.C. App. II, (1982)], it has been determined that this Advisory Committee meeting concerns matters listed in 5 U.S.C. section 522b(c)(1)(1982), and that accordingly these meetings will be closed to the public.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

September 4, 1987.

[FR Doc. 87–20839 Filed 9–9–87; 8:45 am]

BILLING CODE 3810–01–M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Land Loss and Marsh Creation Feature of the Louisiana Coastal Area, Louisiana, Project

AGENCY: U.S. Army Corps of Engineers, DOD, New Orleans District.

ACTION: Notice of intent to prepare a draft EIS.

SUMMARY:

1. Proposed Action

The project purpose is to identify feasible measures to reduce land loss and create marsh in order to improve fish and wildlife habitat and productivity, as well as preserve the marsh's capacity to buffer hurricanes. The study was authorized by a resolution adopted by the Senate Committee on Public Works on 19 April 1967, and the House Committee on Public Works on 19 October 1967. An Initial Evaluation Study (IES) in 1984 was conducted to determine causes and extent of land loss in the Coastal Area, as well as identify feasible measures to reduce land loss and create marsh. The extensive and rapid loss of coastal wetlands in Louisiana, up to 60 square

miles annually, is the result of the combination of natural processes (compaction, subsidence, sea level rise, saltwater intrusion, erosion) and man's activities (oil and gas exploration and production activities; levee building; channelization; and agricultural, urban and industrial expansion). Continued land loss will result in serious detrimental effects on fish and wildlife productivity, as well as on cultural and recreational resources. Existing coastal residential and industrial developments are also threatened. Four major areas were identified in the IES: Chandeleur and Breton Sound Basin, Barataria Basin, Terrebonne Basin, and Atchafalaya to Sabine River Basin. The document currently in preparation will consider Chandeleur and Breton Sound Basin and Barataria Basin, concentrating on marsh creation in St. Bernard, Plaquemines, and Jefferson Parishes.

2. Alternatives

Alternatives to be considered include uncontrolled sediment diversions within the active delta of the Mississippi River; controlled sediment diversions at selected sites along the Mississippi River; marsh creation using maintenance-dredged material from the Barataria Waterway and Mississippi River Navigation Projects; and marsh creation by non-maintenance dredging in the Mississippi River.

3. Scoping Process

a. Public meetings were held in Belle Chasse, Houma, and Cameron, Louisiana, in August 1984. Initial evaluation study results were discussed and local concerns and ideas obtained. Intra-agency scoping meetings have been conducted with the U.S. Fish and Wildlife Service, Soil Conservation Service, Louisiana Geological Survey, and the Louisiana Department of Natural Resources. The public involvement program will include a scoping letter and also meetings to obtain input regarding alternatives under consideration and significant resources to be evaluated in the EIS. The participation of affected Federal, state, and local agencies, and other interested private organizations and parties will be invited.

b. Significant issues to be analyzed in the EIS include impacts of the proposed project on biological, cultural, historical, social, and economic factors; also water quality and human resources, as well as project costs.

c. The U.S. Fish and Wildlife Service will provide Planning Aid Information and a Coordination Act Report for the draft EIS.

d. The draft EIS will be coordinated with all required Federal, state, and local agencies, as well as environmental groups, landowner groups, and interested individuals. All review comments received will be considered and responses to these comments will be presented in the final EIS.

4. Public Meeting(s)

Public meetings were initially conducted in 1968, and other meetings were held in August 1984 in Belle Chasse, Houma, and Cameron, Louisiana, to inform the public about this study.

5. Availability

The draft EIS is scheduled to be available to the public in August 1988.

ADDRESS: Questions concerning the proposed action and draft EIS may be directed to Ms. Diane E. Ashton, U.S. Army Corps of Engineers, Environmental Quality Section (CELMN-PD-RE), P.O. Box 60267, New Orleans, Louisiana 70160-0267, telephone (504) 862-1735.

Date: August 31, 1987.

Lloyd K. Brown,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 87-20706 Filed 9-9-87; 8:45 am]

BILLING CODE 3710-84-M

Department of the Navy

Decision To Proceed With Private Land Acquisitions and Land Management of Range Safety Zones; Naval Air Facility (NAF), El Centro, CA

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality Regulations (40 CFR Part 1500), the U.S. Navy announces its decision to proceed with the acquisition of privately owned lands within the "A" target range safety zones, (RSZs), the acquisition of easements on lands within the "B" RSZs and the obtaining of height and development controls in the "C" RSZs at NAF El Centro, California and through a cooperative agreement with Imperial County, CA. The proposed action is an administrative change and does not involve surface disturbance or a change in existing Federal Aviation Administration (FAA) flight restrictions. For purposes of classification the current "RSZ" categories for flight operations are as follows:

RSZ "A"—Surface impact target areas; areas of high hazard and subject to impact from dropped ordnance.

RSZ "B"—Designated areas subject to significant overflight conditions where jet aircraft are operating. While ordnance release does not normally occur in this area, an occasional inadvertent drop is possible. Within the "B" areas aircraft are flying at low elevations and traveling at speeds in excess of 500 knots which severely limits the range of possible surface activities.

RSZ "C"—The "C" area is intended to provide an adequate area of protected space in which military training exercises can be safely conducted without interference from general aviation. Height of structures and population density are safety and compatibility concerns.

This report addresses only the non-federal land within the two Target Ranges Attached. The Bureau of Land Management (BLM) has prepared the appropriate environmental documentation for the Federally owned lands within the Ranges described.

This action will increase the level of safety to the public, thereby conforming with the goals of local, state and federal agencies. It would also complement the action assessed by the BLM for the federally owned lands that are interspersed throughout the Target Ranges.

This action will retain the present land uses and would have no adverse impacts on water resources. It could have beneficial impacts by restricting private development in sensitive areas such as the San Sebastian Marsh area. In addition, the use of the targets in the "A" RSZs precludes more intensive development that might require more water.

No new impacts to biological resources will occur. However, there are sensitive plant and animal species found and/or expected within the areas and subsequent Navy management is expected to protect these species.

The lands in question are privately owned. Desert recreation on the federally owned lands does sometimes spill over onto private lands, however, it is unauthorized. Since this action does not propose a change in existing land uses, there will be no increased impacts on recreation.

There are many recorded archeological and cultural sites within the areas, including the "A" RSZs where land is to be acquired. Proposed controls on future and ongoing Navy management procedures should be beneficial to those resources. If the Navy proposes any change in land use in the future, additional environmental

studies will be conducted and appropriately made public.

The Navy examined the alternative of no project, acquisition of all lands within the RSZs, reduction of mission activity and the relocation of the El Centro targets.

The alternative of acquisition in fee of privately held land in the "A" RSZs, the acquisition of restrictive easements from landowners in the "B" RSZs, and the control of heights of structures and certain types of development in the "C" RSZs was selected as the alternative that best suited mission requirement, cooperation with other land management initiatives and having no additional, significant or adverse environmental effects.

Typical structures in the area of impact are scattered residences, canals and irrigation structures. Also utility lines, roads, mining equipment, apiaries and farming equipment. The Ranges consist of desert land, rugged mountains/hills, sand dunes, and agricultural areas. This action will retain the land within Ranges as they are.

Unavoidable Adverse impacts include: minor increased restrictions in the "A" RSZs for off-road vehicle recreationists, increased controls on heights of structures and certain developments such as public facilities (schools, churches) heavy agriculture (feedlots), and mineral exploration (drill rigs) and development (power plants) in the "B" and "C" RSZs.

Although the action increased the level of land use controls, variances and special-use permits may be obtained on a case-by-case basis.

Date: August 21, 1987.

Jane M. Virga,

Lt, JAGC, USNR, Federal Register Liaison Officer.

[FR Doc. 87-20766 Filed 9-9-87; 8:45 am]

BILLING CODE 3810-AE-M

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app.), notice is hereby given that the Naval Research Advisory Committee Panel on the Role of Space Based Activities in Support of Naval Warfare will meet on September 17, 1987. The meeting will be held at the Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, Virginia. The meeting will commence at 8:30 a.m. and terminate at 4:30 p.m. on September 17, 1987. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to conduct an Executive Session to finalize the review of space activities related to naval operations, identify efforts of concern and provide suggestion for validating the utility of those efforts, prepare an independent warfare assessment of space based surveillance and targeting alternatives, and assess the potential for inexpensive reconstitution of wartime space assets. The agenda will include technical discussions related to space technology. These discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and is in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander T.C. Fritz, U.S. Navy, Office of Naval Research (Code 100N), 800 North Quincy Street, Arlington, VA 22217-5000, Telephone number (202) 696-4870.

Date: September 4, 1987.

Jane Virga,

LT, JAGC, USNR, Federal Register Liaison Officer.

[FR Doc. 87-20767 Filed 9-9-87; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Education Appeal Board; Notice of Applications for Review Accepted for Hearing

AGENCY: Department of Education.

ACTION: Notice of applications for review accepted for hearing by the education appeal board.

SUMMARY: This notice lists the applications for review accepted for hearing by the Education Appeal Board (the Board) between May 27, 1987 and August 11, 1987. The Chairman has prepared a summary of each appeal to help potential intervenors. In addition, the notice explains how interested third parties may intervene in proceedings before the Board.

FOR FURTHER INFORMATION CONTACT: The Honorable Ernest C. Canellos, Chairman, Education Appeal Board, 400 Maryland Avenue SW. (Room 1065, FOB-6), Washington, DC 20202. Telephone: (202) 732-1756.

SUPPLEMENTARY INFORMATION. Under sections 451 through 454 of the General Education Provisions Act (20 U.S.C. 1234 *et seq.*), the Board has authority to conduct (1) audit appeal hearings, (2) withholding, termination, and cease and desist hearings initiated by the Secretary of Education (the Secretary), and (3) other proceedings designated by the Secretary as being within the jurisdiction of the Board.

The Secretary has designated the Board as having jurisdiction over appeal proceedings related to final audit determinations, the withholding or termination of funds, and cease and desist actions for most grant programs administered by the Department of Education (the Department). The Secretary also has designated the Board as having jurisdiction to conduct hearings concerning most Department-administered programs that involve (a) a determination that a grant is void, (b) the disapproval of a request for permission to incur an expenditure during the term of a grant, or (c) determinations regarding cost allocation plans or special rates negotiated with specified grantees.

Regulations governing Board jurisdiction and procedures are codified in 34 CFR Part 78.

Applications Accepted

Appeal of the California Department of Education, Docket No.: 9(245)87, ACN: 09-63014

The State appealed a final letter of determination issued by the Assistant Secretary for Elementary and Secondary Education, the Acting Assistant Secretary for Vocational and Adult Education, and the Acting Director, Financial Management Service. As pertinent, the underlying audit, a single State audit, reviewed the migrant education program conducted by the State during the fiscal year ending June 30, 1984.

The Assistant Secretary for Elementary and Secondary Education sustained the auditor's findings and disallowed specific costs attributed to employee salaries and training which allegedly exceeded the scope of the previously approved State plan.

The State denies liability for the refund of $43,200, the amount the Department seeks to recoup for expenses unauthorized allegedly charged to the migrant education program.

Appeal of Miles College (AL), Docket No.: 10(246)87, ACN: 04–55051

The College appealed a final letter of determination issued by the Chief, Audit Review Branch (ARB), Division of Certification and Program Review. The underlying audit reviewed the various student financial aid programs conducted at the College between July 1, 1983 and June 30, 1984.

ARB sustained the auditor's findings, concluding that the College had excess draw-downs against its Federal account. The College proposed an offset against the excess draws, using the College's Title III-Strengthening Developing Institutions program matching funds. Although the offer was initially accepted by the ARB, it was later rejected and the College was advised that the matching funds could not serve as an offset against excess draw-downs.

The Department seeks a refund of $547,831. The College challenges the Department's interpretation of "matching funds" and disputes liability in the amount of $340,070.

Appeal of Western Kentucky University, Docket No.: 11(247)87, ACN: 04–65281

The University appealed a final letter of determination issued by the Grants and Contracts Service (GCS). The underlying audit reviewed costs associated with a discretionary grant program conducted by the University between July 1, 1984 and June 30, 1985.

GCS sustained the auditor's findings that the University failed to apply project income to the conduct of its school-based technology demonstration project, thus violating the cost sharing/matching funds requirements of the grant.

The Department seeks a refund of $40,864 and the University disputes all liability.

Appeal of Capital School District (DE), Docket No. 12(248)87, ACN: 03–63017

The District appealed a final letter of determination issued by Grants and Contracts Service (GCS). The underlying audit reviewed the expenditures attributed to the Teacher Center Project funded between July 1, 1981 and June 30, 1983.

GCS sustained the auditor's findings that expenditures associated with the project were improperly charged to the Federal grant after expiration of the statutory period of availability.

The Department seeks a refund of $9,659. The District disputes all liability.

Appeal of the State of Colorado, Docket No. 13(249)87, ACN: 08–62056

The State appealed a final letter of determination issued by the Acting Assistant Secretary for Elementary and Secondary Education. As pertinent, the underlying audit reviewed Chapter 1 and Chapter 2 programs conducted by the State during the fiscal year ending June 30, 1985.

The Acting Assistant Secretary sustained the auditor's findings, concluding that the State failed to properly document the distribution of salary charges between the two programs.

The Department seeks a refund of $32,935. The State disputes all liability.

Appeal of Franklin Northwest Supervisory Union (VT), Docket No. 14(250)87

The Union appealed a final letter of determination issued by Grants and Contracts Service (GCS) voiding its FY 1986 grants. The Union also appealed the GCS' determination that it may not incur additional expenditures under these grants and must repay all FY 1986 funds expended to date.

GCS determined, based upon a site visit, that the Union failed to provide services to limited English proficient students, failed to maintain appropriate records, and failed to conduct a transitional bilingual education program in violation of the provisions of the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965 (as amended).

The Department seeks a repayment of funds amounting to $400,061. The Union challenges the Department's authority to void a grant and seek repayment of grant funds in the absence of an audit.

Appeal of the State of Arkansas, Docket No. 15(251)87, ACN: 06–60505

The State appealed a final letter of determination issued jointly by the Acting Assistant Secretary for Elementary and Secondary Education and the Assistant Secretary for Special Education and Rehabilitation Services. The underlying audit reviewed unemployment costs charged to Federal grants between July 1, 1982 and June 30, 1985.

The Assistant Secretary sustained the auditor's findings that the unemployment costs charged the Chapter 1, Chapter 2, and the Education of the Handicapped Act programs were excessive, and that the overcharges were improperly added to the local education agency's general operating fund.

The Department seeks a refund of $515,098. The State challenges the Department's methods of computation of overcharges and argues that charges to other programs, not previously considered, should be used as an off-set against only properly calculated overcharges.

An application to intervene must indicate to the satisfaction of the Board Chairman or, as appropriate, the Panel Chairperson, that the potential intervenor has an interest in, and information relevant to, the specific issues raised in the appeal. If an application to intervene is approved, the intervenor becomes a party to the proceedings.

Applications to intervene, or questions, should be addressed to the Board Chairman at the address provided above.

(20 U.S.C. 1234)

(Catalog of Federal Domestic Assistance No. not applicable)

Dated: September 3, 1987.

Peter R. Greer,

Deputy Under Secretary Intergovernmental and Interagency Affairs.

[FR Doc. 87–20742 Filed 9–9–87; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Educational Research and Improvement; Full Meeting

AGENCY: National Advisory Council on Educational Research and Improvement; Education.

ACTION: Full Council meeting of the National Advisory Council on Educational Research and Improvement.

SUMMARY: This notice sets forth the schedule and agenda of a forthcoming meeting of the National Advisory Council on Educational Research and Improvement. This notice also describes the functions of the Council. Notice of this meeting is required under section 10 (a)(2) of the Federal Advisory Committee Act.

DATE: September 22 and 23, 1987.

ADDRESS: The Council will meet on September 22 from 10 a.m. to 2:45 p.m. in the Indian Treaty Room of the Old Executive Office Building, 17th and Pennsylvania Avenue NW., Washington,

DC 20500, and from 3 p.m. to 4:45 p.m. in the Folger Shakespeare Library, 201 E. Captiol St., SE., Washington, DC 20003. The Council will meet on September 23 in the Mayflower Hotel (meeting room as posted), 1127 Connecticut Avenue NW., Washington, DC 20036, from 9 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mary Grace Lucier, Executive Director, National Advisory Council on Educational Research and Improvement, 2000 L St., NW., Suite 617 B, Washington, DC 20036, (202) 254–7490.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Educational Research and Improvement is established under section 405 of the General Education Provisions Act (20 U.S.C. 1221 e); Department of Education organization plan implemented pursuant to section 413 of Pub. L. 96–88 and notice to Congress dated July 2, 1985. The Council is established to advise the Secretary of Education on policies and priorities for the Office of Educational Research and Improvement (OERI), and to review the conduct of OERI and to advise the Secretary of Education and the Assistant Secretary for OERI on the development of programs to be carried out by OERI.

Meetings of the Council are open to the public. The agenda for September 22 includes briefings on educational policy by administration officials and an address by Mr. Robert Slavin of the Center for Effective Elementary and Middle Schools, John Hopkins University. The agenda for September 23 includes a discussion of the enlargement of the National Assessment of Educational Progress, revision of the Council by-laws, and other Council business.

Security considerations require that members of the public who wish to attend the meeting on September 22 obtain prior clearance by telephoning the Council's office at (202) 254–7490 by close of business on September 17.

Records are kept of all Council Proceedings and are available for public inspection at the Office of the National Advisory Council on Educational Research and Improvement, 2000 L. St. NW., Suite 617 B, Washington, DC 20036, from the hours of 9 a.m. to 5 p.m. Monday through Friday.

Dated: September 3, 1987.

Mary Grace Lucier,

Executive Director.

[FR Doc. 87–20722 Filed 9–9–87; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Intent To Award a Cooperative Agreement; Continued Assistance to State and Local League Groups and to State Legislatures in Their Consideration of Radioactive Waste Siting Issues in the Implementation of the Nuclear Waste Policy Act of 1982

AGENCY: Department of Energy (DOE).

ACTION: Notice of restricted eligibility for award of Cooperative Agreement Number DE–FC01–87RW00141 to the League of Women Voters Education Fund (LWVEF).

SUMMARY: The United States Department of Energy (DOE), Office of Civilian Radioactive Waste Management, announces that pursuant to 10 CFR 600.7(b) it intends to award, on a restricted eligibility basis, a Cooperative Agreement to the LWVEF. The purpose of the Cooperative Agreement is to encourage public understanding and participation in the first repository site selection process and provide technical data and in-depth background information on radioactive waste repository siting and related issues.

Eligibility

The League of Women Voters Education Fund (LWVEF) has unique qualifications and a recognized national reputation which qualifies it to accomplish the objective of this Cooperative Agreement. Negotiation of a Cooperative Agreement with only the Fund is recommended because of the organization's national membership, special expertise, and familiarity with the ongoing implementation of the NWPA and experience in developing public information on radioactive waste issues. As an independent but complementary organization to the League of Women Voters of the United States, the Fund has direct access to 1200 State and local League groups representing the 50 states, Puerto Rico, and the District of Columbia. This well developed and long-standing network is a resource that has been successfully employed in the U.S. High-Level Waste Program public hearings and briefings conducted in the past. The Fund's broad range of social and institutional affiliations can continue to significantly assist in public education and promote informed public participation in siting decisions that are national in scope and impact.

In summary, through the Fund's unique access to the League's national membership, and experience with technical and complex radioactive waste issues, the Fund's organization demonstrates an existing expertise and proficiency necessary to conduct a pilot public information project to promote involvement in the waste program. Therefore, a Cooperative Agreement to conduct public information/education activities should be negotiated only with the Fund because it has the singular qualifications and capability to provide the required and timely assistance to fully implement the NWPA mandated public participation. The period of this Cooperative Agreement will be 20 months with an estimated cost of $274,287.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, Attn: Calvin Lee, MA–453.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Stephen J. Michelsen,

Acting Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 87–20846 Filed 9–9–87; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 87–40–NG]

Application To Amend Authorization To Import Natural Gas From Canada; Northwest Alaskan Pipeline Co.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of application to extend blanket authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on July 17, 1987, of an application from Northwest Alaskan Pipeline Company (Northwest Alaskan) to amend its authorization to import natural gas. The application requests that the ERA approve the extension of its authority to import natural gas from Canada under its "Western Contract" with Pan-Alberta Ltd. from October 31, 2001, through October 31, 2012.

The application was filed with the ERA pursuant to section 3 of the Natural Gas Act and Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed no later than October 13, 1987.

FOR FURTHER INFORMATION CONTACT: Chuck Boehl, Natural Gas Division, Economic Regulatory Administration,

Forrestal Building, Room GA–076, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6050
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667

SUPPLEMENTARY INFORMATION:

Authority to import the Canadian gas was first issued by the Federal Energy Regulatory Commission (FERC) on January 11, 1980. (*Northwest Alaskan Pipeline Company*), Docket Nos. CP78–123, *et al.* 10 FERC ¶ 61,032 (January 11, 1980)). The volume of the authorized import was increased from 240,000 Mcf to 300,000 Mcf through October 31, 1988, by a FERC order dated June 13, 1980. (*Northwest Alaskan Pipeline Company*, Docket Nos. CP78–123, *et al.* 11 FERC ¶ 61,279 (June 13, 1980)). By an order issued December 15, 1983, the FERC extended the duration of the authorized imports through October 31, 1992, with certain conditions. (*Northwest Alaskan Pipeline Company*, Docket Nos. CP78–123–021, *et al.*, 25 FERC ¶ 61,384 (December 15, 1983)). On December 13, 1984, the ERA issued DOE/ERA Opinion and Order No. 68 (Order No. 68) removing the conditions and further extending the import authorization to October 31, 2001. (*Northwest Alaskan Pipeline Company*, 1 ERA ¶ 70,580).

Northwest's current application is merely for an extension of the authorization which the ERA approved in Order No. 68. That import arrangement established a rate structure comprised of a demand and a commodity component. The demand component consists of a combination of (1) administrative costs incurred by Pan-Alberta in connection with securing the gas and arranging transportation and sale of the gas from the Province of Alberta; (2) the charge for transporting the volumes resold to Pacific Interstate Transmission Company (PIT) of the Alaskan Natural Gas Transportation System (ANGTS) prebuilt facilities of Foothills Pipe Lines (Yukon) Ltd. (Foothills); (3) the charge by NOVA, AN ALBERTA CORPORATION (NOVA); and (4) the administrative costs incurred by Northwest Alaskan for purchase and resale of the gas at the U.S.-Canadian border. The demand charge would be redetermined every six months.

The commodity charge, also subject to recalculation every six months, is a price at the U.S.-Canadian border based on a formula which takes into consideration changes in the recent cost of all other gas supplies purchased by Southern California Gas Company (SoCal), the ultimate purchaser, or its affiliates for resale in the Southern California gas market. The amendment also establishes an incentive price of $2.30 (U.S.) per MMBtu for volumes purchased per year in excess of 85 percent but not exceeding 100 percent of the contract volume. The incentive rate will be renegotiated at the same time the base commodity rate is redetermined.

The amendment further provides for a reduction in the minimum daily and annual volume purchase obligations from 85 percent of contract volume to a 60 percent take-*and*-pay requirement daily and yearly. There is no take-*or*-pay requirement. This is another factor, including all contract provisions, that can be reopened every six months.

Northwest Alaskan maintains that the extension of its authority to import Canadian gas from November 1, 2001, through October 31, 2012, is in the public interest, because: (1) The contract agreement assures that the imported gas will be market responsive; (2) the gas will be going to one of the most gas-reliant areas of the United States and the contract extension ensures those customers of long term supplies at competitive prices; (3) the extension will not create undue reliance on Canadian imports; and (4) Canadian imports represent a secure energy supply.

The decision on this application will be made consistent with the Secretary of Energy's gas import policy guidelines, under which competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (496 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant has asserted that this import arrangement is competitive. Parties opposing the arrangement bear the burden of overcoming this assertion.

Other Information

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notices of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate procedural action to be taken on the application. All protests, motions to intervene, notice of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. They should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room GA–076, RG–23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. They must be filed no later than 4:30 p.m. October 13, 1987.

The Administrator intends to develop a decisional record on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or a trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, the ERA will provide notice to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Northwest Alaskan's application is available for inspection and copying in the Natural Gas Division Docket Room, GA–076, at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., on September 4, 1987.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 87–20847 Filed 9–9–87; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER87-605-000, et al.]

Electric Rate and Corporate Regulation Filings; Iowa Power and Light Co. et al.

Take notice that the following filings have been made with the Commission:

1. Iowa Power and Light Company

[Docket No. ER87-605-000]

September 2, 1987.

Take notice that on August 28, 1987, Iowa Power and Light Company (Iowa Power) tendered for filing, pursuant to Rule 602 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.602, a Stipulation along with a proposed order that is intended to settle the rate issue brought about by the Tax Reform Act of 1986.

Iowa Power states that the Stipulation was agreed to by Iowa Power and the Cities of Neola and Carlisle (Cities) in response to the Commission's rulemaking "Rate Changes Relating to Federal Corporate Income Tax Rate for Public Utilities" Docket No. RM87-4-000.

Copies of this filing has been served upon all parties affected by this filing.

Comment date: September 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. Delmarva Power & Light Company

[Docket No. ER87-606-000]

September 2, 1987.

Take Notice that on August 28, 1987, Delmarva Power & Light Company (Delmarva) tendered for filing proposed Supplement No. 9 to its FERC Rate Schedule No. 52. This Supplement, filed at the request of Old Dominion Electric Cooperative (Old Dominion), provides for an additional 69KV delivery point at Tanyard Substation.

Copies of this filing were served upon Choptank Electric Cooperative, Old Dominion Electric Cooperative and the Maryland Public Service Commission.

Comment date: September 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. Citizens Utilities Company

[Docket No. EC87-22-000]

September 2, 1987.

Take notice that on August 28, 1987, Citizens Utilities Company (Citizens) tendered for filing its application with the Federal Energy Regulatory Commission (Commission), pursuant to section 203 of the Federal Power Act seeking an order (1) authorizing it to purchase, acquire and take securities of public utilities, (2) modifying the reporting requirement of 18 CFR 33.8 to require only an annual report and (3) waiving the Exhibit D filing requirements in part. Purchases of utility securities will be part of a passive investment program and are not designed to obtain or exercise control over any public utility.

Comment date: September 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Central Maine Power Company

[Docket No. ER87-611-000]

September 4, 1987.

Take notice that on September 1, 1987, Central Maine Power Company tendered for filing proposed changes in its FERC Electric Tariff, 10th Revised Volume No. 1, wholesale Electric Rate for Other Utilities. Under the rate increase effective October 1, 1987, CMP would be permitted to increase its current wholesale rates by $109,554 for Period I.

The filing also requests a waiver of the FERC fuel clause regulations to permit recovery of costs associated with purchases from qualifying facilities within the meaning of the Public Utility Regulatory Policies Act of 1978 effective as of January 1, 1979.

In addition, the filing includes a provision for standby power purchases by the Wholesale Customers.

The proposed tariff implements a Stipulation and Contracts between CMP and its Wholesale Customers, Kennebunk Light and Power District, Inhabitants of the Town of Madison (Madison Electric Works), and Fox Islands Electric Cooperative, Inc. Copies of the filing have been served on CMP's above-named Wholesale Customers, and on the Maine Public Utilities Commission.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Central Vermont Public Service Corporation

[Docket No. ER87-607-000]

September 4, 1987.

Take notice that on August 28, 1987, Central Vermont Public Service Corporation (Central Vermont) tendered for filing proposed changes in the following rate schedules:

Customer	Rate schedule FERC No.
Vermont Electric Generation and Transmission Cooperative, Inc.	88
Lyndonville Electric Department	92
Village of Ludlow Electric Light Department	96
Village of Johnson Water and Light Department	106
Village of Hyde Park Water and Light Department	111

The proposed changes would increase revenues from jurisdictional sales and service by $219,996 for the twelve month period ending October 31, 1987.

Central Vermont states that the change is proposed in accordance with Article V of Central Vermont's Power Purchase Contracts which provide that charges will be updated annually to incorporate Central Vermont's purchased power cost experience for the preceding twelve months ending October and Central Vermont's capacity cost associated with company-owned generating facilities for the preceding calendar year. Central Vermont proposes an effective date of November 1, 1987.

Copies of this filing were served upon the customers and the Vermont Public Service board.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

6. Florida Power & Light Company

[Docket No. ER87-549-000]

September 4, 1987.

Take notice that on August 31, 1987, Florida Power & Light Company (FPL) tendered for filing an amended page 6 to Amendment Number Five to Agreement to Provide Specified Transmission Service Between Florida Power & Light Company And City of Tallahassee.

As requested by the Commission, this amended page 6 has been revised to reflect the current rate for Schedule TX—Extended Economy Transmission Service. The amended page 6 supersedes and replaces in its entirety the page 6 which was initially filed in Docket No. ER87-549-000. Copies of this filing were served upon the City of Tallahassee. FPL request that this amended page 6 be made effective on July 13, 1987.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. Kanawha Valley Power Company

[Docket No. ER87-608-000]

September 4, 1987.

Take notice that on August 31, 1987, Kanawha Power Company (Kanawha) tendered for filing modifications to its 1935 and 1937 Agreements (Schedule FPC Nos. 1 and 2, respectively) with Appalachian Power Company

(Appalachian) providing for the supply of power and energy from Kanawha's Marmet and London (Project No. 1175) and Winfield (Project No. 1290) hydroelectric plants, respectively, to be effective November 1, 1987.

The modifications would increase annual revenues to Kanawha for sales to Appalachian by $751,245 based on the twelve month period ending June 30, 1987.

The proposed changes are required due to increases in the cost of providing service under the 1935 and 1937 Agreements since the last rate modification in 1985. The rates under the proposed modification are designed to provide Kanawha with the opportunity to earn a 10.77% overall return. Both Kanawha and Appalachian are affiliates of the American Electric Power System.

Kanawha states that a copy of the filing has been provided to the Public Service Commission of West Virginia, the Virginia State Corporation Commission and Appalachian Power Company.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Niagara Mohawk Power Corporation

[Docket No. ER87-612-000]

September 4, 1987.

Take notice that on September 1, 1987, Niagara Mohawk Power Corporation tendered for filing proposed changes to rate schedules to increase charges for delivery of power and energy to municipal and cooperative customers of the Power Authority of the State of New York (Power Authority) located either in Niagara Mohawk's franchise area or in the remaining areas of New York State which are served in whole or in part through Niagara Mohawk's transmission system; affected also are certain of Power Authority's industrial customers who receive FitzPatrick power and energy. The new rates are proposed to be effective November 1, 1987.

Niagara Mohawk presently has on file agreements with the Power Authority dated March 1, 1987, designated Rate Schedule 18; dated February 10, 1961, designated Rate Schedule FERC No. 19; and dated July 28, 1975, designated Rate Schedule 95. These provide for, among other service, transmitting power and energy from the Power Authority over Niagara Mohawk's transmission facilities to customers of the Power Authority, including those customers identifed in the preceding paragraph.

Copies of the filing were served upon the attached service list.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Southern Company Services, Inc.

[Docket No. ER87-609-000]

September 4, 1987.

Take notice that on August 31, 1987, Southern Company Services, Inc. on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company (Southern Companies), tendered for filing a notice of termination of the following rate schedules:

1. Schedule E (Long Term Power Sale) to the Interchange Contract between Florida Power Corporation and Southern Companies dated December 15, 1968, as amended. (FERC Rate Schedule—Southern No. 37).

2. Revised Service Schedule E (Long Term Power Sale) and the Addendum to Revised Service Schedule E to the Interchange Contract between Florida Power & Light Company and Southern Companies dated October 18, 1979, as amended. (FERC Rate Schedule—Southern No. 47)

3. Service Schedule E (Long Term Power Sale) to the Interchange Contract dated February 27, 1981, as amended, between Jacksonsville Electric Authority and Southern Companies. (FERC Rate Schedule—Southern No. 53).

4. Service Schedule E (Long Term Power Sale) to the Interconnection Agreement dated August 1, 1953, as amended, between Mississippi Power & Light Company and Southern Companies. (FERC Rate Schedule—Southern No. 15).

In each instance, Service Schedule E sets forth the terms, conditions and rates under which Southern Companies agreed to deliver power and energy to the respective purchaser. In each instance, Service Schedule E expired by its terms on December 31, 1986.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this document.

10. Western Area Power Administration and the Southwestern Power Administration

[Docket No. EL87-63-000]

September 4, 1987.

Take notice that on August 31, 1987, Western Area Power Administration and Southwestern Power Administration tendered for filing, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2), a petition for a declaratory order to remove uncertainty with regard to Commission Order No. 472.

Copies of this filing have been served upon each party affected by this filing.

Comment date: September 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20810 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-3-1-000]

Proposed PGA Rate Adjustment, Alabama-Tennessee Natural Gas Co.

September 4, 1987.

Take notice that on August 31, 1987, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama 35631, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

First Revised Sheet No. 40
Original Sheet No. 40-A
First Revised Sheet No. 41
First Revised Sheet No. 42
Original Sheet No. 42-A

Alabama-Tennessee proposes an effective date of August 1, 1987 for these tariff sheets.

Alabama-Tennessee also tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

First Revised Sheet No. 46
First Revised Sheet No. 47
Original Sheet No. 47-A
First Revised Sheet No. 50
Original Sheet No. 50-A

These tariff sheets are proposed to become effective on September 1, 1987.

Alabama-Tennessee states that the purpose of these tariff sheets is to implement the "as billed" principle to reflect the implementation of the Modified Fixed Variable methodology by Tennessee Gas Pipeline Company, one of its suppliers of natural gas.

Alabama-Tennessee states that copies of the tariff filing have been mailed to all of its jurisdictional customers and affected State Regulatory Commissions.

Any persons desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20823 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST87-3154-000 et al.]

Self-Implementing Transactions; ANR Pipeline Co. et al.

September 1, 1987.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations, and sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" inidicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's Regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G-S" indicates transportation by an interstate pipeline company on behalf of any shipper pursuant to a § 284.223 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G(LT)" or "G(LS)" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

A "G(HT)" or "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to a transaction reflected in this notice should on or before September 18, 1987, 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 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date[2]	Transportation rate (¢/MMBTU)
ST87-3154	ANR Pipeline Co	Wisconsin Natural Gas Co	07-01-87	B		
ST87-3155	.....do	Southeastern Michigan Gas Co	07-01-87	B		
ST87-3156	.....do	Wisconsin Natural Gas Co	07-01-87	B		
ST87-3157	.....do	Eastex Gas Transmission Co	07-01-87	B		
ST87-3158	Columbia Gas Transmission Corp	Northeastern Gas Pipeline	07-01-87	B		
ST87-3159	.....do	Consolidated Edison Co. of NY, Inc.	07-01-87	B		
ST87-3160	.....do	Constitution Gas Transport, Inc	07-01-87	B		
ST87-3161	Dow Pipeline Co	Natural Gas Pipeline Co. of America	07-01-87	C	11-28-87	07.31
ST87-3162	Northern Natural Gas Co	Peoples Gas Light & Coke Co	07-01-87	B		
ST87-3163	.....do	NGC Intrastate Pipeline Co	07-01-87	B		

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's Regulations.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST87-3164	do	Phillips Natural Gas Co	07-01-87	B		
ST87-3165	do	Southern California Gas Co	07-01-87	B		
ST87-3166	Panhandle Eastern Pipeline Line Co.	Illinois Power Co	07-01-87	B		
ST87-3167	do	Richmond Gas Corp	07-01-87	B		
ST87-3168	do	Northern Indiana Public Service Co.	07-01-87	B		
ST87-3169	do	Victoria Gas Corp	07-01-87	B		
ST87-3170	do	Consumers Power Co	07-01-87	B		
ST87-3171	do	Battle Creek Gas Co	07-01-87	B		
ST87-3172	do	Consumers Power Co	07-01-87	B		
ST87-3173	do	Peoples Gas Light & Coke Co., et al.	07-01-87	B		
ST87-3174	do	Consumers Power Co	07-01-87	B		
ST87-3175	Ringwood Gathering Co	Reliance Pipeline Co	07-01-87	B		
ST87-3176	Texas Eastern Transmission Corp	Philadelphia Electric Co	07-01-87	B		
ST87-3177	do	Philadelphia Gas Works	07-01-87	B		
ST87-3178	do	Long Island Lighting Co	07-01-87	B		
ST87-3179	do	Connecticut Natural Gas Corp	07-01-87	B		
ST87-3180	do	Michigan Consolidated Gas Co	07-01-87	B		
ST87-3181	do	Philadelphia Electric Co	07-01-87	B		
ST87-3182	do	do	07-01-87	B		
ST87-3183	do	Tennessee River Intrastate Gas Co.	07-01-87	B		
ST87-3184	do	New Jersey Natural Gas Co	07-01-87	B		
ST87-3185	do	Elizabethtown Gas Co	07-01-87	B		
ST87-3186	Trunkline Gas Co	Consumer Power Co	07-01-87	B		
ST87-3187	do	do	07-01-87	B		
ST87-3188	do	do	07-01-87	B		
ST87-3189	do	do	07-01-87	B		
ST87-3190	do	do	07-01-87	B		
ST87-3191	do	do	07-01-87	B		
ST87-3192	do	do	07-01-87	B		
ST87-3193	do	do	07-01-87	B		
ST87-3194	do	Bridgeline Gas Distribution Co., 35 al.	07-01-87	B		
ST87-3195	United Gas Pipe Co	Polo Energy Corp	07-01-87	B		
ST87-3196	do	Polaris Corp	07-01-87	B		
ST87-3197	Valero Interstate Transmission Co	Valero Transmission, L.P	07-01-87	B		
ST87-3198	Williams Natural Gas Co	KPL Gas Service Co	07-01-87	B		
ST87-3199	do	City of Garnett	07-01-87	B		
ST87-3200	Columbia Gulf Transmission Co	Tennessee Gas Pipeline Co	07-02-87	G		
ST87-3201	Cranberry Pipeline Corp	do	07-02-87	C	11-29-87	43.00
ST87-3202	Panhandle Eastern Pipe Line Co	Michigan Consolidated Gas Co	07-02-87	B		
ST87-3203	do	Indiana Gas Co., Inc	07-02-87	B		
ST87-3204	do	Union Electric Co	07-02-87	B		
ST87-3205	Tennessee Gas Pipeline Co	Monterey Pipeline Co	07-02-87	B		
ST87-3206	Trunkline Gas Co	Louisiana State Gas Corp	07-02-87	B		
ST87-3207	United Gas Pipe Line Co	Sabine-DeSoto Pipeline Co., Inc	07-02-87	B		
ST87-3208	Mountain Fuel Resources, Inc	Mountain Fuel Supply Co	07-06-87	B		
ST87-3209	Northern Natural Gas Co	Texline Gas Co	07-06-87	B		
ST87-3210	do	Southern California Gas Co	07-06-87	B		
ST87-3211	Seagull Energy Corp	Seagull Interstate Corp	07-06-87	C		
ST87-3212	Seagull Interstate Corp	Seagull Energy Corp	07-06-87	B		
ST87-3213	Trunkline Gas Co	Pontchartrain Natural Gas System	07-06-87	B		
ST87-3214	Colorado Interstate Gas Co	Llano, Inc	07-06-87	B		
ST87-3215	Tennessee Gas Pipeline Co	Channel Industries Gas Co	07-06-87	B		
ST87-3216	do	Eastex Gas Transmission Co	07-06-87	B		
ST87-3217	do	Orange and Rockland Utilities, Inc	07-06-87	B		
ST87-3218	do	Niagara Mohawk Power Corp	07-06-87	B		
ST87-3219	do	Nashville Gas Co., et al	07-06-87	B		
ST87-3220	do	Bridgeline Gas Distribution Co	07-06-87	B		
ST87-3221	United Gas Pipeline Line Co	Louisiana State Gas Corp	07-06-87	B		
ST87-3222	Tennessee Gas Pipeline Co	New York State Electric and Gas Co.	07-07-87	B		
ST87-3223	United Gas Pipeline Co	Wintershall Pipeline Corp	07-07-87	B		
ST87-3224	Williams Natural Gas Co	City of Iola	07-07-87	B		
ST87-3225	do	KPL Gas Service Co	07-07-87	B		
ST87-3226	Mountain Fuel Resources, Inc	Mountain Fuel Supply Co	07-08-87	B		
ST87-3227	Phillips Gas Pipeline Co	Phillips Natural Gas	06-29-87	B		
ST87-3228	Sea Robin Pipeline Co	Louisiana Gas Marketing Co	07-08-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST87-3229	....do	Pontchartrain Natural Gas System	07-08-87	B		
ST87-3230	Tennessee Gas Pipeline Co	Consolidated Edison Co. of NY, Inc.	07-08-87	B		
ST87-3231	....do	Pennsylvania Gas and Water Co	07-08-87	B		
ST87-3232	Trunkline Gas Co	Delhi Gas Pipeline Corp	07-08-87	B		
ST87-3233	United Gas Pipeline Line Co	KGS Intrastate, Inc	07-08-87	B		
ST87-3234	....do	Dal-Gas Inc	07-08-87	B		
ST87-3235	....do	LGS Intrastate, Inc	07-08-87	B		
ST87-3236	ANR Pipleine Co	Michigan Gas Utilities, Co	07-09-87	B		
ST87-3237	....do	Michigan Consolidated Gas Co	07-09-87	B		
ST87-3238	....do	Ohio Gas Co	07-09-87	B		
ST87-3239	....do	Michigan Gas Utilities Co	07-09-87	B		
ST87-3240	....do	Wisconsin Natural Gas Co	07-09-87	B		
ST87-3241	....do	Illinois Power Co	07-09-87	B		
ST87-3242	....do	Northern Indiana Fuel & Light Co	07-09-87	B		
ST87-3243	Colorado Interstate Gas Co	West Texas Gas, Inc	07-09-87	B		
ST87-3244	Northern Natural Gas Co	Southern California Gas Co	07-09-87	B		
ST87-3245	Panhandle Eastern Pipe Line Co	Indiana Gas Co., Inc	07-09-87	B		
ST87-3246	....do	Consumers Power Co	07-09-87	B		
ST87-3247	Sabine Pipe Line Co	Natural Gas Pipeline Co. of America.	07-09-87	G		
ST87-3248	....do	ANR Pipeline Co	07-09-87	G		
ST87-3249	Texas Gas Transmission Corp	Columbia Gas of Ky, Inc., et al	07-09-87	B		
ST87-3250	....do	Western Kentucky Gas Co	07-09-87	B		
ST87-3251	Trunkline Gas Co	Consumers Power Co	07-09-87	B		
ST87-3252	Trunkline Line Gas Co	Consumers Power Co	07-09-87	B		
ST87-3253	Williams Natural Gas Co	Union Gas System, Inc	07-09-87	B		
ST87-3254	....do	Reliance Pipeline Co	07-09-87	B		
ST87-3255	Columbia Gulf Transmission Co	Tennessee Gas Pipeline Co	07-10-87	G		
ST87-3256	Iowa-Illinois Gas & Electric Co	Natural Gas Pipeline Co. of America.	07-10-87	C		
ST87-3257	Northern Natural Gas Co	Southern California Gas Co	07-10-87	B		
ST87-3258	....do	Columbia Gas of Pennsylvania, Inc.	07-10-87	B		
ST87-3259	Sea Robin Pipeline Co	Yankee Pipeline Co	07-10-87	B		
ST87-3260	....do	Columbia Gas of Ohio, Inc., et al	07-10-87	B		
ST87-3261	Tennessee Gas Pipeline Co	Excel Intrastate Pipeline Co	07-10-87	B		
ST87-3262	....do	Teco Pipeline Company	07-10-87	B		
ST87-3263	....do	New Jersey Natural Gas Co	07-10-87	B		
ST87-3264	....do	Cincinnati Gas & Electric Co., et al.	07-10-87	B		
ST87-3265	....do	New Jersey Natural Gas Co	07-10-87	B		
ST87-3266	Texas Gas Transmission Co	Long Island Lighting Co., et al	07-10-87	B		
ST87-3267	Transwestern Pipeline Co	Eastex Gas Transmission Co	07-10-87	B		
ST87-3268	El Paso Natural Gas Co	Houston Pipe Line Co	07-13-87	B		
ST87-3269	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	07-13-87	C	12-10-87	54.31
ST87-3270	....do	Natural Gas Pipeline Co. of America.	07-13-87	C	12-10-87	35.00
ST87-3271	....do	ANR Pipeline Co	07-13-87	C	12-10-87	25.00
ST87-3272	....do	Columbia Gas Transmission Corp	07-13-87	C	12-10-87	21.00
ST87-3273	....do	Texas Eastern Transmission Corp	07-13-87	C		
ST87-3274	Gas Co. of NM (Div. Public Serv. Co. NM).	El Paso Natural Gas Co	07-13-87	G(HT)		
ST87-3275	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	07-13-87	B		
ST87-3276	Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	07-13-87	B		
ST87-3277	Transcontinental Gas Pipe Line Corp.	Public Service Co. of N. Carolina	07-13-87	B		
ST87-3278	....do	North Carolina Natural Gas Corp	07-13-87	B		
ST87-3279	....do	Long Island Lighting Co	07-13-87	B		
ST87-3280	....do	Public Service Co. of N. Carolina	07-13-87	B		
ST87-3281	....do	Louisiana Resources Co	07-13-87	B		
ST87-3282	....do	Public Service Co. of N. Carolina	07-13-87	B		
ST87-3283	....do	El Paso Natural Gas Co., et al	07-13-87	B		
ST87-3284	....do	North Carolina Natural Gas Corp	07-13-87	B		
ST87-3285	....do	....do	07-13-87	B		
ST87-3286	....do	Long Island Lighting Co	07-13-87	B		
ST87-3287	....do	....do	07-13-87	B		
ST87-3288	....do	United Texas Transmission Co	07-13-87	B		
ST87-3289	....do	Lynchburg Gas Co	07-13-87	B		
ST87-3290	....do	City of Social Circle	07-13-87	B		
ST87-3291	....do	Brooklyn Union Gas Co	07-13-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST87-3292	Williams Natural Gas Co	KPL Gas Service Co	07-13-87	B		
ST87-3293	do	City of Chanute	07-13-87	B		
ST87-3294	Seagull Energy Corp	Enron Industrial Natural Gas Co	07-14-87	C		
ST87-3295	Seagull Interstate Corp	do	07-14-87	B		
ST87-3296	Tennessee Gas Pipeline Co	Oceana Heights Gas Co	07-14-87	B		
ST87-3297	do	Peoples Natural Gas Co., et al	07-14-87	B		
ST87-3298	Texas Eastern Transmission Corp	Public Service Electric and Gas Co.	07-14-87	B		
ST87-3299	do	Philadelphia Electric Co	07-14-87	B		
ST87-3300	Valero Transmission, L.P.	Transwestern Pipeline Co	07-15-87	C		
ST87-3301	Northern Natural Gas Co	Coastal States Gas Transmission Co.	07-15-87	B		
ST87-3302	Panhandle Eastern Pipe Line Co	Central Illinois Public Service Co	07-15-87	B		
ST87-3303	do	Central Illinois Light Co	07-15-87	B		
ST87-3304	do	do	07-15-87	B		
ST87-3305	do	Central Illinois Service Co	07-15-87	B		
ST87-3306	do	do	07-15-87	B		
ST87-3307	Tennessee Gas Pipeline Co	Pennsylvania Gas and Water Co	07-15-87	B		
ST87-3308	do	Valley Gas Co	07-15-87	B		
ST87-3309	Trunkline Gas Co	Michigan Gas Utilities Co	07-15-87	B		
ST87-3310	Williams Natural Gas Co	Golden Gas Energies, Inc	07-15-87	B		
ST87-3311	do	KPL Gas Service Co	07-15-87	B		
ST87-3312	El Paso Natural Gas Co	Coastal States Gas Transmission Co.	07-16-87	B		
ST87-3313	Northern Natural Gas Co	Duluth Water & Gas Co	07-16-87	B		
ST87-3314	Panhandle Eastern Pipe Line Co	Central Illinois Light Co	07-16-87	B		
ST87-3315	Tennessee Gas Pipeline Co	Atlanta Gas Light Co., et al	07-16-87	B		
ST87-3316	do	Enron Industrial Natural Gas Co	07-16-87	B		
ST87-3317	Williams Natural Gas Co	Union Gas System, Inc	07-16-87	B		
ST87-3318	Lear Gas Transmission Co	Panhandle Eastern Pipe Line Co	07-17-87	C	12-14-87	29.00
ST87-3319	do	ANR Pipeline Co	07-17-87	C	12-14-87	29.00
ST87-3320	do	Northern Natural Gas Co	07-17-87	C	12-14-87	29.00
ST87-3321	do	El Paso Natural Gas Co	07-17-87	C	12-14-87	29.00
ST87-3322	do	K N Energy, Inc	07-17-87	C	12-14-87	29.00
ST87-3323	ONG Transmission Co	Northern Natural Gas Co	07-17-87	C	12-14-87	10.00/12.00
ST87-3324	do	do	07-17-87	C	12-14-87	10.00/12.00
ST87-3325	do	Natural Gas Pipeline Co. of America.	07-17-87	C	12-14-87	10.00/10.00
ST87-3326	Transwestern Pipeline Co	Southern California Gas Co	07-17-87	B		
ST87-3327	do	Colony Pipeline Corp	07-17-87	B		
ST87-3328	do	Southern California Gas Co	07-17-87	B		
ST87-3329	do	do	07-17-87	B		
ST87-3330	do	do	07-17-87	B		
ST87-3331	Colorado Interstate Gas Co	Peoples Natural Gas Co	07-20-87	B		
ST87-3332	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	07-20-87	C		
ST87-3333	El Paso Natural Gas Co	Pacific Gas and Electric Co	07-20-87	B		
ST87-3334	do	Southern California Gas Co	07-20-87	B		
ST87-3335	do	Pacific Gas and Electric Co	07-20-87	B		
ST87-3336	Panhandle Eastern Pipe Line Co	Michigan Consolidated Gas Co	07-20-87	B		
ST87-3337	do	Consumers Power Co	07-20-87	B		
ST87-3338	do	Michigan Consolidated Gas Co	07-20-87	B		
ST87-3339	do	Central Illinois Public Service Co	07-20-87	B		
ST87-3340	do	Southeastern Michigan Gas Co	07-20-87	B		
ST87-3341	do	Golden Gas Energies, Inc	07-20-87	B		
ST87-3342	Tennessee Gas Pipeline Co	East Ohio Gas Co., et al	07-20-87	B		
ST87-3343	do	National Gas and Oil Corp	07-20-87	B		
ST87-3344	do	Valley Gas Co	07-20-87	B		
ST87-3345	do	Berkshire Gas Co	07-20-87	B		
ST87-3346	do	Western Kentucky Gas Co	07-20-87	B		
ST87-3347	do	Columbia Gas of PA, Inc., et al	07-20-87	B		
ST87-3348	do	By State Gas Co	07-20-87	B		
ST87-3349	do	Nashville Gas Co., et al	07-20-87	B		
ST87-3350	Williams Natural Gas Co	Arkansas Louisiana Gas Co	07-20-87	B		
ST87-3351	do	Peoples Natural Gas Co	07-20-87	B		
ST87-3352	Channel Industries Gas Co	Amoco Gas Co	07-21-87	C		
ST87-3353	do	Tennessee Gas Pipeline Co	07-20-87	C		
ST87-3354	United Gas Pipe Line Co	Texas Southern Pipeline, Inc	07-20-87	B		
ST87-3355	do	Washington Gas Light Co., et al	07-20-87	B		
ST87-3356	Panhandle Eastern Pipe Line Co	Peoples Natural Gas Co	07-21-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST87-3357	....do	Citizens Gas Fuel Co	07-21-87	B		
ST87-3358	Texas Eastern Transmission Corp	Public Service Electric and Gas Co.	07-21-87	B		
ST87-3359	El Paso Natural Gas Co	West Texas, Inc	07-22-87	B		
ST87-3360	Natural Gas Pipeline Co of America.	Peoples Gas Light & Coke Co	07-22-87	B		
ST87-3361	Phillips Gas Pipeline Co	Phillips Natural Gas Co	07-22-87	B		
ST87-3362	Tennessee Gas Pipeline Co	North Penn Gas Co	07-22-87	B		
ST87-3363	....do	Colony Pipeline Corp	07-22-87	B		
ST87-3364	....do	National Gas and Oil Corp	07-22-87	B		
ST87-3365	Texas Eastern Transmission Corp	Public Service Electric and Gas Co.	07-22-87	B		
ST87-3366	....do	Village of Tamms	07-22-87	B		
ST87-3367	....do	Associated Natural Gas Co	07-22-87	B		
ST87-3368	....do	Central Hudson Gas and Electric Co.	07-22-87	B		
ST87-3369	....do	City of Cairo	07-22-87	B		
ST87-3370	....do	Public Service Electric and Gas Co.	07-22-87	B		
ST87-3371	....do	Lavaca Pipe Line Co	07-22-87	B		
ST87-3372	....do	....do	07-22-87	B		
ST87-3373	....do	Union Electric Co	07-22-87	B		
ST87-3374	....do	Public Service Electric and Gas Co.	07-22-87	B		
ST87-3375	....do	Philadelphia Gas Works	07-22-87	B		
ST87-3376	Trunkline Gas Co	Consumers Power Co	07-22-87	B		
ST87-3377	....do	....do	07-22-87	B		
ST87-3378	....do	....do	07-22-87	B		
ST87-3379	....do	....do	07-22-87	B		
ST87-3380	....do	....do	07-22-87	B		
ST87-3381	....do	....do	07-22-87	B		
ST87-3382	....do	....do	07-22-87	B		
ST87-3383	....do	....do	07-22-87	B		
ST87-3384	....do	....do	07-22-87	B		
ST87-3385	....do	....do	07-22-87	B		
ST87-3386	....do	....do	07-22-87	B		
ST87-3387	Valero Transmission, L.P	Texas Eastern Transmission Corp	07-22-87	C		
ST87-3388	Williams Natural Gas Co	Kansas Gas Supply Corp	07-22-87	B		
ST87-3389	....do	City of Auburn	07-22-87	B		
ST87-3390	El Paso Natural Gas Co	Southern California Gas Co	07-23-87	B		
ST87-3391	....do	Pacific Gas and Electric Co	07-23-87	B		
ST87-3392	....do	Houston Pipe Line Co	07-23-87	B		
ST87-3393	Natural Gas Pipeline Co. of America.	Northern Indiana Public Service Co.	07-23-87	B		
ST87-3394	....do	Northern Illinois Gas Co	07-23-87	B		
ST87-3395	ONG Transmission Co	Arkla Energy Resources	07-23-87	C	12-20-87	10.00
ST87-3396	Transcontinental Gas Pipe Line Corp.	Longhorn Pipeline Co	07-23-87	B		
ST87-3397	....do	Fort Hill Natural Gas Authority	07-23-87	B		
ST87-3398	El Paso Natural Gas Co	El Paso Hydrocarbons Co	07-24-87	B		
ST87-3399	Trunkline Gas Co	Consumers Power Co	07-24-87	B		
ST87-3400	....do	Michigan Gas Utilities Co	07-24-87	B		
ST87-3401	....do	Consumers Power Co	07-24-87	B		
ST87-3402	....do	....do	07-24-87	B		
ST87-3403	Panhandle Eastern Pipe Line Co	Associated Intrastate Pipeline Co	07-24-87	B		
ST87-3404	....do	Austin Utility Dept	07-24-87	B		
ST87-3405	....do	Llano, Inc	07-24-87	B		
ST87-3406	....do	Michigan Consolidated Gas Co	07-24-87	B		
ST87-3407	Valero Transmission, L.P	Valero Interstate Transmission Co	07-24-87	C		
ST87-3408	....do	Northern Natural Gas Co	07-24-87	C		
ST87-3409	Northern Natural Gas Co	Austin Utility Dept	07-24-87	B		
ST87-3410	Tennessee Gas Pipeline Co	North Penn Gas Co	07-24-87	B		
ST87-3411	....do	Central Hudson Gas and Electric Co.	07-24-87	B		
ST87-3412	Williams Natural Gas Co	Associated Intrastate Pipeline Co	07-24-87	B		
ST87-3413	....do	City of Altamont	07-24-87	B		
ST87-3414	....do	Quivira Gas Co	07-24-87	B		
ST87-3415	....do	Kansas Gas Supply Corp	07-24-87	B		
ST87-3416	Arkla Energy Resources	Philadelphia Gas Works	07-27-87	B		
ST87-3417	Colorado Interstate Gas Co	Reliance Pipeline Co	07-27-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST87-3418	Natural Gas Pipeline Co. of America.	Midven Pipeline Co	07-27-87	B		
ST87-3419	....do	North Shore Gas Co	07-27-87	B		
ST87-3420	Texas Sea Rim Pipeline, Inc	Apache Intrastate	07-27-87	B		
ST87-3421	Williams Natural Gas Co	Kansas Power and Light Co	07-27-87	B		
ST87-3422	Arkla Energy Resources	Boston Gas Co	07-28-87	B		
ST87-3423	El Paso Natural Gas Co	Southern California Gas Co	07-28-87	B		
ST87-3424	....do	Pacific Gas and Electric Co	07-28-87	B		
ST87-3425	....do	Southern California Gas Co	07-28-87	B		
ST87-3426	....do	....do	07-28-87	B		
ST87-3427	Mountain Fuel Resources, Inc	Mountain Fuel Supply Co	07-28-87	B		
ST87-3428	Natural Gas Pipeline Co. of America.	Central Illinois Light Co	07-28-87	B		
ST87-3429	....do	Delhi Gas Pipeline Corp	07-28-87	B		
ST87-3430	....do	Peoples Gas Light & Coke Co	07-28-87	B		
ST87-3431	Tennessee Gas Pipeline Co	City of Richmond Dept. of Pub. Util.	07-28-87	B		
ST87-3432	Natural Gas Pipeline Co. of America.	Northern Indiana Public Service Co.	07-29-87	B		
ST87-3433	....do	Commonwealth Gas Services, Inc	07-29-87	B		
ST87-3434	Tennessee Gas Pipeline Co	Commonwealth Gas Co	07-29-87	B		
ST87-3435	....do	Nashville Gas Co	07-29-87	B		
ST87-3436	Texas Gas Transmission Corp	Louisville Gas & Electric Co	07-30-87	B		
ST87-3437	....do	City of Alexandria	07-30-87	B		
ST87-3438	....do	Community Natural Gas Co., Inc	07-30-87	B		
ST87-3439	....do	Central Illinois Light Co., et al	07-30-87	B		
ST87-3440	....do	NGC Intrastate Pipeline Co	07-30-87	B		
ST87-3441	Transcontinental Gas Pipe Line Corp.	Mountaineer Gas Co	07-29-87	B		
ST87-3442	....do	Connecticut Natural Gas Corp	07-29-87	B		
ST87-3443	Valero Transmission, L.P	Transwestern Pipeline Co	07-29-87	C		
ST87-3444	....do	El Paso Natural Gas Co	07-29-87	C		
ST87-3445	ANR Pipeline Co	Michigan Consolidated Gas Co	07-30-87	B		
ST87-3446	....do	Michigan Power Co	07-30-87	B		
ST87-3447	....do	Wisconsin Natural Gas Co	07-30-87	B		
ST87-3448	....do	....do	07-30-87	B		
ST87-3449	....do	City Gas Co	07-30-87	B		
ST87-3450	....do	West Ohio Gas Co	07-30-87	B		
ST87-3451	El Paso Natural Gas Co	Southern California Gas Co	07-30-87	B		
ST87-3452	....do	Texline Gas Co	07-30-87	B		
ST87-3453	....do	El Paso Gas Transportation Co	07-30-87	B		
ST87-3454	....do	Pacific Gas and Electric Co	07-30-87	B		
ST87-3455	....do	GGSI Gas Co	07-30-87	B		
ST87-3456	....do	El Paso Hydrocarbons Co	07-30-87	B		
ST87-3457	....do	Pacific Gas and Electric Co	07-30-87	B		
ST87-3458	....do	Southern Union Gas Co	07-30-87	B		
ST87-3459	....do	Pacific Gas and Light Co	07-30-87	B		
ST87-3460	Natural Gas Pipeline Co. of America.	Northern Illinois Gas Co	07-30-87	B		
ST87-3461	....do	Peoples Gas Light and Coke Co	07-30-87	B		
ST87-3462	Panhandle Eastern Pipe Line Co	Michigan Consolidated Gas Co	07-30-87	B		
ST87-3463	....do	Baltimore Gas & Electric Co., et al.	07-30-87	B		
ST87-3464	Trunkline Gas Co	Consumer Power Co	07-30-87	B		
ST87-3465	Winnie Pipeline Co	Natural Gas Pipeline Co. of America.	07-30-87	C		
ST87-3466	ANR Pipeline Co	Madison Gas & Electric Co	07-30-87	B		
ST87-3467	....do	Wisconsin Gas Co	07-31-87	B		
ST87-3468	....do	Wisconsin Natural Gas Co	07-31-87	B		
ST87-3469	....do	Coastal States Gas Transmission Co.	07-31-87	B		
ST87-3470	....do	Michigan Gas Utilities Co	07-31-87	B		
ST87-3471	....do	Michigan Consolidated Gas Co	07-31-87	B		
ST87-3472	....do	Wisconsin Natural Gas Co	07-31-87	B		
ST87-3473	....do	Madison Gas & Electric Co	07-31-87	B		
ST87-3474	....do	Michigan Consolidated Gas Co	07-31-87	B		
ST87-3475	....do	Quivira Gas Co	07-31-87	B		
ST87-3476	....do	Peoples Gas Light & Coke Co	07-31-87	B		
ST87-3477	....do	Columbia Gas of Maryland, Inc	07-31-87	B		
ST87-3478	....do	Corning Natural Gas Corp	07-31-87	B		
ST87-3479	Northern Natural Gas Co	Northern Illinois Gas Co	07-31-87	B		

Docket No.[1]	Transporter/seller	Recipient	Date filed	Subpart	Expiration date [2]	Transportation rate (¢/MMBTU)
ST87-3480	do	VHC Pipeline Co	07-31-87	B		
ST87-3481	do	Iowa-Illinois Gas & Electric Co	07-31-87	B		
ST87-3482	do	Pacific Gas and Electric Co	07-31-87	B		
ST87-3483	ONG Transmission Co	Northern Indiana Public Service Co.	07-31-87	C	12-28-87	10.00
ST87-3484	do	Panhandle Eastern Pipe Line Co	07-31-87	C	12-28-87	10.00
ST87-3485	Panhandle Eastern Pipe Line Co	Eastex Gas Transmission Co	07-31-87	B		
ST87-3486	do	Woodward Pipeline, Inc	07-31-87	B		
ST87-3487	do	Eastex Gas Transmission Co	07-31-87	B		
ST87-3488	do	do	07-31-87	B		
ST87-3489	do	do	07-31-87	B		
ST87-3490	Taft Pipeline Co	Peoples Natural Gas Co	07-31-87	C	12-28-87	09.60
ST87-3491	Texas Eastern Transmission Corp	Corpus Christi Industrial Pipeline Co.	07-31-87	B		
ST87-3492	Trunkline Gas Co.	Consumers Power Co	07-31-87	B		
ST87-3493	do	do	07-31-87	B		
ST87-3494	do	do	07-31-87	B		
ST87-3495	do	do	07-31-87	B		
ST87-3496	do	do	07-31-87	B		
ST87-3497	do	do	07-31-87	B		
ST87-3498	Seagull Energy Corp	Transcontinental Gas Pipe Line Corp.	07-31-87	C	12-28-87	10.00

[1] Notice of transactions does not constitute a determination that filings comply with Commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 10/18/85).

[2] The Intrastate Pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(B)(2) of the Commission's regulations (18 CFR 284.123(B)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 87-20559 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-31-000 (PGA 88-1)]

Filing of Revised Tariff Sheets Reflecting Tariff Adjustment; Arkla Energy Resources

(September 3, 1987)

Take notice that on September 1, 1987 Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing the following tariff sheets:

Rate Schedule No. X-26
Original Volume No. 3
44th Revised Sheet No. 185

Rate Schedule No. G-2
First Revised Volume No. 1
45th Revised Sheet No. 4

The purpose of the above described tariff sheets reflecting AER's regular semi-annual PGA changes is to (1) reflect the projected average cost of purchased gas for the six-month period commencing October 1, 1987; and (2) recover or refund the accumulated deferred purchase gas costs as of June 30, 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 §§ 1.8 and 1.10 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 September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20824 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-93-000]

Filing; Columbia Gas Transmission Corp.

September 3, 1987.

Take notice that, on August 25, 1987, Columbia Gas Transmission Corporation (Columbia), a Delaware corporation having its principal place of business at 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed a petition pursuant to Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) requesting the Commission to issue an order authorizing Columbia, during the contract year commencing November 1, 1987, to waive the demand adjustment and penalty charges applicable to sales to its wholesale customers under the CDS and G Rate Schedules in excess of their Seasonal Entitlements, subject to the condition that such excess sales have the effect of reducing Columbia's weighted average commodity cost of gas. Copies of Columbia's petition are on file with the Commission and are available for public inspection.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 17, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20825 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-112-000]

Proposed Changes in FERC Gas Tariff, Columbia Gas Transmission Corp.

September 3, 1987.

Take notice that Columbia Gas Transmission Corporation (Columbia) on August 31, 1987, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1987:

One hundred and twentieth Revised Sheet No. 16
Eleventy Revised Sheet No. 16A2
Ninth Revised Sheet No. 31
Original Sheet No. 46E
Third Revised Sheet No. 67

Columbia states that the listed tariff sheets set forth the adjustment to its sales and transportation rates, as well as applicable tariff provisions, applicable to the Annual Charge Adjustment, pursuant to the Commission's Regulations as set forth in Order Nos. 472 and 472-A issued May 29, 1987 and June 17, 1987, respectively.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 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 September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20811 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-113-000]

Proposed Changes, in FERC Gas Tariff; Columbia Gulf Transmission Co.

September 3, 1987.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf) on August 31, 1987 tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective October 1, 1987:

Second Revised Sheet No. 5A
Third Revised Sheet No. 31

Columbia Gulf states that the listed tariff sheets set forth the transportation rates and applicable tariff provisions required to place the rates into effect, applicable to the Annual Charge Adjustment, pursuant to the Commission's Regulations as set forth in Order No. 472 and 472-A issued May 29, 1987 and June 17, 1987, respectively.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 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 September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must fiile a motion to intervene. Copies of Columbia Gulf's filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20812 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-111-000]

Proposed Changes in FERC Gas Tariff; Consolidated Gas Transmission Corp.

September 4, 1987.

Take notice that Consolidated Gas Transmission Corporation (Consolidated) on August 31, 1987, filed the following revised tariff sheets to Original Volume No. 1 of its FERC Gas Tariff: Fifteenth Revised Sheet No. 31; Second Revised Sheet No. 33; Second Revised Sheet Nos. 121, 126, 128, 134, and 135; Third Revised Sheet No. 136; and First Revised Sheet No. 137.

These tariff sheets are being filed to be effective on October 1, 1987, in compliance with Commission Order No. 472 issued May 29, 1987, in Docket No. RM87-3-000.

The revised tariff rates reflect an increase in the commodity portion of Current Rates of 0.20 cents per Dt to include the FERC Annual Charge Adjustment. A new section 14 has been added to the General Terms and Conditions of Consolidated's tariff to include provisions for the FERC Annual Charge Adjustment.

Additionally, Footnote 1 on Sheet No. 121 has been revised to permit the adjustment of rates to reflect FERC Annual Charges estimated to be billed to Consolidated by other pipelines for sales and transportation of gas for Consolidated.

Consolidated states that the annual charge billing of $887,609 from the Commission for fiscal year 1987 was paid under protest.

Consolidated reserves its right to file alternate tariff sheets in the event the Commission rejects the primary tariff sheets tendered for filing on July 31, 1987, in Docket No. TA87-3-22-000.

Copies of the filing were served upon Consolidated's jurisdictional customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20813 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82-124-006, RP87-70-004, and CP86-275-004]

Compliance Filing; East Tennessee Natural Gas Co.

September 4, 1987.

Take notice that East Tennessee Natural Gas Company (East Tennessee) on August 31, 1987 tendered for filing the following tariff sheets to Original Volume No. 1 of its FERC Gas Tariff:

Thirtieth Revised Sheet No. 4
Substitute First Revised Sheet No. 139
Substitute First Revised Sheet No. 140
Substitute First Revised Sheet No. 278

East Tennessee states that the purpose of the tariff sheets is to (1) revise certain tariff sheets in compliance with the Commission's June 29, 1987 order in Docket No. RP87-70-004, which directed East Tennessee to reflect the use of the three day peak to allocate purchased gas costs (This revision includes an adjustment, as a known and measurable change during the test

period, of the actual three day peak to account for its newly certificated resale customer, Atlanta Gas Light Company), (2) reflect the elimination of East Tennessee's minimum commodity bill and the 50–50 weighing of the Mcf-mile and the historical zone rate factors, consistent with the Commission's Opinion No. 282, which issued on August 21, 1987 in Docket Nos. RP82–124–000, et al., (3) reflect an annual quantity entitlement of 10,950,000 dth for Atlanta Gas Light Company, consistent with the Commission order issuing certificate issued June 5, 1987 in Docket No. CP86–275–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–20826 Filed 9–9–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP85–149–010]

Tariff Filing; East Tennessee Natural Gas Co.

September 3, 1987.

Take notice that East Tennessee Natural Gas Company (East Tennessee) on August 31, 1987 tendered for filing the following tariff sheet to Original Volume No. 1 of its FERC Gas Tariff:

Twenty-Ninth Revised Sheet No. 4

East Tennessee states that the purpose of this filing is to implement sections 3.3 and 6.2 of the Stipulation and Agreement dated December 30, 1986, in Docket No. RP82–124–000, *et al.* East Tennessee proposes that the tariff sheet become effective on September 1, 1987, in order to comply with the provisions of the Stipulation, and without prejudice to East Tennessee's right to seek rehearing of Opionion No. 282.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before September 10, 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. 87–20827 Filed 9–9–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–1–33–000]

Proposed Change in Rates Pursuant to Purchased Gas Cost Adjustment; El Paso Natural Gas Co.

September 4, 1987.

Take notice that on August 31, 1987, El Paso Natural Gas Company (El Paso) filed a notice of change in rates for jurisdictional gas service rendered under rate schedules affected by and subject to section 19, Purchased Gas Cost Adjustment Provision (PGA), of the General Terms and Conditions in El Paso's FERC Gas Tariff, First Revised Volume No. 1.

On June 19, 1987, El Paso filed an Offer of Settlement in the ongoing proceeding at *El Paso Natural Gas Co.*, Docket No. RP86–157–000, which, if approved, will permit El Paso to remove from the PGA surcharge component of its commodity rates certain liquid revenue deficiency amounts effective July 1, 1987, and to use a revised billing procedure to recover those past and certain stipulated future costs related to liquid revenues. Therefore, El Paso states that the proposed rate adjustment has been determined based upon projected purchased gas costs, estimated jurisdictional sales and an Account No. 191 jurisdictional balance that presupposes approval of the Offer of Settlement effective July 1, 1987. The filing reflects an increase of $0.0201 per dth in the base purchased gas cost rate and an increase of $0.3784 per dth in the surcharge rate for a net increase in El Paso's rates from those proposed to be effective July 1, 1987 under the Offer of Settlement at Docket No. RP86–157–000 of $0.3985 per dth attributable to the PGA.

To implement the notice of change in rates, El Paso tendered for filing and acceptance the following revised sheets to its FERC Gas Tariff:

Tariff volume	Tariff sheet
First Revised Volume No. 1	Fourteenth Revised Sheet No. 100, Second Revised Sheet No. 100–A, Ninth Revised Sheet No. 540.
Original Volume No. 1–A	Eighth Revised Sheet No. 24.
Third Revised Volume No. 2	Thirty-eighth Revised Sheet No. 1–D.
Original Volume No. 2A	Fortieth Revised Sheet No. 1–C.

El Paso requests that the Commission grant such waiver of its applicable rules and regulations as may be necessary to permit the tendered tariff sheets to become effective on October 1, 1987.

In the event the Commission does not act on or rejects the Offer of Settlement at Docket No. RP86–157–000 prior to the proposed effective date of the notice of PGA rate change, El Paso also tendered alternate tariff sheets to be made effective in lieu of their above-designated counterparts, as appropriate. The alternate sheets reflect an adjustment that does not give effect to implementation on July 1, 1987 of the Offer of Settlement in Docket No. RP86–157–000, and provide for a net increase of $1.0448 per dth in El Paso's rates placed in effect on April 1, 1987.

El Paso states that copies of the filing have been served upon all of its interstate pipeline system customers and all interested state regulatory 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 NW., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–20828 Filed 9–9–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TA85-2-4-002, TA87-5-4-000 and RP87-116-000]

Proposed Changes in Rates and Tariff Provisions; Granite State Gas Transmission, Inc.

September 4, 1987.

Take notice that on August 31, 1987, Granite State Gas Transmission, Inc. (Granite State), tendered for filing certain revised tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.

Granite State states that the proposed changes in rates and other tariff provisions are applicable to wholesale sales, to storage services and to storage-related transportation services provided for its two affiliated distributor company customers: Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities).

According to Granite State the proposed changes in rates for its sales to Bay State and Northern Utilities result from the combination of (1) its compliance with an order of the Commission issued July 20, 1987, in Docket Nos. TA85-2-4-000, *et al.*, directing Granite State, in flowing through in its rates the cost of gas purchased through the medium of Boundary Gas, Inc. to reclassify the demand and commodity components for such purchases in accordance with the requirements of Opinion Nos. 256 and 256-A in the matter of *Natural Gas Pipeline Company of America* and (2) tracking changes in the cost of gas purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) that Tennessee filed on August 17, 1987 in compliance with the requirements of Opinion No. 249-A and the settlement in Docket Nos. RP85-178, *et al.* Granite State states that its revised sales rates in this filing result in a reduction of $2,641,000 annually for sales to Bay State and $880,725 annually for sales to Northern Utilities. It also states that the Tennessee filing reduced costs incurred by Granite State for transportation of gas for system supply and storage-related transportation services which are reflected in the tariff changes.

Granite State further states that the revised tariff sheets submitted with its filing eliminate provisions related to Incremental Pricing which Regulations the Commission cancelled on July 27, 1987 in Docket No. RM87-28-000 (40 FERC ¶ 61,095) and establish an Annual Charges Adjustment provision applicable to sales and transportation services in accordance with Order No. 472, Docket No. RM87-3-000.

According to Granite State copies of its filing were served upon its customers, Bay State and Northern Utilities, and the regulatory commissions of the States of Maine and Massachusetts and New Hampshire.

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 Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20829 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 9021-002]

Surrender of Preliminary Permit; JDJ Energy Co.

September 1, 1987.

Take notice that JDJ Energy Company, permittee for the National Fish Hatchery Conduit at Greers Ferry Dam Project No. 9021, has requested that its preliminary permit be terminated. The preliminary permit was issued on September 27, 1985, and would have expired on August 31, 1988. The project would have been located on the Greers Ferry Lake in Cleburne County, Arkansas.

The permittee filed the request on July 20, 1987, and the preliminary permit for Project No. 9021 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. 87-20822 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-122-000]

Proposed Tariff Changes; National Fuel Gas Supply Corp.

September 4, 1987.

Take notice that on August 31, 1987, National Fuel Gas Supply Corporation ("National") tendered for filing Tenth Revised Sheet No. 4 and Original Sheet No. 72-A as part of its FERC Gas Tariff, First Revised Volume No. 1, to become effective October 1, 1987.

National states that the only purpose of these revised tariff sheets is to reflect an adjustment in National's rates for recovery of the costs associated with the Annual Charges Adjustment Clause as authorized by the Commission.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20830 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA87-3-16-002]

Proposed Tariff Changes; National Fuel Gas Supply Corp.

September 3, 1987.

Take notice that on August 31, 1987, National Fuel Gas Supply Corporation ("National") tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Substitute Ninth Revised Sheet No. 4 to become effective August 1, 1987, in compliance with FERC Order dated July 31, 1987.

National states the purpose of Substitute Ninth Revised Sheet No. 4 is to reflect a net increase of 38.81 cents per Dth. This change consists of a decrease in current purchase gas cost of 5.09 cents per Dth, and an increase in

the purchase gas cost surcharge adjustment of 43.9 cents per Dth.

National states that copies of this filing were served upon the company's jurisdictional customers and the regulatory commissions of the states of New York, Ohio, Pennsylvania, Delaware, and New Jersey.

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 Rule 214 of the Commission's Procedural Rules (18 CFR 385.214). All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–20831 Filed 9–9–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TF87-8-59-000]

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision; Northern Natural Gas Co., Division of Enron Corp.

September 4, 1987.

Take notice that on August 31, 1987, Northern Natural Gas Company, Division of Enron Corporation (Northern) tendered for filing the following tariff sheets:

THIRD REVISED VOLUME NO. 1

Substitute Forty-Sixth Revised Sheet No. 4b.

Substitute Fourteenth Revised Sheet No. 4b.1.

ORIGINAL VOLUME NO. 2

Substitute Fifty–Third Revised Sheet No. 1c.

Northern states that the above-referenced tariff sheets are being filed pursuant to section 18.61 of the Third Revised Volume No. 1 (applying to market area sales) and section 1.61 of the Original Volume No. 2 (applying to field area sales) (Interim Adjustments Between Regular Adjustment Dates) of Northern's Tariff to reflect a decrease in its base average commodity cost of purchased gas due to a reduction in its average cost of gas purchased from that reflected in its currently effective rates.

In accordance with the provisions of Northern's tariff, Northern states that copies of its transmittal letter and attachments have been mailed to each of Northern's gas utility customers and interested state commissions. A copy of Northern's filing is available for public inspection in Northern's office in Omaha, Nebraska.

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 September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–20832 Filed 9–9–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-126-000]

Proposed Changes in FERC Gas Tariff; Pelican Interstate Gas System

September 4, 1987.

Take notice that on September 1, 1987, Pelican Interstate Gas System (Pelican) tendered for filing the below listed tariff sheets to be a part of its FERC Gas Tariff.

First Revised Sheet No. 1.

Original Sheet No. 2A.

Pelican states that the above-mentioned tariff sheets were submitted in compliance with Commission Order No. 472, issued May 29, 1987. The proposed tariff provides a mechanism for Pelican to recover from its customers annual charges assessed it by the Commission pursuant to Part 382 of the Commission's Regulations.

A copy of this filing was mailed to Pelican's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–20833 Filed 9–9–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA88-1-7-000 and RP87-108-000]

Proposed Changes in FERC GAS Tariff; Southern Natural Gas Co.

September 3, 1987.

Take notice that Southern Natural Gas Company (Southern) on August 31, 1987, tendered for filing certain proposed changes to its FERC Gas Tariff, Sixth Revised Volume No. 1, Original Volume No. 2 and First Revised Volume No. 2A. Southern states that the purposes of the filing are:

(1) to reflect a net increase in Southern's rates effective October 1, 1987, pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff;

(2) to reflect the cancellation of Southern's Flexible Discount Rate Schedule effective September 30, 1986;

(3) to reflect the cancellation of Southern's Rate Schedule T–IS and related Form of Service Agreement effective October 9, 1987, consistent with Section 284.105(a) of the Commission's Regulations;

(4) to reflect the elimination of the incremental pricing provisions of Southern's tariff pursuant to the Commission's Order No. 478 effective October 1, 1987;

(5) to add an Annual Charge Adjustment Clause effective October 1, 1987, as permitted by Section 154.38(d)(6) of the Commission's Regulations and to assess the charge under all of Southern's sales for resale and transportation rate schedules; and

(6) to revise the Index of Contract Quantities to reflect certain recent increases in Contract Demand authorized by the Commission effective October 1, 1987.

Complete copies of the filing were served upon the Company's jurisdictional customers and interested state commissions and copies of the transmittal letter and the portion of the filing relating to Southern's implementation of the Annual Charge Adjustment Clause were served upon all shippers on behalf of whom Southern transports gas.

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 the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20814 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-128-000]

Proposed Changes in FERC Gas Tariff; Texas Eastern Transmission Corp.

September 3, 1987.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on Sept. 1, 1987 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2, certain tariff sheets listed on Appendix A of the filing.

The Commission by Order No. 472 issued May 29, 1987 implemented procedures providing for the assessment and collection from interstate pipelines, *inter alia* of annual charges as required by the Omnibus Budget Reconciliation Act of 1986. Pursuant to Order No. 472, the Commission authorized the tracking for automatic pass through to pipeline customers of the annual charges under an Annual Charge Adjustment ("ACA") clause. Texas Eastern is making this instant filing pursuant to § 154.38(d)(6) of the Commission's Regulations in order to include in its FERC Gas Tariff the procedure for collecting its assessed amount from its customers.

The ACA Adjustment Provision shall apply to Texas Eastern's Rate Schedules identified in section 26.2 of proposed section 26-Annual Charge Adjustment Clause set forth on Sheet No. 118. The Volume No. 2 tariff sheets have been modified to specify that these Volume No. 2 rate schedules are subject to the proposed section 26 of Texas Eastern's General Terms and Conditions, Volume No. 1.

The ACA Unit Surcharge authorized by the Commission in $0.0021 per Mcf. As permitted by Order No. 472 Texas Eastern converted this Mcf rate to a dekatherm rate of $0.0020 per dth. At Appendix B of the filing, Texas Eastern supports the derivation of such conversion to the proposed rates.

The proposed effective date of the tariff sheets listed on Appendix A is October 1, 1987.

Copies of the filing were served on Texas Eastern's jurisdictional customers, interested state commissions and affected parties.

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 Capital 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 Sept. 10, 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. 87-20815 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-10-M

[Docket No. TA87-5-29-000]

Proposed Changes in FERC Gas Tariff; Transcontinental Gas Pipe Line Corp.

September 3, 1987.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 27, 1987 tendered for filing Forty-Sixth Revised Sheet No. 12 and Forty-Seventh Revised Sheet No. 12 to its FERC Gas Tariff Second Revised Volume No. 1. The proposed effective dates are July 1, 1987 and August 1, 1987, respectively. The revised tariff sheets reflect a storage "tracking" rate decrease effective July 1, 1987 and a storage "tracking" rate increase effective August 1, 1987 in accordance with section 26 of Transco's General Terms and Conditions. Section 26 provides for, among other things, changes in rates for storage service rendered under Transco's Rate Schedule S-2 to reflect changes in charges by Texas Eastern Transmission Corporation (Texas Eastern) under Texas Eastern's Rate Schedule X-28.

On May 29, 1987, Texas Eastern filed a revision to its jurisdictional rates in Docket No. RP83-35 to reflect a reduction in the statutory federal corporate income tax rate from 46% to 34% effective July 1, 1987. Included therein was a decrease in annual charges payable by Transco under Rate Schedule X-28 of approximately $313,000. Subsequently, on June 30, 1987, Texas Eastern filed an Electric Power Cost (EPC) Adjustment in Docket No. TA87-3-17-000. Included therein was an increase in annual charges payable by Transco under Rate Schedule X-28 of approximately $87,000. The proposed effective date of this rate change is August 1, 1987. Transco's Forty-Sixth Revised Sheet No. 12 and Forty-Seventh Revised Sheet No. 12 reflect the revised demand charges under Transco's Rate Schedule S-2 based on the aforementioned rate changes of Texas Eastern effective July 1, 1987 and August 1, 1987 respectively.

Transco states that copies of the filing are being mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 10, 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. 87-20816 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-125-000]

Tariff Filing; Transco Gas Supply Co.

September 3, 1987.

Take notice that Transco Gas Supply Company (Gasco) on August 31, 1987 tendered for filing Seventh Revised Sheet No. 106 and Original Sheet No. 106-A to Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date of the tariff sheets is October 1, 1987.

On May 29, 1987, the Commission issued Order No. 472 in Docket No. RM87-3-000. Order No. 472 established that cost responsibility for Commission budgetary expenses would be assessed against gas pipelines and others through annual charges and further provided

that pipelines could pass through the annual charges assessed by the Commission to their respective customers through an Annual Charge Adjustment (ACA) Provision.

The purpose of the instant filing is to establish pursuant to Order No. 472 (1) a revision to the amounts which Gasco is allowed to charge its affiliate Transcontinental Gas Pipe Line Corporation (Transco) to include a unit charge per Mcf which will be added to the cost of gas which Transco purchases from Gasco in order for Gasco to recover the annual charges assessed to it by the Commission and (2) to reflect an initial ACA charge of $0.0021 per Mcf of gas purchased by Gasco.

Gasco states that copies of the filing have been served upon Transco, and for information purposes, upon each of Transco's customers and interested State Commissions.

Any persons 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 September 10, 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. 87-20817 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA88-1-42-000 and RP87-120-000]

Proposed Changes in FERC Gas Tariff; Transwestern Pipeline Co.

September 4, 1987.

Take notice that Transwestern Pipeline Company (Transwestern) on August 31, 1987 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

Exhibit A

39th Revised Sheet No. 5

Exhibit B

30th Revised Sheet No. 6
1st Revised Sheet No. 30B
1st Revised Sheet No. 34A
2nd Revised Sheet No. 48
Original Sheet No. 82
3rd Revised Sheet Nos. 83-104

Exhibit C

16th Revised Sheet No. 6A
5th Revised Sheet No. 73
10th Revised Sheet No. 74
6th Revised Sheet No. 75
6th Revised Sheet No. 76
2nd Revised Sheet No. 76B
2nd Revised Sheet No. 76C
2nd Revised Sheet No. 76D
1st Revised Sheet No. 76E

The tariff sheet listed in Exhibit A is being filed pursuant to Transwestern's Purchased Gas Adjustment provision set forth in Article 19 of the General Terms and Conditions of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1. The Purchased Gas Cost Adjustment reflected herein represents a decrease of $0.0234/dth as measured against Transwestern's last regular semi-annual PGA filing at Docket No. TA87-3-42-000 (PGA87-3), which became effective on April 1, 1987.

The tariff sheets listed in Exhibit B are being filed to establish a unit commodity surcharge to implement the Commission's new Annual Charge Adjustment (ACA), pursuant to Commission Order No. 472 in Docket No. RM87-3-002, *et al.*, dated May 29, 1987.

The tariff sheets listed in Exhibit C are being filed to eliminate the Incremental Pricing provisions and references contained in Transwestern's FERC Gas Tariff. Order No. 478 issued on July 27, 1987 in Docket No. RM87-28-000, *et al.*, revoked the Commission's incremental pricing rules effective January 1, 1988. However, since Transwestern has no incremental surcharges currently outstanding nor projects any to be effective during October-December, 1987, Transwestern is requesting a waiver of the Commission's regulations to make such tariff sheets effective October 1, 1987.

The rate change herein consists of:

1. A decrease in the Cost of Gas Adjustment of $0.1281/dth as measured against Transwestern's last regular PGA filing, Docket No. TA87-3-42-000, which became effective on April 1, 1987;

2. An increase in the currently effective Surcharge Adjustment of $0.1047/dth due to a decrease in the balance in the Gas Cost Adjustment Account as of June 30, 1987;

3. Establishment of the new unit commodity charge of $.0020/dth to implement the Commission's new ACA charge.

The proposed effective date of all tariff sheets listed above is October 1, 1987.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-20834 Filed 9-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-124-000]

Tariff Filing; U-T Offshore System

September 4, 1987.

Take notice that U-T Offshore System (U-TOS) on August 31, 1987 tendered for filing certain original and revised tariff sheets to Original Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed effective date of the tariff sheets is October 1, 1987.

On May 29, 1987, the Commission issued Order No. 472 in Docket No. RM87-3-000. Order No. 472 established that cost responsibility for Commission budgetary expenses would be assessed against gas pipelines and others through annual charges assessed by the that pipelines could pass through the annual cahrges assessed by the Commission to their respective customers through an Annual Charge Adjustment (ACA) Provision.

The purpose of the instant filing is to establish, pursuant to Order No. 472, a new Article 8.9 in Rate Schedules T-1 through T-10 contained in U-TOS' FERC Gas Tariff, Original Volume No. 2, which Article will provide for an Annual Charge Adjustment (ACA) Provision to permit U-TOS to recover from its transportation customers the annual charges assessed against U-TOS by the Commission. The instant filing also establishes the initial ACA charge of

$0.0021 per Mcf in the commodity portion of U–TOS' transportation rates.

U–TOS states that copies of the filing are being mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before September 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–20835 Filed 9–9–87; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

Open Meeting; Energy Research Advisory Board, Research & Technology Utilization Panel

Notice is hereby given of the following meeting:

Name: Research and Technology Utilization Panel of the Energy Research Advisory Board (ERAB).

Date & Time: September 28, 1987, Noon–5:00 p.m., September 29, 1987, 8:30 a.m.–5:00 p.m.

Place: Department of Energy, 1000 Independence Avenue, SW., Room 6A–110, Washington, DC 20585.

Contact: Charles E. Cathey, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2263.

Purpose of the Parent Board

To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Purpose of the Panel

The Research and Technology Utilization Panel is a subgroup of ERAB and reports to the parent Board. The Research and Technology Utilization Panel will: Review the process and effectiveness of the movement of scientific research and technology from DOE and its contractors to industry, universities, and state and local governments; review the technology transfer objectives and efforts of the major Departmental programs; evaluate the significance of past activities in this area; and make recommendations to improve the activities.

Tentative Agenda

- The agenda for this meeting will be to hear presentations from DOE officials in the Office of Energy Research, the Office of Defense Programs, the Office of Nuclear Energy, the Office of Fossil Energy, the Office of Conservation and Renewable Energy, and the Office of the General Counsel. In addition, representatives are expected from the Department of Defense, the National Bureau of Standards, the Office of Naval Research, and the National Aeronautics and Space Administration.
- Public Comment (10 minute rule).

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Charles Cathey at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes of the Meeting

Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on September 1, 1987.

Charles E. Cathey,

Deputy Director, Science and Technology Affairs, Office of Energy Research.

[FR Doc. 87–20848 Filed 9–9–87; 8:45 am]

BILLING CODE 6450–01–M

Open Meeting; Energy Research Advisory Board; Education Panel

Notice is hereby given of the following meeting:

Name: Education Panel of the Energy Research Advisory Board (ERAB).

Date & Time: October 9, 1987, 8:30 a.m.–5:00 p.m.

Place: Department of Energy, 1000 Independence Avenue, SW., Room 4A–110, Washington, DC 20585.

Contact: William L. Woodard, Department of Energy, Office of Energy Research, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–5767.

Purpose of the Parent Board

To advise the Department of Energy (DOE) on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Purpose of the Panel

The purpose of the Panel is to review DOE's activities with the education community to ensure that the Department is playing its proper role with other Federal agencies and the private sector in the support of scientific and technical education and training.

Tentative Agenda

- Review of Staff Reports.
- Distribution of Other Agencies' Education Programs.
- Future Staff Assignments.
- Future Meeting Schedule.
- Public Comment (10 minute rule).

Public Participation

The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact William Woodard at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Minutes of the Meeting

Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on September 1, 1987.

Charles E. Cathey,

Deputy Director, Science and Technology Affairs, Office of Energy Research.

[FR Doc. 87–20849 Filed 9–9–87; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OW-FRL-3259-5]

Water Quality Act Steering Committee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under ongoing activities to implement Pub. L. 100-4, the Water Quality Act of 1987 (WQA), and in accordance with Pub. L. 92-463 the Federal Advisory Committee Act, notice is hereby given that a meeting of the WQA Steering Committee will be held at the Environmental Protection Agency Headquarters Building, Waterside Mall EPA Auditorium, 401 M St. SW., Washington, DC 20460, beginning at 9:00 a.m. on October 14, 1987 and ending at about 3:00 p.m. on the same day (with a break for lunch).

The agenda will include review and discussion of WQA implementation activities and developments to date and a discussion and development of recommendations for future implementation activities. The agenda will also include a status report on public comments received as a result of the September 4, 1987 **Federal Register** notice of availability for public comment of five draft WQA guidance documents. These five documents are: "Final Draft: Nonpoint Source Guidance," "Final Draft: Clean Lakes Program Guidance," "Draft: State Water Quality-based Toxics Control Program Review Guidance," "Draft: Initial Guidance—State Water Pollution Control Revolving Fund," and"State Clean Water Strategies: Meeting The Challenges Of The Future."

The meeting will be open to the public. Additional information on the meeting can be obtained from Ms. Victoria Price at The Environmental Protection Agency, WH-556, 401 M Street SW., Washington, DC 20460, Telephone number: (202) 382-5695.

Date: September 2, 1987.

Lawrence J. Jensen,

Assistant Administrator for Water (WH-556).

[FR Doc. 87-20763 Filed 9-9-87; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3259-3; FIFRA Docket No. 590]

Notice of Hearing; Cedar Chemical Co., et al. Petitioner (Pesticide Products Containing Dinoseb)

Notice is hereby given in accordance with 40 CFR 164.8 that a hearing in the above matter pursuant to section 6 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. 136(d), will begin at 10:00 a.m., Monday, September 28, 1987, Waterside Mall, 401 M Street SW., Washington, DC, Room 2409. Issues to be considered are set forth in the Notice published by the Administrator, 51 FR 36650 (October 14, 1986). Interested persons may examine the file in this proceeding in the office of the Hearing Clerk, Room 3708, Waterside Mall, 401 M Street SW., Washington, DC, for additional information.

J.F. Greene,

Administrative Law Judge.

August 31, 1987, Washington, DC.

[FR Doc. 87-20764 Filed 9-9-87; 8:45 am]

BILLING CODE 6560-50-M

[WH-FRL-3259-4]

Drinking Water Health Advisories Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of drinking water health advisories.

SUMMARY: This notice announces the availability of 49 EPA Drinking Water Health Advisories (HAs). Health Advisories are available for the following contaminants:

Pesticides

Alachlor
Aldicarb (sulfoxide and sulfone)
Carbofuran
Chlordane
1,2-Dibromo-3-chloropropane (DBCP)
2,4-Dichlorophenoxyacetic acid
1,2-Dichloropropane
Endrin
Ethylene dibromide
Heptachlor and Heptachlor epoxide
Lindane
Methoxychlor
Oxamyl
Pentachlorophenol
Toxaphene
2,4,5-Trichlorophenoxypropionic acid

Organics

Acrylamide
Benzene
Carbon tetrachloride
Chlorobenzene
o,m,p-Dichlorobenzenes
1,2-Dichloroethane
1,1-Dichloroethylene
cis-1,2-Dichloroethylene
trans-1,2-dichloroethylene
Dichloromethane
Epichlorohydrin
Ethylbenzene
Ethylene glycol
Hexachlorobenzene
n-Hexane
Methyl ethyl ketone
Styrene
Tetrachloroethylene
Toluene.
1,1,1-Trichloroethane
Trichloroethylene
Vinyl chloride
Xylenes

Inorganics

Barium
Cadmium
Chromium
Cyanide
Mercury
Nickel
Nitrate/nitrite

Microbial

Legionella

Health Advisories are sponsored by the EPA Office of Drinking Water (ODW). These documents provide information on the health effects, analytical methodology and treatment technology that would be useful in dealing with emergency spills or contamination situations involving drinking water. The HAs describe nonregulatory concentrations of drinking water contaminants that would not result in adverse health effects over specific exposure durations. A margin of safety is incorporated into the HAs to protect sensitive members of the population.

ADDRESSES: To obtain copies of the Health Advisories, interested parties should contact the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (800) 336-4700. Please refer to the following accession numbers: PB87-200176/AS for 16 pesticide HAs; PB87-206306/AS for 25 organic HAs; and PB87-205613/AS for 7 inorganic HAs and the Legionella HA.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Orme, Health Advisory Program Coordinator, Office of Drinking Water (WH-550D), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or call (202) 382-7571.

SUPPLEMENTARY INFORMATION: The Office of Drinking Water issued draft Health Advisories for these contaminants September 30, 1985. Public comments were received until June 1, 1986. In addition, the appropriate subcommittees of EPA's Science Advisory Board and FIFRA Scientific Advisory Panel reviewed the draft Health Advisories. The comments received were reviewed and

incorporated where appropriate. These advisories will be updated as new data becomes available.

August 31, 1987.

Lawrence J. Jensen,

Assistant Administrator for Water.

[FR Doc. 87-20765 Filed 9-9-87; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. CL-87-327]

Common Carrier Public Mobile Services Information; Reminder of Requirements for Maps in Public Mobile Services (Part 22)

September 1, 1987.

Applicants and their representatives are hereby reminded that § 22.2 defines "map" as, "[a] representation on a flat surface, of a part or the whole of the Earth's surface. All maps submitted under this part shall include latitude, longitude and scale." 47 CFR 22.2 (1986).

We will not hesitate to dismiss applications with maps that fail to meet the requirements of § 22.2.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-20790 Filed 9-9-87; 8:45 am]

BILLING CODE 6712-01-M

Window Notice for The Filing of FM Broadcast Applications; Radio

[Report No. W-23]

Release: August 31, 1987.

Notice is hereby given that applications for vacant FM broadcast allotment listed below may be submitted for filing during the period beginning August 31, 1987 and ending October 8, 1987 inclusive. Selection of a permittee from a group of acceptable applicants will be by the Comparative Hearing process.

Channel—231 A

Buras Triumph, LA
New Bern, NC
Whitehall, NY
Myrtle Point, OR
Kingstree, SC
Ripley, TN
Tazewell, TN
Pearsall, TX

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-20792 Filed 9-9-87; 8:45 am]

BILLING CODE 6712-01-M

[DA 87-1231]

Private Radio Bureau Requests for Comments on San Bernardino County's Petition for Waiver of the 800 MHz Rules

The County of San Bernardino filed a number of applications (File Nos. 569744-569750) for an 800 MHz public safety radio communications systems. The applications are for a wide-area integrated communications system consisting of approximately twenty-three sites utilizing a maximum of sixty-four frequencies at any one site. Both trunked and conventional modes of operation are proposed.

In conjunction with the applications San Bernardino also filed a request for waiver of §§ 90.362, 90.615 and 90.617 of the Rules. Specifically, San Bernardino requested that the Commission allow it to (1) use 12.5 kHz offset channels with a 25 kHz bandwidth in non-border areas, (2) trunk among channels designated for conventional use only, (3) permit short-spaced assignments, and (4) use offset channels in frequency categories other than the one set aside for public safety. According to San Bernardino, because it is contiguous with the Los Angeles Metropolitan Area, there are currently no frequencies available for use in the county. San Bernardino states that extensive research has been done in an attempt to identify spectrum that could be used. It argues that the frequencies requested are the only channels available to satisfy its growing communication needs. The County submitted engineering and field tests to show that current licensees on regularly assignable channels will not suffer harmful interference by allowing the proposed offset operation.

The Commission currently provides for the use of offset channels in the 450-470 MHz band, but generally on a secondary non-interference basis to the primary channels. Offset assignments at 800 MHz are currently made only along the U.S.-Mexico border. The Commission solicits comments on the various waiver requests and, in particular, whether the new public safety 800 MHz spectrum should be used to satisfy San Bernardino's needs.

Comments on San Bernardino's waiver requests should be filed no later than September 20, 1987. Comments should refer to reference number DA 87-1231.

Copies of the San Bernardino filing may be obtained from International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20036, (202) 857-3800. A copy is also available for public inspection in Room 5126, 2025 M Street, NW., Washington, DC 20554.

For further information contact Herb Zeiler at (202) 634-2443.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-20791 Filed 9-9-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-3212; File Nos. BPCT-870304KF et al.]

Applications for Consolidated Hearing; Mack D. Blair

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant and city/state	File No.	MM Docket No.
A. Mack D. Blair; Hammond, LA.	BPCT-870304KF	87-3212
B. Pontchartrain Broadcasting Co., Inc.; Hammond, LA.	BPCT-870330KT	.....
C. Philip A. Campolo, d/b/a Airwave Media, Ltd., Hammond, LA.	BPCT-870331LG	.....
D. Hammond Broadcasting Limited Partnership; Hammond, LA.	BPCT-870331LG	.....
E. Louis E. Jenkins, Jr., d/b/a Florida Parishes Television; Hammond, LA.	BPCT-870421KI	.....

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The test of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

Air Hazard, B, C, D, E
Misrepresentation, A, C
Comparative, A, B, C, D, E
Ultimate, A, B, C, D, E

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription

Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Roy J. Steward,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87–20793 Filed 9–9–87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87–3214; File Nos. BP–860402AF et al.]

Applications for Consolidated Hearing; John A. McAulay

1. The Commission has before it the following mutually exclusive applications for a new AM station:

Applicant and city/state	File No.	MM Docket No.
A. John A. McAulay; Apple Valley, CA.	BP–860402AF	87–344
B. Mary S. Volken, d/b/a San Jacinto Radio; San Jacinto, CA.	BP–860603AF	
C. Delbert L. Van Voorhis; Yucaipa, CA.	BP–860630AU	

2. Pursuant to section 309(a) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Site Availability, A
2. Contingent Comparative; All Applicants
3. 307(b), All Applicants
4. Ultimate, All Applicants

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857–3800.)

W. Jay Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–20794 Filed 9–9–87; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing; William S. Page

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant and city/state	File No.	MM docket No.
A. William S. Page; Grifton, NC.	BPH–850624MB	87–346
B. Jan B. Greene; Grifton, NC.	BPH–850712WP	
C. A. Hartwell Campbell; Grifton, NC.	BPH–750712WQ	
D. Columbia Women's Radio, Inc., Grifton, NC.	BPH–850712WR	
E. Constance Stormer & Rose Boritzer, d/b/a/ Grifton Communications, a Partnership; Grifton, NC.	BPH–850712WS	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading and Applicant(s)

1. Comparative, ALL
2. Ultimate; ALL

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857–3800).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 87–20795 Filed 9–9–87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Privacy Act of 1974; Proposed New System of Records, Amendment to Existing System of Records, and Withdrawal of System of Records

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of proposed system of records—Telephone Call Detail Records; amendment to existing system of records—Consumer Complaint and Inquiry Records; and withdrawal of system of records—Legal Compliance and Enforcement Records.

SUMMARY: In accordance with the Privacy Act of 1974, the FDIC is giving notice of the establishment of a new system of records, entitled Telephone Call Detail Records. The FDIC is also making minor changes to an existing system, entitled Consumer Complaint and Inquiry Records, and withdrawing its Legal Compliance and Enforcement Records system, which has become obsolete.

DATES: Comments on the establishment of the Telephone Call Detail Records system must be submitted by October 13, 1987. The system will become effective on November 24, 1987 unless a superseding notice to the contrary is published before that date. The amendments to the Consumer Complaint and Inquiry Records system and the withdrawal of the Legal Compliance and Enforcement Records system are effective on September 10, 1987.

ADDRESSES: Comments on the Telephone Call Detail Records system should be addressed to Hoyle L. Robinson, Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429, or hand-delivered to Room 6108 of the same address between 9:00 a.m. and 5:00 p.m., MOnday-Friday. Comments are available for public inspection.

FOR FURTHER INFORMATION CONTACT: Robert E. Feldman, Assistant Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429, telephone (202) 898–3811.

SUPPLEMENTARY INFORMATION: The FDIC is beginning a comprehensive review of its Privacy Act systems of records notices. Periodically, throughout the course of the next year, the FDIC will be publishing in the **Federal Register** changes that ensure the accuracy of its existing systems and establishing new systems as the need arises. As the first step of this review, the FDIC is today establishing a new system, making minor changes to an

existing system, and withdrawing an obsolete existing system.

The new system, The Telephone Call Detail Records system, is being established in furtherance of the Office of Management and Budget's recommendation that agencies create systems of records to maintain telephone call detail records that contain information about individuals and are used to determine accountability for telephone usage. *See* 52 FR 12,990 (April 20, 1987). Information in the system will be derived primarily from telephone assignment records and call detail listings and includes records relating to the use of FDIC telephones to place long distance and local calls.

The FDIC is also making nonsubstantive administrative changes to update its Consumer Complaint and Inquiry Records system. Finally, the FDIC is formally withdrawiang a system which has become obsolete and no longer exists—its Legal Compliance and Enforcement Records system.

Accordingly, the Board of Directors of the FDIC proposes to establish the Telephone Call Detail Records system, publishes the amended Consumer Complaint and Inquiry System, and withdraws the Legal Compliance and Enforcement Records system.

FDIC 30-64-0020

SYSTEM NAME:

Telephone Call Detail Records.

SYSTEM LOCATION:

Corporate Services Branch, Division of Accounting and Corporate Services, FDIC, 550 17th Street NW., Washington, D.C. 20429 and designated FDIC regional offices, consolidated field offices, and field offices. A list of the designated offices is available from the Corporate Services Branch at the above address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned telephone numbers by the FDIC, including current and former FDIC employees, and other individuals provided telephone services by the FDIC, such as current and former employees of FDIC's cafeteria and credit union, who make long distance and local calls placed from FDIC telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to use of FDIC telephones to place long distance and local calls; records indicating assignment of telephone numbers to individuals covered by the system; records relating to location of telephones.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Information in the system may be disclosed, as is necessary:

(1) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(2) To representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections.

To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(4) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order, when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by particular program statute, or by regulation, rule, or order issued pursuant thereto.

(5) To FDIC current and former employees and other individuals currently or formerly provided telephone services by the FDIC to determine their individual responsibility for telephone calls.

(6) To respond to a federal, state, or local agency's request made in connection with the hiring or retention of an employee, the letting of a contract or issuance of a grant, license, or other benefit by the requesting agency, or in response to a private employer's request made in connection with the hiring or retention of an employee, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's or private employer's decision of the matter.

(7) To a telecommunications company providing telecommunications support to permit servicing the account.

DISCLOSURES TO CONSUMER REPORTING AGENCIES:

Disclosures may be made from this system, pursuant to 5 U.S.C. 552a(b)(12), to "consumer reporting agencies" as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:

Maintained in the telephone system's memory and on magnetic tape; may also be maintained on printout produced from the system's memory or magnetic tapes.

RETRIEVABILITY:

Records are retrieved by telephone number.

SAFEGUARDS:

Records are locked in telephone equipment rooms accessible only to authorized personnel. To retrieve information from the system's memory, a password is required.

RETENTION AND DISPOSAL:

Records are destroyed after the close of the fiscal year in which they are audited or after three years, whichever occurs first.

SYSTEM MANAGER AND ADDRESS:

Associate Director, Corporate Services Branch, Division of Accounting and Corporate Services, FDIC, 550 17th Street NW., Washington, DC 20429.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street NW., Washington, DC 20429. The request must contain the individual's name and the telephone number assigned to the individual by the FDIC.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

Telephone assignment records; call detail listings; results of administrative inquiries relating to assignment of responsibility for placement of specific long distance and local calls.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FDIC 30-64-0005

SYSTEM NAME:

Consumer Complaint and Inquiry System.

SYSTEM LOCATION:

Office of Consumer Affairs, FDIC, 550 17th Street NW., Washington, DC 20429, and designated FDIC regional offices (supervision) for complaints or inquiries originating within or involving a bank located in an FDIC region. A list of FDIC's regional offices (supervision) is available from the Corporate Communications Office, FDIC, 550 17th Street NW., Washington, DC 20429, (202) 898–6996.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints or inquiries concerning activities and practices of FDIC-insured banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains correspondence and records of other communications between the FDIC and the individuals filing complaints or making inquiries, including copies of supporting documents supplied by the individual. May contain correspondence between the FDIC and the bank in question and/or intragency or interagency memoranda or correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 202(f) of title II of the Federal Trade Improvement Act (15 U.S.C. 57a(f)).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in the system may be disclosed:

(1) To the institution which is the subject of the complaint or inquiry when necessary to investigate or resolve the complaint or inquiry.

(2) To third party sources during the course of the investigation in order to resolve the complaint or inquiry. Information that may be disclosed under this routine use is limited to the name of the complainant or inquirer and the nature of the complaint or inquiry.

(3) To the federal or state supervisory authority that has direct supervision over the financial institution that is the subject of the complaint or inquiry.

(4) To the appropriate federal, state, or local agency or authority responsible for investigating or prosecuting a violation of or for enforcing or implementing a statute, rule, regulation, or order issued when the information indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto.

(5) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings.

(6) To a congressional office in response to an inquiry made at the request of the individual to whom the records pertain.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

Maintained in file folders and on computer discs and tapes.

RETRIEVABILITY:

Indexed by name of complainant or inquirer and/or specialized identifying number.

SAFEGUARDS:

Maintained in lockable metal file cabinets; computer tapes and discs are accessed by authorized personnel.

RETENTION AND DISPOSAL:

Records are retained by the Office of Consumer Affairs for two years after receipt unless updated by correspondence received during the previous year. Retention periods in the designated FDIC regional offices vary but may be ascertained by contacting the appropriate system manager.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Consumer Affairs, FDIC, 550 17th Street, NW., Washington, D.C. 20429. The appropriate FDIC regional director (supervision) for records maintained in FDIC regional offices.

NOTIFICATION PROCEDURE:

Requests must be in writing and addressed to the Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, D.C. 20429. The request must contain the name and address of the complainant or inquirer.

RECORD ACCESS PROCEDURES:

Same as "Notification" above.

CONTESTING RECORD PROCEDURES:

Same as "Notification" above.

RECORD SOURCE CATEGORIES:

The information is obtained from the individual on whom the record is maintained; institutions that are the subject of the complaint; the appropriate agency, whether federal or state, with supervisory authority over the institution; congressional offices that may initiate the inquiry; and other parties providing information to the FDIC in an attempt to resolve the complaint or inquiry.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FDIC 30–64–0011

[Reserved].

Dated at Washington, D.C., this 1st day of September, 1987.

By direction of the Board of Directors.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 87–20773 Filed 9–9–87; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–798–DR]

Amendment to Notice of a Major-Disaster Declaration; Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Illinois (FEMA–798–DR), dated August 21, 1987, and related determinations.

DATED: August 31, 1987.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

Notice: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Glenn F. Garcelon of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

This action terminates my appointment of Ronald Buddecke as Federal Coordinating Officer for this disaster.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 87–20724 Filed 9–9–87; 8:45 am]

BILLING CODE 6718–01–M

FEDERAL HOME LOAN BANK BOARD

[No. AC-658]

Final Action; Approval of Conversion Application; Greenwich Federal Savings & Loan Association, Greenwich, CT

Date: September 3, 1987.

Notice is hereby given that on August 31, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Greenwich Federal Savings and Loan Association, Greenwich, Connecticut for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Boston, One Financial Center, 20th Floor, Boston, Massachusetts 02110.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,

Assistant Secretary.

[FR Doc. 87-20771 Filed 9-9-87; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 204-010064-013.

Title: U.S. Gulf/Colombia Equal Access Agreement.

Parties:

Flota Mercante Grancolombiana, S.A.
Lykes Bros. Steamship Co., Inc.
Crowley Caribbean Transport, Inc.
CTMT, Inc.
New York Navigation Company, Inc.
O S & L of Louisiana, Inc.

Synopsis: The proposed amendment would add Dock Express Contractors, Inc. as a member of the agreement. The parties have requested a shortened review period.

Agreement No.: 204-010066-013.

Title: United States Atlantic & Pacific/Colombia Equal Access Agreement.

Parties:

Crowley Caribbean Transport, Inc.
CTMT, Inc.
Flota Mercante Grancolombiana, S.A.
Lykes Bros. Steamship Co., Inc.
United States Lines (S.A.) Inc.

Synopsis: The proposed amendment would add Dock Express Contractors, Inc. as a member of the agreement. The parties have requested a shortened review period.

Agreement No.: 203-011075-003.

Title: Central America Discussion Agreement.

Parties:

United States/Central America Liner Association
Nordana Line, Inc.
Concorde Shipping Inc.
Nexos Line
Marine Bulk Carriers, Inc.

Synopsis: The proposed amendment would admit Thompson Shipping Co., Ltd. as a party to the agreement. The parties have requested a shortened review period.

Agreement No.: 217-011146.

Title: The "K" Line-Hyundai Space Charter Agreement.

Parties:

Hyundai Merchant Marine Co., Ltd. (Hyundai)
Kawasaki Kisen Kaisha, Ltd. ("K" Line)

Synopsis: The proposed agreement would permit "K" Line to charter space to Hyundai for the carriage of Hyundai cargo from ports in Korea to ports in Puerto Rico.

Agreement No.: 203-011147.

Title: Greece/U.S. Stabilization Agreement.

Parties:

Greece/U.S. Atlantic & Gulf Conference
Ocean Star Container Line A.G.

Synopsis: The proposed agreement would permit the parties to agree upon rates, charges, rules, service contracts and practices governing the transportation of cargo in the trade from ports and points in Greece to U.S. Atlantic and Gulf coast ports and U.S. interior and coastal points via such ports. The parties have requested a shortened review period.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: September 4, 1987.

[FR Doc. 87-20741 Filed 9-9-87; 8:45 am]

BILLING CODE 6730-01-M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement Nos.: 224-002758-003 and 224-002758-C-001.

Title: Port of Oakland Terminal Agreements.

Parties:

Port of Oakland (Port)
United States Lines, Inc. (U.S. Lines)

Synopsis: The proposed agreements provide for the Port's consent to the assignment of Agreement Nos. 224-002756 and 224-002756-C from U.S. Lines to American President Lines, Ltd., the Port's waiver of claims against U.S. Lines and the waiver by U.S. Lines of certain claims.

By Order of the Federal Maritime Commission.

Tony P. Kominoth,

Assistant Secretary.

Dated: September 4, 1987.

[FR Doc. 20703 Filed 9-9-87; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Applications To Engage de Novo in Permissible Nonbanking Activities; Compagnie Financiere de Suez, et al.

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation

Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subisidary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 30, 1987.

A. Federal Reserve Bank of New York (Williamn L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Comagnie Financiere de Suez*, Paris, France, and Banque Indosuez, Paris, France; to engage *de novo* through its subsidiary, W.I. Carr Futures & Options Corp., Chicago, Illinois, in the execution and clearance on the Chicago Mercantile Exchange and Chicago Board of Trade of orders involving futures contracts (and options on futures contracts) on bullion, foreign exchange, government securities, certificates of deposit and other money market instruments that banks may purchase and sell for their own accounts; and the provision of incidental advice regarding the above-specified futures and options contracts to financial institutions and other financially sophisticated customers that have significant dealings or holdings in the underlying commodities, securities or instruments.

B. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Mount Sterling National Holding Corporation*, Mount Sterling, Kentucky; to engage *de novo* through its subsidiary, Independence Financial, Inc., Mount Sterling, Kentucky, a *de novo* company, in consumer finance business activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

C. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Boca Bancorp, Inc.*, Boca Raton, Florida; to engage *de novo* through its subsidiary, Boca Bank Mortgage Company, Boca Raton, Florida, in processing mortgage applications for other financial institutions pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y. These activities will be conducted in Palm Beach, Broward and Martin Counties, Florida.

D. Federal Reserve Bank of Chicago (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Continental Illinois Corporation*, Chicago, Illinois; to expand the service area of its subsidiaries, Continental Illinois Trust Company of Florida, N.A., Boca Raton, Florida, and Continental Illinois Trust Company of Sarasota, N.A., Sarasota, Florida, through the establishment of trust services pursuant to § 225.25(b)(3) of the Board's Regulation Y. This activity will be conducted in the State of Florida.

2. *Northern Trust Corporation*, Chicago, Illinois; to engage *de novo* in leasing personal or real property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

E. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Corporation*, Henderson, Kentucky; to engage *de novo* through its subsidiary, Peoples Security Finance Company, Inc., Henderon, Kentucky, in generating owner occupied single family mortgage loan applications and accompanying mortgage loan redemption insurance applications pursuant to § 225.25(b)(1) and (b)(8) of the Board's Regulation Y. These activities will be conducted in the State of Kentucky.

F. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Affiliated Bancshares of Colorado, Inc.*, Denver, Colorado; to engage *de novo* in the activities of underwriting and dealing in government general obligation bonds under § 225.25(b)(16) and to offer financial advice to state and local governments pursuant to § 225.25(b)(4)(v) and to offer stock brokerage services pursuant to § 225.25(b)(15) of the Board's Regulation Y. Comments on this application must be received by September 18, 1987.

Board of Governors of the Federal Reserve System, September 4, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-20840 Filed 9-9-87; 8:45 am]

BILLING CODE 6210-01-M

Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Co.; The Farmers and Merchants Bank Employee Stock Ownership Plan & Trust

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of 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 30, 1987.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *The Farmers & Merchants Bank Employee Stock Ownership Plan & Trust,* Beach, North Dakota; to become a bank holding company by acquiring 34.01 percent of the voting shares of Farmers & Merchants Bancshares, Inc., Beach, North Dakota, and thereby indirectly acquire Farmers & Merchants Bank, Beach, North Dakota.

In connection with this application, Applicant also proposes to engage in making and servicing loans for its own account pursuant to § 225.25(b)(1)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 4, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-20841 Filed 9-9-87; 8:45 am]

BILLING CODE 6210-10-M

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; First Empire State Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 30, 1987.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *First Empire State Corporation,* Buffalo, New York; to acquire 100 percent of the voting shares of The East New York Savings Bank, New York, New York, which operates a savings bank life insurance department.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Bank Maryland Corp.,* Towson, Maryland; to acquire 100 percent of the voting shares of Maryland State Bank, Salisbury, Maryland.

C. Federal Reserve Bank of Chicago (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Bank of Montreal,* Montreal, Quebec, Canada; Bankmont Financial Corp., New York, New York; and Harris Bankcorp, Inc., Chicago, Illinois; to acquire 100 percent of the voting shares of Commercial State Bank, Phoenix, Arizona.

2. *First of America Bank Corporation,* Kalamazoo, Michigan; to acquire 100 percent of the voting shares of Erie Financial Corp., Monroe, Michigan, and thereby indirectly acquire Erie State Bank, Monroe, Michigan.

3. *MBT Corp.,* Forest, City, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Manufacturers Bank & Trust Company, Forest City, Iowa.

4. *Mid America Banks, Inc.,* Atlanta, Iowa; to become a bank holding company by acquiring 94 percent of the voting shares of Exchange State Bank, Collins, Iowa.

D. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Tennessee National Corporation,* Memphis, Tennessee; to acquire at least 90 percent of the voting shares of Peoples and Union Bank, Lewisburg, Tennessee.

2. *Security Bancshares of Marion County, Inc.,* Springfield, Kentucky; to become a bank holding company by acquiring at least 88.07 percent of the voting shares of Peoples Bank, Gravel Switch, Kentucky.

E. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Omnibancorp,* Denver, Colorado; to acquire 100 percent of the voting shares of Cherry Creek National Bank, Denver, Colorado.

F. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *United New Mexico Financial Corporation,* Albuquerque, New Mexico; to acquire 75.1 percent of the voting shares of United Bancshares, Incorporated, Lubbock, Texas, and thereby indirectly acquire United Bank of Lea County, Hobbs, New Mexico.

G. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Cerritos Valley Bancorp,* Norwalk, California; to become a bank holding company by acquiring 100 percent of the voting shares of Cerritos Valley Bank, Norwalk, California.

Board of Governors of the Federal Reserve System, September 4, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc 87-20842 Filed 9-9-87; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Company Engaged in Permissible Nonbanking Activities; Sovran Financial Corp.

The organization listed in this notice has applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition,

conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 28, 1987.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Sovran Financial Corporation,* Norfolk, Virginia; to acquire Dresser Leasing Corporation, Pittsburgh, Pennsylvania, and thereby engage in the leasing and financing of equipment and vehicles pursuant to § 225.25(b)(1)(iv) and 225.(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 4, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-20843 Filed 9-9-87; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies; M.L. Wooldridge

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 25, 1987.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *M.L. Wooldridge,* Carrollton, Missouri; to acquire an additional 0.89 percent of the voting shares of First Carrollton Bancshares, Inc., Carrollton, Missouri, and thereby indirectly acquire First National Bank of Carrollton, Carrollton, Missouri.

2. *M.L. and Jamie Wooldridge,* Carrollton, Missouri; to acquire an additional 4.31 percent of the voting shares of First Carrollton Bancshares, Inc., Carrollton, Missouri, and thereby indirectly acquire First National Bank of Carrollton, Carrollton, Missouri.

Board of Governors of the Federal Reserve System, September 4, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-20844 Filed 9-9-87; 8:45 am]

BILLING CODE 6210-01-M

Application To Engage de Novo in Permissible Nonbanking Activities; Yardlong Investment Trust

The company listed in this notice has filed an application under §225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and §225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any reguest for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 25, 1987.

A. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Yardlong Investment Trust,* Geneva, Switzerland; Pastock Holdings Limited, Geneva, Switzerland; and International Capital Trust Limited, Geneva, Switzerland; to engage in making acquiring loans and other extensions or credit pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, September 4, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-20845 Filed 9-9-87; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Grant of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 081587 AND 090187

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
(1) Ryobi Limited, Inertia Dynamics Corp., Inertia Dynamics Corp.	87-2097	08/15/87
(2) Contel Corporation, Communications Satellite Corporation (COMSAT), COMSAT Intl. Communication/COMSAT Technology Products	87-1999	08/16/87
(3) Brierley Investments Limited, Del E. Webb Corporation, Del E. Webb Corporation	87-2037-	08/17/87
(4) South Timbers Ltd. Partnership-West-Timbers Ltd. Part., Royal Dutch Petroleum Company, Royal Dutch Petroleum Company	87-2116	08/17/87
(5) Heilig-Meyers Company, Reliable Stores, Inc., Reliable Stores, Inc.	87-2124	08/17/87
(6)THORN EMI plc, Rent-A-Center, Inc., Rent-A-Center, Inc.	87-2169	08/17/87
(7) THORN EMI plc, Rent-A-Center, Inc., Renta-A-Center, Inc.	87-2170	08/17/87
(8) The Henley Group, Inc., Santa Fe Southern Pacific Corp., Santa Fe Southern Pacific Corp.	87-2019	08/18/87
(9) Great Northern Nekoosa Corporation, Owens-Illinois, Inc., Ol Forest Products FTS Inc.	87-2034	08/18/87
(10) John Crowther Group plc, LDBrinkman Corporation, L.D. Brinkman & Co.	87-2060	08/18/87
(11) Blue Arrow plc, Manpower, Inc., Manpower, Inc.	87-2119	08/18/87
(12) Chrysler Corporation, William A. Castellano, NFC Leasing, Inc.	87-2122	08/18/87
(13) Chrysler Corporation, Laurence R. Saslaw, NFC Leasing, Inc.	87-2123	08/18/87
(14) Welsh, Carson, Anderson & Stowe IV, AMSCO Holdings, Inc., AMSCO Holdings, Inc.	87-2129	08/18/87
(15) General Electric Company, p.l.c., Gilbarco Inc., Gilbarco Inc.	87-2135	08/18/87
(16) Southlife Holding Company, Robert T. Shaw, Security Trust Life Insurance Company	87-2143	08/18/87
(17) FL Industries Holdings, Inc., Sybron Corporation, Midwestern Division of Nalge	87-2156	08/18/87
(18) Entertainment Marketing, Incorporated, Crazy Eddie, Inc., Crazy Eddie, Inc.	87-2030	08/19/87
(19) BellSouth Corporation, Prime Motor Inns, Inc., Universal Communications Systems, Inc	87-2064	08/19/87
(20) Eastman Kodak Company, Steve Bostic and Alice J. Bostic, Photo Resources Corporation	87-2108	08/19/87
(21) Norman J. Pattiz, General Electric Co., NBC Subsidiary (Radio Network), Inc., NBC Subsidiary	87-2020	08/20/87
(22) Mayo Foundation, St. Luke's Health Systems, Inc., St. Luke's Health Systems, Inc.	87-2150	08/20/87
(23) Colgate-Palmolive Company, BTR plc, Veterinary Companies of America, Inc	87-2068	08/21/87
(24) Charif Souki, Berkshire Hathaway, Inc., Associated Retail Stores, Inc.	87-2085	08/21/87
(25) Brunswick Corporation, Techsonic Industries, Inc., Techsonic Industries, Inc	87-2101	08/21/87
(26) M. Thomas Grumbacher, Robert Campeau, Pomeroy Retail Stores Corporation	87-2118	08/21/87
(27) MLGFA Fund I, L.P., Morton Lapides, Service America Corporation	87-2134	08/21/87
(28) St. Luke's Samaritan Health Care, Inc., Mount Sinai Medical Center, Inc., Mount Sinai Medical Center, Inc.	87-2138	08/21/87
(29) Costain Group PLC, Valero Energy Corporation, Valero Offshore, Inc.; Valero Producing Company	87-2151	08/21/87
(30) ESCO Corporation, Richard E. Gray, Gray-Syracuse, Inc	87-2154	08/21/87
(31) Torchmark Corporation, Energy Assets International Corporation, Energy Assets International Corporation	87-2171	08/21/87
(32) Sun Alliance and London Insurance plc, Wm. H. McGee & Co., Inc., Wm. H. McGee & Co., Inc.	87-2179	08/21/87
(33) Cable TV Fund 14-A, Ltd., Glenn R. Jones, Jones Intercable, Inc.	87-2181	08/21/87
(34) TPI Holding Co., Vincent C. Kanowsky and Dorothy M. Kanowsky, Allied Fine Furniture, Inc	87-2185	08/21/87
(35) Marshall S. Cogan-Minerest Acquisition Corp., Marshall S. Cogan-GFI NEAC, Inc., NFAC Partnership	87-2188	08/21/87
(36) Marshall S. Cogan-Minerest Acquisition Corp., Marshall S. Cogan-GFI NEAC, Inc., NEAC Partnership	87-2189	08/21/87
(37) Marshall S. Cogan-Minerest Acquisition Corp., Marshall S. Cogan-CTA Acquisition Corp., Color Tile Associates, L.P.	87-2190	08/21/87
(38) New World Entertainment, Ltd., Kenner Parker Toys Inc., Kenner Parker Toys Inc	87-2191	08/21/87
(39) Lomas & Nettleton Financial Corporation, Kelly, Coffey & Associates, Ltd., Texas First Brokerage Services, Inc.	87-2199	08/21/87
(40) Commercial Credit Company, Gulf & Western Inc., Associates Financial Services Co. of Texas, Inc.	87-2201	08/21/87
(41) Servico, Inc., Aluminum Company of America, Wilpen, Inc.	87-2203	08/21/87
(42) Subaru of America, Inc., Geo. Byers Sons, Inc., Great Lakes Subaru	87-2204	08/21/87
(43) nv Verenigd Bezit VNU, nv Verenigd Bezit VNU Disclosure Information Group, a General Partnership	87-2206	08/21/87
(44) W. Canning plc, Beverly Enterprises, Beverly Enterprises	87-2048	08/24/87
(45) Dr. Ghaith R. Pharaon, CenTrust Savings Bank, CenTrust Savings Bank	87-2067	08/24/87
(46) Continental Illinois Corporation, The Travelers Corporation, Securities Settlement Corporation	87-2105	08/24/87
(47) Brierly Investments Limited, Quaker State Corporation, Quaker State Corporation	87-2115	08/24/87
(48) J.M. Huber Corporation, Textron Inc., Textron Inc	87-2164	08/24/87
(49) Leonard J. Russo, Frank B. Hall & Co., Inc., Adjustco, Inc.	87-2174	08/24/87
(50) Office Commercial Pharmaceutique, Ketchum & Co., Inc., Ketchum & Co., Inc	87-2192	08/24/87
(51) Shugart Corporation, Allegheny International, Inc., Kennedy Company and Kennedy International Limited	87-2197	08/24/87
(52) Entregrowth International Limited, Standard Brands Paint Company, Standard Brands Paint Company	87-2104	08/25/87
(53) Sudbury, Inc., Wagner Acquiring Group, Inc., Wagner Acquiring Group, Inc.	87-2207	08/25/87
(54) 3Com Corporation, Bridge Communications, Inc., Bridge Communications, Inc.	87-2107	08/26/87
(55) Warburg, Pincus Capital Partners, L.P., Warburg, Pincus Capital Company, L.P., Troy Publishing Co., Inc.	87-2173	08/26/87
(56) Dentsply Holdings Inc., Robert I. Schattner, Robert I. Schattner	87-2186	08/26/87
(57) Atlantic Richfield Company, Ashland Oil, Inc., Arch of Utah, Inc., Mahogany Point Minerals Company	87-2195	08/26/87
(58) American Cyanamid Company, Ronald O. Perelman, Ronald O. Perelman	87-2148	08/27/87
(59) Westinghouse Electric Corporation, McClatchy Newspapers, Inc., McClatchy Newspapers, Inc.	87-2175	08/27/87
(60) Frank Stronach, Christine McAllister Wardell, Multicraft Enterprises, Inc. Multicraft Industries Inc	87-2180	08/27/87
(61) Italmobiliare, S.p.A., R. C. Cement Co., Inc., R. C. Cement Co., Inc	87-2194	08/27/87
(62) Lomas & Nettleton Financial Corporation, Citicorp, Citicorp Homeowners, Inc., Citicorp Homeowners	87-2210	08/27/87
(63) Amerada Hess Corporation, American Exploration Company, American Exploration Company	87-2222	08/27/87
(64) Breeko Corporation, The Stanley Works, Stanley Structures Inc	87-2226	08/27/87
(65) Rosenkranz and Company, Dresser Industries, Inc., Reliance Standard Life Insurance Company	87-2232	08/27/87
(66) Birmingham Steel Corporation, Peko-Wallsend Ltd., Judson Steel Corporation	87-2233	08/27/87
(67) ConAgra, Inc., CHS Partners, II, L.P. Swift Independent Holding Corporation	87-1685	08/28/87
(68) BICC plc, Cablec Corporation, Cablec Corporation	87-2084	08/28/87
(69) ICN Pharmaceuticals, Inc., F. Hoffman-LaRoche & Co. Limited Company, F. Hoffman-LaRoche & Co. Limited Company	87-2111	08/28/87
(70) Eugene S. Rosenfeld, Eugene S. Rosenfeld, ESR Corporation	87-2152	08/28/87
(71) Eugene S. Rosenfeld, Eugene S. Rosenfeld, The Anden Group	87-2153	08/28/87
(72) Seagull Energy Corporation, Liberty Natural Gas Company, Liberty Natural Gas Company	87-2202	08/28/87
(73) Toshio Kinoshita, The Hongkong and Shanghai Banking Corporation, The Grenelefe Corporation	87-2223	08/28/87
(74) Reginald F. Lewis, BCI Associates, L. P., Beatrice International Food Company	87-2227	08/28/87
(75) Westvaco Corporation, Peter Kiewit Sons', Inc., KMI Continental Garnett, Inc., KMI Continental Clinton	87-2240	08/28/87
(76) Masco Corporation, Young-Hinkle Corporation, Young-Hinkle Corporation	87-2077	08/29/87
(77) Edwards-Warren Tire Company, The Firestone Tire & Rubber Company, The Firestone Tire & Rubber Company	87-2120	08/31/87
(78) New York Venture Fund, Inc., The O-W Fund, The O-W Fund	87-2208	08/31/87
(79) C. A. Sammons, Lumbermens Mutual Casualty Company, Lumbermens Mutual Casualty Company	87-2224	08/31/87
(80) KKR Associates, c/o Kohlberg Kravis Roberts & Co., Jim Walter Corporation, Jim Walter Corporation	87-2231	08/31/87
(81) KKR Associates, Jim WALTER Corporation, Jim Walter Corporation	87-2236	08/31/87
(82) Meredith Corporation, Emmet J. Cashin, Jr., Fox & Carskadon, Inc.	87-2260	08/31/87
(83) Robert L. Parker, General Instrument Corporation, Optoelectronics Division of General Instrument Corp.	87-2241	09/01/87

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 87-20759 Filed 9-9-87; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 86P-0483]

Canned Wax Beans Deviating From Identity Standard; Amendment of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it is amending a temporary permit, issued to the Seymour Canning Co. to market test experimental packs of canned wax beans containing added glucono delta-lactone, to increase the quantity of the test product to be distributed and the area of distribution. This amendment will provide the permit holder with a broader base for the collection of data on consumer acceptance of the test product.

FOR FURTHER INFORMATION CONTACT: Catharine R. Calvert, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0121.

SUPPLEMENTAL INFORMATION: A temporary permit was issued under the provisions of 21 CFR 130.17 to the Seymour Canning Co., 530 East Wisconsin St., P.O. Box 5, Seymour, WI 54165, to market test canned wax beans containing added glucono delta-lactone to measure consumer acceptance of the new food. This food deviates from the requirements of 21 CFR 155.120 (canned green beans and canned wax beans), a standard of identity that was promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit to the Seymour Canning Co. was published in the **Federal Register** of January 8, 1987 (52 FR 706). The Seymour Canning Co. is now requesting that the permit be amended to (1) increase the quantity of the test product from 400 cases to 10,000 cases containing 24 No. 303 by 406 cans each and by adding 20,000 cases containing six No. 603 by 700 cans each to be distributed and (2) expand the area of distribution from one to five States to include Indiana, Michigan, Minnesota, Ohio, and Wisconsin. The company states that these changes are necessary to collect adequate data to complete the market test.

Accordingly, under the provisions of 21 CFR 130.17(f), FDA is amending the Seymour Canning Co.'s temporary permit to increase the quantity of test product to 10,000 cases containing 24 No. 303 by 406 cans each and 20,000 cases containing six No. 603 by 700 cans each and to expand the area of distribution to include the States of Indiana, Michigan, Minnesota, Ohio, and Wisconsin. All other terms and conditions of this permit remain unchanged.

Dated: September 2, 1987.

Richard J. Ronk,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 87-20698 Filed 9-9-87; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

[ORD-58-N]

Medicare and Medicaid Programs; Health Care Financing Research and Demonstration; Availability of Funds for Cooperative Agreements and Grants

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice announces the availability of HCFA funds for certain priority research and demonstration cooperative agreements and grants. HCFA makes funds available for activities that will help to resolve major health care financing issues or to develop innovative methods for the administration of Medicare and Medicaid. This notice contains information about the subject areas for cooperative agreements and grants that will be given priority; project requirements; application procedures and other pertinent information.

DATES: Closing dates for submission of grant applications are presented in section VII. of this notice.

Application Kits: Standard application forms and guidance for the completion of the forms are available from: Paul McKeown, Health Care Financing Administration, Office of Management and Budget, Administrative Contracts and Grants Branch, Room 364 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207-5187, (301) 594-3342.

FOR FURTHER INFORMATION CONTACT: Michael Spodnik, Health Care Financing Administration, Office of Research and Demonstrations, Program Support & Administrative Services Branch, 2-D-6 Oak Meadows Building, 6325 Security Boulevard, Baltimore, Maryland 21207-5187, (301) 594-3825.

SUPPLEMENTARY INFORMATION: This notice solicits cooperative agreement and grant applications for HCFA research and demonstration projects in certain priority areas.

The notice describes the application procedures; general policy considerations; criteria to be used in reviewing applications; and selection criteria for HCFA cooperative agreements and grants. This notice replaces the notices previously published in the **Federal Register** on January 30, 1985 (50 FR 4480) and October 16, 1986 (51 FR 36856).

HCFA is also requiring a letter of intent from all organizations intending to submit an application in response to this solicitation (see section IV.A Application Procedures).

This statement reflects our current priorities and emphasizes our primary interest in the following five areas:

1. Increased competition and consumer choice and continued growth of Medicare capitated systems;

2. Continued access to quality care under Medicare and Medicaid and improved methods for measuring quality of care;

3. Refinement of the current Medicare physician payment methodology through the study of the causes for the growth in Medicare outlays for physician services;

4. Continued improvement to the current Medicare hospital prospective payment system, and the study of the outpatient delivery system; and

5. Analysis of other Medicare program services and issues leading to increased efficiency in health care delivery and financing, particularly in the areas of clinical laboratories, home health care, and treatment of acquired immunodeficiency syndrome (AIDS).

We also are interested in continuing our efforts in the areas of Medicaid research, programs for long-term care, and beneficiary awareness and prevention.

After fulfilling our obligations to conduct congressionally mandated studies and reports, we plan to conduct a balanced research program focusing on short term (0-2 years), mid term (2-4 years), and long-term (4-8 years) priorities. Depending on the final FY

1988 budget, we hope to allocate approximately one third of our funds to new projects. We are also particularly interested in receiving proposals from individuals and institutions who have not previously applied and who are representative of a wide variety of geographic areas and technical subjects.

We will continue to direct significant effort to designing and testing alternative payment methods for services that will increase competition in the health care marketplace, while ensuring the continued quality of care. Most notably, as part of our goal to increase the opportunities for beneficiary choice, we will be investigating the growth of health maintenance organizations (HMOs) and competitive medical plans (CMPs) under the current capitation system, and designing demonstration projects to test different capitation systems.

We will be expanding our efforts directed toward measuring quality of care and ensuring that quality health care remains accessible to beneficiaries, particularly as the nature of the payment system changes. We will place major emphasis on studies designed to develop ways to measure patient outcomes in a variety of treatment settings and under different payment systems. We also will be directing our efforts at studying the impact that the provision of preventive services to individuals has on their current and future utilization of health care services. We will also be looking at the longer-range impact of program changes on segments of the health care delivery and financing system. Finally, we will be focusing on major structural changes to the payment and delivery systems under the Medicare and Medicaid programs to promote increased competition and choice and cost-effective delivery of health care, while ensuring access to quality health care.

We will be placing increased emphasis on efforts aimed at refining the current physician payment system, particularly under medicare. We will be expanding current efforts to develop data bases and models that will allow us to better understand policy alternatives and test their impact.

We wlll be continuing our efforts to refine the current Medicare hospital prospective payment system. We will also be continuing our assessment of the impact of the Medicare hospital prospective payment system on varied segments of the health care delivery and financing system, especially on beneficiary access to quality care.

This notice also announces the new closing dates for cooperative agreements and grants for FYs 1988, 1989, and 1990. The schedule is as follows:

FY 1988 (10/1/87–9/30/88)

Friday, November 20, 1987: Waiver-only applications and applications requesting discretionary funds. Monday, May 2, 1988: Waiver-only applications.

FY 1989 (10/1/88–9/30/89)

Monday, November 7, 1988: Waiver-only applications and applications requesting discretionary funds.

Monday, May 1, 1989: Waiver-only applications.

FY 1990 (10/1/89–9/30/90)

Monday, November 6, 1989: Waiver-only applications and applications requesting discretionary funds.

Monday, May 7, 1990: Waiver only applications.

You should be aware that, while this notice gives closing dates for three fiscal years, the specific areas to be given priority are reconsidered annually. Should we change our priority areas, these changes will be announced in the **Federal Register** at least 60 days prior to the closing date.

I. Current Priorities for HCFA Funding of New Grants and Cooperative Agreements

The statement of current priorities for HCFA research and demonstration grant/cooperative agreement applications is as follows:

A. Alternative Payment Systems

Our overall goal is to identify, develop, demonstrate, and evaluate effective alternative health care delivery and/or payment systems to control costs and offer expanded consumer choices under the Medicare and Medicaid programs. At the same time we wish to ensure continued access to quality health care, and to move towards payment systems based on capitation and competition in the marketplace. In general, projects should have the prospect of reducing costs in either the short or longer term; at a minimum, they must be budget neutral.

As part of this effort, we are interested in supporting research and demonstration projects that develop and test payment systems that provide incentives to Medicare and Medicaid beneficiaries to be more informed purchasers of health care plans and services, including payment systems based on capitation and competition in the marketplace and consumer information projects that support such systems. Specific examples of these types of projects are as follows:

1. Private Health Plan Option (PHPO) Pricing Issues

a. *Refinements to Adjusted Average Per Capita Cost Formula.* Medicare reimbursement to HMOs and CMPs is based on the Adjusted Average Per Capita Cost (AAPCC) formula. The current formula uses age, sex, welfare status, and institutional status as factors to per capita amount that would be payable if Medicare services for HMO members were furnished in the local fee-for-service market. Two major issues of interest with regard to the AAPCC are the adequacy of the adjustors and the adequacy of the county as the geographic unit for pricing

Past and current work on possible new adjustors has examined functional status, disability, prior use of health services (discretionary and non discretionary), and physiologic risk factors. In an effort to further refine the AAPCC methodology by making it a more accurate predictor and minimizing the chance for bias, we are interested in projects that, refine and expand the above-mentioned efforts or develop new adjustors, as well as projects that explore alternate geographic configurations. Group adjustors, in addition to individual rate factor adjustors, might also be developed when the group is well-defined (such as a retiree employment group). We are also interested in developing and testing AAPCC-based payment models that adjust for catastrophic cases. Those models could include fee-for service blending or limited reinsurance. Projects should consider the practical aspects of implementing new adjustors. We intend to test refined AAPCC payment models in existing HMOs and CMPs, and may issue a separate solicitation to specify the details of the models to be tested.

We are interested in projects that:

(1) Examine whether the use of alternative geographic units in determining the AAPCC would simplify the payment system and induce providers to join the HMO/CMP market;

(2) Determine how to encourage HMO development in low-AAPCC areas.

b. *Alternative, Market-Oriented Pricing Methods for Payments in Capitated Systems.* Medicare's payment for services provided in HMOs is based on per capita costs in the fee-for-service sector. One issue we are interested in addressing is what happens to pricing mechanisms when Medicare s at-risk penetration is large and the number of fee-for-service beneficiaries is diminished. Particularly, what distortions occur in the pricing mechanisms and what alternatives for pricing benefit packages exist, such as

negotiated pricing in areas that experience high HMO/CMP market penetration?

For some beneficiary subgroups, such as retirees of employer groups, the AAPCC (community-based) type of payment may not be appropriate. We are interested in projects that investigate the feasibility and appropriateness of experience-based payments. We are particularly concerned with the issue of updating payment rates beyond the period for which experience-based rates are available. There are several ways that future rates could be set, such as blending actual experience with comparable fee-for service payments, using general medical inflation factors, and using community-rated AAPCC experience. Refinements and developments of these and other innovative methods are encouraged. In each proposed method, attention should be given to data requirements for supporting an efficient application of proposed experience-based rating methods.

2. Enrollment and Disenrollment Issues.

a. *Studies of the Behavior of Health Plans and Enrollees.* Per capita health care costs in HMOs/CMPs are generally lower than in the fee-for-service sector. The capitation approach contains incentives for efficiency and resource-use awareness. Recent studies have also suggested that part of the reason for lower rates in HMOs/CMPs may be favorable selection of or by low users of health care. We are interested in projects which examine how HMOs/CMPs achieve their savings, including comparisons of the types and quality of services received in HMO/CMP and fee-for-service populations. We are interested in:

(1) Studies of health plan behavior (including marketing) that may result in favorable selection, as well as strategies to minimize or offset preferential selection. We are interested in how types of services offered by HMOs/CMPs and access to services affects favorable or unfavorable selection;

(2) Studies of factors that explain enrollment and disenrollment in HMOs/CMPs and their relation to biased selection; and

(3) Studies that measure the difference in health status among HMO/CMP enrollees and beneficiaries in the fee-for-service sector and analyze any difference in terms of the health status of new enrollees, disenrollees, and continuing members.

(4) Economic analyses of the behavior of health plans within the context of the local market for health care. Competitive behavior in terms of pricing, benefits, marketing, expansion, and mergers are areas of interest.

b. *Long-Term Effects of Competition.* It has been argued that competition among health plans will reduce cost. However, lack of understanding of the effects of switching among plans, of possible biased selection of low cost plans by healthy persons, and of exactly how HMOs/CMPs achieve their savings, makes it difficult to estimate the long-term effects of competition. We are interested in analyses of the competitive process among health plans to understand better what a competitive environment might lead to in terms of costs, provider behavior, organization of health services, and impact on Medicare and Medicaid beneficiaries.

3. Other Alternative Payment Systems and Issues.

a. *Preferred Provider Organizations.* We are interested in projects that study and test the applicability of private-sector practices to control health care costs for the highest use/cost Medicare services and areas, while also ensuring quality of care. Such projects would be patterned after private-sector initiatives and would develop, test, and evaluate alternative market-oriented methods of pricing for hospital and/or physician services. These would not be capitation demonstrations. We are particularly interested in projects that test the cost-effectiveness and feasibility of the preferred provider concept in a fee-for-service setting for Medicare beneficiaries.

The prime objectives of the projects must be to maintain quality and access to care, as well as to generate real Medicare savings. Applicants must propose a method to monitor payment and practice patterns and utilization intensity by both preferred and nonpreferred providers. Medicare savings from elimination of unnecessary utilization and/or payment reductions must be validated by comparison of a project site with a control group.

Employers, physician groups, hospitals, insurors, or any other agents may be considered as administrators of a preferred provider arrangement. Another alternative would involve using independent brokers to promote beneficiary and/or provider utilization of providers exhibiting cost-effective practice patterns. The project could also be developed as an insurance plan option, possibly as a joint venture with a Medigap insuror.

Proposals should delineate both provider and beneficiary incentives for participation. Individual beneficiary participation must be voluntary. However, preferred provider arrangements may reduce or waive coinsurance and deductible requirements or offer other acceptable incentives (such as increased benefits or reduced Medigap premium rates) to encourage beneficiary participation.

Applicants should be aware that HCFA may issue a separate solicitation for proposals in this area.

b. *Factors Affecting HMO/CMP Participation in Medicare.* We are interested in better understanding the major factors affecting HMO participation in the Medicare program. Such studies should address the following: the AAPCC pricing system and its predictability each year; and any administrative burdens which reduce the incentive for HMOs/CMPs to participate in Medicare.

c. *Medicaid Capitation Rates.* Capitated arrangements are becoming more prevalent as a mechanism for States to purchase and/or finance health care under the Medicaid program. Such arrangements may be with counties, health insuring organizations, or other prepaid organizations. One area of particular interest is coverage of joint Medicare and Medicaid beneficiaries under Medicare-qualified capitated HMOs and CMPs. The equity of the rate-setting methodology is critical, particularly as more capitation arrangements are established. A variety of rate-setting methodologies have been employed, and we are interested in discerning the factors and the methodologies which result in fair and accurate capitation rates. We are also interested in testing refinements in the capitation payment models developed by States.

d. *Barriers to Transition.* Shifting to a Medicaid prepaid capitated system may involve some one-time costs of switching from a retrospective reimbursement to a prospective capitation system. We are interested in exploring innovative financing approaches that address this problem without undermining cost-effectiveness.

B. Quality of Care

Section 603(a)(2)(A) of the Social Security Amendments of 1983 (Pub. L. 98–21) mandated that we study and report on the impact of the hospital prospective payment system on Medicare beneficiaries. A major aspect is the impact of prospective payment system on the quality of care provided to beneficiaries. The decreased inpatient hospital resource utilization resulting from this system has raised concerns as to whether the quality of care provided has been adversely affected; or whether access to needed levels of care has been

limited. The rapid changes in other Medicare and Medicaid program areas make it even more critical that we ensure that the level of care provided under Medicare and Medicaid is of high quality. We have divided the quality of care research agenda into two major areas (a) hospital care (including access to subsequent post-hospital sub-acute care) and (b) quality issues in long term care, physician care, ambulatory care, and care in capitated systems.

1. *Hospital Care.* Research on the quality of hospital care is divided into three broad categories, (a) access to hospital care, (b) quality of care while in the hospital and (c) access to needed post-hospital sub-acute care.

a. *Access to Hospital Care.* The reduction in Medicare and Medicaid overall admissions has put pressure on providers to cut back on available beds, consolidate resources and in some cases may even result in hospital closings. In terms of the entire health care system these changes probably reflect improvements in efficiency. However, it is possible that certain groups of beneficiaries may have difficulty in getting needed inpatient care. We are interested in studies examining the extent to which beneficiary access to hospital care may have changed as a result of the prospective payment system.

b. *Quality of Care While in the Hospital.* Quality of inpatient care could be greatly affected by prospective payment system incentives, particularly in light of shortened lengths of stay, personnel reductions, and incentives to reduce ancillary services. We are interested in studies addressing a number of specific problems within this area:

(1) There is considerable variation across hospitals and over time in such quality of care outcome measures as mortality and rehospitalization. Other than basic covariates such as diagnosis, age and sex there is little information on variations in severity of illness that may account for these differences. Projects that address the issue of severity of illness and its effects on outcomes of care will be considered.

(2) There are many changes taking place in the provision of medical care that are outside of the hospital setting, yet could impact on the assessment of quality of care in the hospital. One is the movement of many surgical procedures to the outpatient setting. A second is a trend toward the placement of terminal patients out of the hospital into long term care facilities and to home settings (i.e., hospices). Studies are needed that examine the impacts these and other health care delivery trends have on the provision of inpatient care and the assessment of that care.

(3) Little advancement has been made in the development of improved measures of patient outcomes that can be used in quality of care studies. Most studies currently use mortality or rehospitalization rates. Research is needed to develop reliable and valid measures of patient outcome that are more sensitive to variations in the quality of care than currently used measures.

(4) We are interested in projects that directly test the relationships between the processes of medical care and the resultant outcomes of care.

(5) We are interested in projects that develop nationally representative expected outcomes for selected groups of diagnoses and/or procedures. We are interested not only in the outcomes, but also in severity adjustments and process indicators which can be of direct use to health care providers in the assessment of their own performance. Priority will be given to projects that center on diagnoses and/or procedures which account either for significant proportions of hospital case load or significant proportions of negative outcomes (e.g., deaths, readmissions, complications, etc.).

c. Access to Needed Post-hospital Sub-acute Care. Perhaps the greatest concern occurring as a result of reduced lengths of stay is that patients are being discharged to the home from hospitals before they have recovered sufficiently. This concern revolves largely around the issue of access to post-discharge services. We are interested in projects that examine the levels of need for post-hospital care, the extent to which these needs are being met, and the sources providing post-discharge services (home health agencies, skilled nursing and intermediate care facilities, physicians, outpatient departments, and informal care networks).

2. *Quality Issues in Long Term Care, Physician Care, Ambulatory Care, and Capitated Systems.* We are interested in developing and refining reliable and valid quality of care measures for different payment systems and different treatment settings. Therefore, we are interested in the following:

a. Projects that develop, demonstrate, and evaluate quality of care outcome measures and monitoring systems for nursing homes, home health agencies, and physician services.

b. Projects that develop an overall approach to quality standards, monitoring, and improvement in the area of ambulatory care (including both surgical and non-surgical services). Such an approach should be designed to move towards minimum quality standards applicable across the various ambulatory care settings and across various payment mechanisms. We are interested in projects which also focus on specific issues related to the quality of ambulatory care, including the appropriateness of services rendered for specific conditions.

c. Development and demonstration of monitoring systems and outcome measures for quality of care in capitated environments.

C. Physician Payment

Our major goal in this area is to identify, develop, demonstrate, and evaluate effective refinements and alternatives to control the costs of physician care under Medicare and Medicaid, while maintaining a high quality of care. We are very interested in projects that develop data bases and models which will allow us to better understand and test policy alternatives to the current Medicare physician payment system.

1. *Analysis of Physician Costs Related to Changes in Volume and Intensity of Services.* We are very interested in determining and explaining the procedures and specialties for which volume and intensity changes have been the largest. In addition, we are interested in better understanding how changes in intensity of physician services, including the introduction of new procedures, changing the number of services per procedure, and increasing the intensity of medical examinations, have affected Medicare expenditures. Finally, we would like to examine, on a static and dynamic basis, the volume and intensity of physician services per beneficiary.

2. *Analysis of Physician Responses to the Changing Medical Environment.* With the increase in the number of physicians per capita and the more competitive structure of the health care system, changes in physician practice style have occurred. We are interested in obtaining information on how physicians have responded to the more competitive health care environment. We are interested in gathering data on the following items and examining how these data have changed over time:

a. Physician employment arrangements including solo practices, hospital-based physicians, group practices, HMOs/CMPs, IPAs, and PPOs.

b. Medicare's share of the physician's practice by specialty and procedure. We are interested in the distribution of Medicare payment within each specialty and major procedure.

c. The specialties that graduate medical students are entering and the reasons for changes.

d. Whether physicians' net receipts per Medicare patient are higher or lower than those for patients of other payors, and the impact such differences have on Medicare's share of physicians' practice income.

3. *Analysis of Overpriced Procedures.* We are interested in developing methodologies to determine if Medicare's payment for certain procedures is excessive. We are interested in studying specific overpriced procedures. Such projects might include procedures that are overpriced due to decreasing costs, difficulty and/or risk for the procedure. The analysis could include a comparison of the procedure for which Medicare payment is too high compared to related procedures, to procedures in other geographic areas, or to payment by other payors. We are also interested in studying whether global fees for surgical cases are too high (for example, because of decreases in lengths-of-stay).

4. *Redistributive Impact of Refinements to Current Physician Payment Methods.* We are interested in analyses that examine the redistributive impact of refinements to current physician payment methods on beneficiaries and their out-of-pocket costs; physicians and their practice revenues; and participation and assignment rates by geographic areas (carriers, states, localities, within localities), specialty, site of service, type of services, etc. We are interested in projects that analyze charge distributions within areas and among areas, for example, the percent of customary charges at and above the prevailing charge.

5. *Study of Private Sector Physician Initiatives.* We are interested in gathering information on private sector initiatives for controlling physician expenditures. Specifically, we are interested in the following:

a. Descriptions of how private sector plans control the rapidly growing volume and cost of physician services;

b. Determinants of how private sector initiatives can be applied to Medicare;

c. A better understanding of the changing relationship between physicians and capitated plans, hospitals, nursing homes, home health agencies, and other providers; and

d. A comparison of the Medicare payment allowances and private sector payment allowances.

6. *Simplification of the Current Medicare Physician Payment System.* Section 9331 of the Omnibus Budget Reconciliation Act of 1986 requires the Secretary to collapse the physician procedure coding system for payment purposes. We are interested in analyses that examine the feasibility of simplifying the coding system through collapsing codes for payment purposes. In addition, we are interested in the impact of collapsing codes on a physician's practice income. We also are interested in determining whether a group of procedures performed by a single physician can be bundled into a single payment for an episode of care.

7. *Effect of Payment Method on Physician Services.* We are interested in studies of the effect(s) of different payment methods (e.g., HMO, PPO, fee-for-service) on the volume and composition of physician services for different medical conditions.

D. Hospital Payment

The Social Security Amendments of 1983 (Pub. L. 98–21) established a prospective payment system for inpatient services furnished by most hospitals participating in the Medicare program. During the past few years, this system has undergone continuous refinement through regulatory and legislative changes. Other areas of hospital reimbursement, including outpatient care, capital, and excluded units, have also been changed through regulatory and legislative action. We are interested in studies that continue refinement of hospital payment systems, along with studies of the potential for paying for other services (for example, outpatient services) under a prospective payment method.

1. *Financial Impact of the Prospective Payment System and Other Payor Systems on Hospitals.* We are very interested in studies of the financial status of hospitals prior to and during the prospective payment system. The studies should address the impact of the Medicare prospective payment system on different types of hospitals; with the analysis using such variables as hospital size, market share, occupancy rates, rural/urban status, teaching status, and disproportionate share status. We are also interested in studies analyzing the impact of the prospective payment system on hospital revenues and resultant cost-shifting dynamics, particularly as they relate to the incidence and cost of administratively necessary days, facility conversions, patient transfers to swing beds or excluded units, and business arrangements or provider affiliations. The analysis should also include the effect that private and public (non-Medicare) payors have on a hospital's financial status. To the extent possible, non-inpatient revenues and costs should be included in the study.

2. *Refinement of Specific Prospective Payment Factors.* We are interested in studies which address refinement of the current prospective payment system's outlier payment policy, systems which examine severity of illness within a given Diagnosis-Related Group, and other areas of potential refinement (such as development of a non-labor input price index).

3. *Analyses of Hospital Case-Mix.* HCFA has supported research and demonstration projects that would improve case-mix measurement and test alternative case-mix measurement systems for prospective payment of inpatient hospital care or other health care providers and test alternative case-specific payment systems for Medicare or other payors. We are especially interested in examining the impact of case-mix growth variation on different types of hospitals (for example, urban/rural hospitals, teaching hospitals, and large/small hospitals).

4. *Hospital Capital Payments.* We plan to continue our study of the historical captial investment patterns of different types of hospitals. We are interested in further understanding the capital investment patterns (including an analysis of interest, principal, and depreciation) of different types of hospitals on both a historical and a projected basis. We also are interested in understanding how hospitals finance different types of investment. Examples of these investments are movable (equipment) and fixed (plant and building). We also seek analyses that further refine HCFA's capital construction cost index.

5. *Refinements of Disproportionate Share Adjustment.* Section 9105 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–369), requires the Secretary to pay an additional payment to hospitals that have a disproportionately high percentage of low-income patients. We are interested in projects that could improve "disproportionate share" measurement, with specific emphasis on approaches that combine:

a. An understanding of the underlying disproportionate share issues; and

b. A statistical methodology to address these issues.

In particular, we are interested in whether low income patients have higher Part A costs but lower Part B costs.

6. *Analysis of Medical Education Payments.* We are interested in projects that examine the components of the Medicare direct medical education

payment and possible ways to refine the current payment methodology. We are also interested in better understanding the underlying factors that relate to the indirect medical education adjustment factor.

7. *Examination of Excluded Hospital Payment Methodologies.* We are interested in projects that would examine appropriate alternative payment systems for categories of hospitals currently excluded from the Medicare prospective payment system, particularly psychiatric hospitals.

8. *Analysis of Hospital Outpatient Care.* We are interested in projects that will help us better understand the rapid growth in hospital outpatient costs. Specifically, we are interested in the following:

a. Analyzing the increase in the volume of procedures provided in the outpatient department prior to and during PPS, with emphasis on clinical laboratory, radiology, and ambulatory surgical procedures;

b. Studying the shift of Medicare cases from the inpatient to the outpatient department prior to and during PPS; and

c. Studying the portions of hospital capital devoted to outpatient or ambulatory care.

9. *Alternative Payment Methodologies for Outpatient/Ambulatory Services.* We are interested in projects that will assist us in working toward prospective payment for ambulatory services provided in hospital outpatient and other ambulatory care settings. Although we currently have several projects that are working toward the development of prospective payment for ambulatory surgery, we would consider additional projects that might propose new and innovative concepts in this area.

We are particularly interested in projects that address nonsurgical services (such as emergency services, general medical services, and other clinic services typically utilized by Medicare patients) provided in a hospital outpatient setting. Among the issues that need to be addressed are: Refinement and application of existing patient classification systems; the possibility of applying payment limits; bundling of services for payment; identification of justifiable cost differences between hospitals and across all ambulatory care settings for similar care; and innovative payment methodologies.

We are also interested in projects that would study and develop competitive strategies utilizing market forces in setting prices overall or for selected high volume/cost services. For example, we are interested in projects designed to study variations in practice patterns and costs/payments for ambulatory care services provided in different geographic locations and by the various types of providers overall, or for selected services such as radiation therapy or physical therapy. Our interest is in controlling payments while providing incentives for appropriate utilization and quality medical care.

E. Program Efficiencies, Analysis, and Refinements

In the past 5 years, several legislative and regulatory changes have been implemented which have improved the effectiveness and efficiency of the Medicare and Medicaid programs. We are very interested in better understanding how the health care market has responded to these changes in order to determine the necessity for further policy reforms. We are particularly interested in market analyses for clinical laboratory, home health, durable medical equipment (DME), end-stage renal disease, ambulatory surgical center, parenteral and enteral nutrition, and ambulance services. These analyses should be broken down by payor-type (i.e., Medicare, Medicaid, and private payors). Data sources which will be used for these analyses should be clearly explained.

1. *Clinical Laboratory Services.* We are interested in determining whether clinical laboratory tests are appropriately priced. Areas of study include:

a. An analysis to determine the relationship between the resources used to perform clinical laboratory services and the actual Medicare payment for such services. The analysis would include an examination of the impact of technological changes on the costs of clinical laboratory tests.

b. A comparison of Medicare and private payor payments for clinical laboratory tests; large volume discounts and other special financial relationships should be explored.

2. *Durable Medical Equipment Services.* We are interested in a number of durable medical equipment issues related to Medicare's current payment policies. Areas of interest include the following:

a. An examination of current Medicare rental/purchase payment policies to determine if a more appropriate financial arrangement should be established.

b. A better understanding of the factors underlying geographic variations in Medicare's rental and purchase payments for major types of equipment.

c. An analysis of Medicare's market share for major types of equipment.

d. A study comparing Medicare payment for durable medical equipment with other payors' payment systems.

e. An analysis of the extent to which Medicare expenditures for DME are reimbursed on a cost basis compared to DME provided by suppliers and reimbursed under Part B. This analysis should assist in examining how Medicare DME expenditures vary when similar equipment is furnished through different types of providers.

3. *Home Health and Skilled Nursing Facility Services.* We are interested in analyses that examine changes in Medicare and non-Medicare payments and utilization in the home health care and skilled nursing facility markets. Utilization and expenditures for these services vary widely across States. We are interested in exploring the differences in Medicare payment and utilization by geographic area, and how differences in market characteristics (demographics, numbers and types of providers, etc.) influence utilization of these services. Studies in this area should include time series analyses of Medicare s market share for these services.

4. *Ambulatory Surgical Center Services.* We are interested in studies that compare the resource utilization for major surgical procedures in freestanding ambulatory surgical centers and outpatient hospital surgical centers.

5. *Parenteral and Enteral Nutrition and Ambulance Services.* We are interested in examining the factors underlying variations in Medicare charges and payments for parenteral and enteral services. In addition, we are interested in examining the differences in payment rates and methodologies used by carriers to pay for ambulance services.

6. *Acquired Immunodeficiency Syndrome (AIDS).* We are interested in studies to determine the implications of AIDS for the Medicare and Medicaid programs. Specifically, we are interested in studies of the incidence and prevalence of AIDS, and the utilization and cost of services for the treatment of AIDS patients. For example, we are interested in a study that examines the use of hospice care to provide cost effective care for AIDS patients. We are interested also in studying the inter-relationships between the various sources of payment for the treatment of AIDS patients, the extent of private insurance coverage and other third party payor coverage, as well as public sources of payment. We are interested

in studies that help synthesize the many AIDS studies being conducted at local levels.

7. *Catastrophic Health Insurance.* If legislation is enacted to provide a catastrophic cap on out-of-pocket liability for Medicare beneficiaries, we would be interested in understanding the impact of the new provision. Studies that analyze the impact on beneficiaries (e.g., how they perceive the new provision and how it affects their decisions on supplementary insurance) would be of interest. We would also be interested in the response of the private insurance sector, especially how insurors have altered the supplementary benefit packages they market to the elderly and how retiree benefit packages have been affected. We are interested also in studies of the use and cost consequences of any new benefits, such as prescription drugs.

8. *Employee Retirement Health Plans.* We are interested in better understanding the characteristics of employee health plans for retirees over age 65. We would like to know the extent to which these plans provide benefits for retirees in excess of the current Medicare package. We are also interested in determining the effect that retiree health plans have on Medicare expenditures.

9. *Health Care in Rural Areas.* We are interested in projects that examine the quality of health care delivered in rural areas, access to such care, and whether specific efforts are necessary to improve access to quality health care in these areas.

10. *Other Program Services.* We are interested in projects designed to assist in the refinement of various program areas, including analyses of program data for end-stage renal disease, hospices, and comprehensive outpatient rehabilitation services. We are interested also in analyses of added costs to the Medicare and Medicaid programs of smoking, drug abuse, and excessive alcohol consumption.

F. Beneficiary Awareness and Prevention

As part of our long range efforts to study and move toward some form of capitation system for payment of health care services, we are interested in projects which examine the understanding beneficiaries have with respect to the Medicare and/or Medicaid programs, and the impact beneficiary awareness/education efforts have on program understanding, selection of health care alternatives, and selection of treatment modalities.

We are interested in projects that facilitate more informed Medicare beneficiary choice through the awareness of costs and service options available in specific geographic areas. For example, an independent broker could be responsible for a variety of tasks including marketing and enrolling beneficiaries for specific offerings. Such a model might mitigate against self-selection or HMO/CMP selection bias. Applicants should indicate the extent to which cooperation would be obtained from HMOs/CMPs and other providers offering to participate in the project. Any proposal in this area must address how the concept could be implemented within HCFA s current HMO risk contract program.

As a result of a special solicitation published in 1983, HCFA has funded two 6-year projects to test the cost-effectiveness of providing Medicare prevention services. The projects are located at the University of North Carolina at Chapel Hill and Blue Cross/Blue Shield of Massachusetts in Boston. In addition, a special solicitation for Medicare prevention demonstration sites was published on May 29, 1987 (52 FR 20147) in response to section 9314 of Pub. L. 99–272. We plan to fund five 4-year projects beginning in early fiscal year 1988 from that solicitation.

G. Subacute and Long Term Care

1. *State Programs for Long-Term Care.* Medicaid is a principal source of funding for long term care (LTC) in the United States. Between 1973 and 1984, LTC expenditures under Medicaid increased by over $12 billion, an average annual rate of increase of about 18 percent. This growth rate is the fastest for any health service area, and is expected to continue to increase in the future, due in part to demographic trends. Medicaid is a program operated and funded by States. The Federal government shares in the funding of the Medicaid program through the Federal matching percentage rate established for each State. Since we share in the financing of this program, and in view of the anticipated growth in costs, we share the States' interest in projects that would provide a better understanding of the current LTC delivery and financing systems under Medicaid and that would design and test alternatives to these systems.

Various researchers have conducted initial descriptive efforts concerning the design of alternative payment systems, case-mix methodologies, and other approaches that affect cost and quality of LTC. Examples of these studies are: Birnbaum et al., Abt Associates, Inc., (1981); Grimaldi, American Enterprise Institute (1981); Spitz and Urban Institute (1981); and Shaughnessy et al., Center for Health Services Research, University of Colorado (1980, 1982). More recently, several reports have described the results of demonstrations that tested the ability of expanded home and community-based care to substitute for institutional care (Kemper et al., 1986; Berkeley Planning Associates, 1985). Other recent projects are developing and testing case-mix-based prospective payment systems for nursing home care. In addition, some States are beginning to link nursing home case-mix payment systems to innovative quality assurance systems. We are interested in projects that build upon the results of previous research to provide new knowledge or test innovative approaches to cost-effective delivery of and payment for long term care services. Specifically, there is interest in the following types of projects.

a. Projects that test alternative financing schemes for LTC services, including capitation, patient-related or case-mix-based prospective payment, and Medicaid competitive bidding systems for skilled nursing facility and intermediate care facility levels of care; projects that demonstrate the intergration of payment for the continuation of services under an episode of care; and approaches that expand private risk-sharing for LTC costs, such as private LTC health insurance models, life care centers, and various State tax incentive programs. We are looking for State and local entities to test, over a multi-year period, innovative managed care systems with Federal funding provided under various nontraditional payment arrangements.

b. Projects that assess the effects of innovative State, local, and private programs to promote home care by the family or by other community support arrangements.

For example, research and demonstration projects that focus on specific LTC populations such as Alzheimer's patients, AIDS patients, the institutionalized elderly, the mentally retarded and developmentally-disabled, or persons at risk of institutionalization because they have no family network; the purpose of these projects being to provide information about the types and costs of services needed by these groups and about cost-effective ways of providing services. (We note that section 9342 of the Omnibus Budget Reconciliation Act of 1986 Pub. L. 99–509, mandated that at least 5 and not more than 10 demonstration projects be conducted to determine the effectiveness, cost, and impact on health status of providing comprehensive

services to Medicare beneficiaries who are victims of Alzheimer's disease and related disorders. We plan to conduct a separate solicitation for these sites.)

We are interested in projects that test new methods and information systems to target services more precisely to at-risk population subgroups to ensure cost-effectiveness.

We are interested in analyzing how States are using preadmission screening programs to prevent unnecessary nursing home admissions and to help target in-home services toward appropriate persons; and in determining the factors that may affect their potential for cost savings.

c. We are interested in projects that examine how State and local area variations in patient demand (e.g., population distributions of age, income, and functional and cognitive impairments), supply (availability of nursing home beds and community and home care services), and program characteristics (e.g., coverage and payment policies) affect total use and cost of long term care services under Medicaid. We are interested in how these variables interact and what approaches or combinations of characteristics appear to be associated with efficient and rational allocations of resources across institutional and community settings.

d. We are interested in projects that examine more closely the costs and financing for home and community care across payors to enable us to better estimate total expenditures for these services, the sources of funding, and the types of entities furnishing these services.

e. We are interested in learning more about the number and characteristics of patients who spend down their resources and become Medicaid eligible after admission to nursing homes, particularly the length of time involved in this spend-down process and the amounts and types of assets and resources that commonly are divested to spend down.

2. *Medicare Subacute Care.* The Medicare program provides payment for skilled home health services and short-term post hospital care in a skilled nursing facility. We are interested in new projects that study cost-effective approaches to the delivery and payment for subacute care. For example, projects that test whether carefully targetted reconfiguration of current Medicare home health benefits (e.g., modifications of the Federal policies in the following areas: homebound requirement, limitation to intermittent and part-time care, or exclusion of coverage of drugs) would be cost-effective by reducing Medicare expenditures for inpatient hospital, skilled nursing facility, outpatient hospital, or other services. Applicants should describe clearly how services would be targetted to cases where cost savings are most likely and what mechanisms would be used to assess whether the provision of these additional services at home affects the quality of care.

II. Availibility of Funds for Cooperative Agreements and Grants

A. General

A review of the requirements for existing projects and our expected FY 88 budget indicates that approximately $4 million may be available to HCFA's Office of Research and Demonstrations to fund new cooperative agreements and grants for research and demonstration projects in the priority areas listed in section I.

Applications for cooperative agreements and grants may be submitted to HCFA by private or public non-profit agencies or organizations, including State agencies that administer the Medicaid program. Private for-profit organizations may apply for cooperative agreements and grants (discretionary funds) under section 1110(a)(1) of the Social Security Act, 402(a)(1) of the Social Security Amendments of 1967 (Pub. L. 90–248), as amended, and section 222(a) of the Social Security Amendments of 1972 (Pub. L. 92–603), as amended.

B. Authorities

Our authority for making these awards is based on the following:

1. The Social Security Act, section 1110, 42 U.S.C. 1310, "Cooperative Research or Demonstration Projects" and section 1115(a), 42 U.S.C. 1315(a), "Demonstration Projects";

2. The Social Security Act, section 1875, 42 U.S.C. 1395ll, "Studies and Recommendations"—for cooperative agreements only and section 1881(f), 42 U.S.C. 1395rr(f), "End Stage Renal Disease Experiment and Pilot Projects";

3. Section 402 of the Social Security Amendments of 1967 (Pub. L. 90–248), as amended. 42 U.S.C. 1395b–1, "Experiments and Demonstration Projects"; and

4. Section 222(a) of the Social Security Amendments of 1972 (Pub. L. 92–603), as amended, 42 U.S.C. 1395b–1 (note), "Experiments and Demonstration Projects".

In the discussion below, we refer to the Social Security Act simply as "the Act".

C. Regulations

General policies and procedures that govern the administration of all Department of Health and Human Services (HHS) cooperative agreements and grants are located in Title 45 of the Code of Federal Regulations (CFR), Part 74. All applicants are urged to review the requirements contained in those regulations.

D. Number and Size of Projects

Most awards range from $75,000 to $300,000 per year. We may also award some projects for larger amounts. The number of cooperative agreements and grants depends on the availability of funds; needs of projects that are continuing from prior years; priority interest areas established by HCFA; and technical quality of applications.

E. Duration of Funding

We fund projects for a period of one year at a time and may continue funding on a non-competitive basis, generally for up to three years, if we made the original award as a multiple year project. Continuation funding is contingent on the availability of future year funds, the applicant's ability to meet prior year project objectives, and the continued relevance of the project to HCFA.

We treat applications that seek to continue a project for a longer period of time than that stated in the original award as new projects. Thus, they must compete for available funds, and we will review these applications competitively along with all other new applications.

F. Special Solicitations

As the need arises for special projects, we may announce special solicitations in the **Federal Register.**

III. Cooperative Agreements and Grants Subject Matter

A. General Considerations

The cooperative agreements and grants we award are intended to assist in the resolution of major health financing issues or in developing new methods for the administration of HCFA programs.

The HCFA cooperative agreement and grants program focuses primarily on analyses, experiments, pilot projects and demonstrations that provide information useful for the Medicare and Medicaid programs. For FY–1988 we have identified a number of areas where specific information or operational experience is necessary to improve program effectiveness or guide decisions anticipated in the near future. A detailed

description of these priority areas is set forth in section I.

Applications for priority area cooperative agreements and grants should be limited to one priority. Applications that fit one of the priority areas will be considered as solicited. Applications that do not fit one of the priority areas will be considered unsolicited applications and will be reviewed by a special panel, or by a panel appointed for a priority area that has the technical expertise most closely related to the subject of the unsolicited application.

B. Cooperative Agreements and Grants

The principal purpose of HCFA's cooperative agreements and grants program is to stimulate and support statutorily authorized research and demonstration projects.

All cooperative agreements will include an explicit statement of the nature, character, and intent of anticipated Federal programmatic involvement to ensure that the responsibilities of both parties are understood. Each cooperative agreement will incorporate the requirements of 45 CFR Part 74 among its terms and conditions.

Cooperative agreements will not be awarded to a State Medicaid agency for section 1115 projects in which only waivers of Federal regulations or costs not otherwise matchable under section 1115(a)(2) are approved to carry out a demonstration. The instrument to be used for such an award will be a grant without discretionary funds for waivers and costs authorized under section 1115(a)(2).

Cooperative agreements may be awarded for section 1115 projects with discretionary funds, even if waivers, and costs under section 1115(a)(2) are also involved. In such cases, the cooperative agreement conditions will apply to the entire operation and management of the project. Cooperative agreements may be used for projects awarded under all other authorities listed in section II B.

HCFA may suspend or terminate any cooperative agreement or grant in whole, or in part, at any time before the date of expiration, whenever it determines that the awardee has materially failed to comply with the terms of the cooperative agreement or grant. HCFA will promptly notify the awardee in writing of the determination and the reasons for the suspension or termination together with the effective date. In addition, HCFA reserves the right to withdraw waivers at any time if it determines that continuing the waivers would no longer be in the public interest. If a waiver is withdrawn, HCFA will be liable only for normal close-out costs.

C. Waivers

Researchers who wish to conduct demonstrations that would require Medicaid rules to be waived must coordinate their applications with the appropriate State Medicaid agency. State or private agencies that wish to ask for Medicaid or Medicare waivers are strongly encouraged to coordinate with researchers or research firms in order to ensure that the experimental design and evaluation protocol are of the highest quality.

1. *Section 1115(a) Projects.* Under section 1115(a)(1) of the Act, compliance with statutory Medicaid State plan requirements (section 1902 of the Act) may be waived in order to enable a State Medicaid agency to carry out a demonstration project that will further the general objectives of the Medicaid program.

Under section 1115(a)(2) of the Act, we may consider costs of an 1115(a) project that otherwise would not properly be included as expenditures under the State plan and thus subject to Federal financial participation.

Unless they are specifically waived, all requirements of the Act, the Code of Federal Regulations, and other issuances that pertain to the Title XIX program apply to a project approved under section 1115(a).

If a State Medicaid agency applies for a section 1115(a) project, it should give special attention to the preparation of the budget. The agency must provide estimates of the cost or savings attributable to the demonstration project, contrasted with the normal Federal program costs. That is, the agency must furnish the estimated yearly cost before waivers, and after waivers, for both service costs and administrative costs. These budgets are substantially more extensive than the budget for other applications (see HCFA–PG–11A, Instructions for Completion of Federal Assistance Application, form HCFA–PG–11). (See paragraph 3 below for methodology for estimating costs.)

If the application is approved, the quarterly expenditures must be reported to the Office of Research and Demonstrations (ORD), HCFA, in the form to be designated in the special terms and conditions of approval.

2. *Other Waivers.* Waivers of the requirements of titles XVIII and XIX of the Act, and of corresponding HCFA regulations, may be requested for projects conducted under section 222(a) of the Social Security Amendments of 1972, as amended, and section 402 of the Social Security Amendments of 1967, as amended. The waivers requested must relate to an experimental or demonstration project that involves changes in the benefit package or method of payment. In applying for these waivers or changes in reimbursement or Federal financial participation, the applicant must provide sufficient budgeting information to permit estimates of the likely cost or savings of the project compared to the normal Federal program costs. That is, the application must furnish the estimated yearly cost, before waivers and after waivers, for both program and administrative costs. (See paragraph 3 below for methodology for estimating costs.)

If the application is approved, the awardee must furnish quarterly expenditures in the manner designated by ORD, HCFA in the special terms and conditions of the cooperative agreement or grant.

3. *Methodology for Estimating Gross Cost of Projects Involving Waivers.* HCFA will define the methodology to be used in estimating gross and net waiver costs. A description of this methodology may be obtained by contacting the individuals named at the beginning of this notice. This methodology is subject to change and applicants are therefore instructed to ensure they are using the most current methodology for future solicitations.

IV. Application Procedures

A. Letter of Intent

To receive full consideration, potential applicants must submit a letter, stating their intent to file an application, 45 days prior to the closing date of each cycle (see VII, Closing Date and Times). The letter should be submitted to the address listed below (section IV.B.) Attention: Paul McKeown. At a minimum, this letter should contain the following:

1. Identification of the priority area to which the application responds;
2. Title of project;
3. Brief abstract (description of project);
4. Estimated cost (by project year); and
5. A statement as to whether waivers will be required.

Failure to submit a letter of intent may result in the application receiving less than full consideration.

B. Application Forms

A standard application form is available for the HCFA research and demonstration cooperative agreement

and grants program. Application kits and guidance for the completion of the forms are available from: Health Care Financing Administration, Office of Management and Budget, Administrative Contracts and Grants Branch Room 364, East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207–5187, (301) 594–3342.

Each application must be limited to one priority area. The application must include, in the project title block, the priority area title to which the applicant is responding. The priority area designation must also be clearly marked on the outside of the package or envelope. Where we determine a different priority area is a more appropriate area for consideration of a proposal, HCFA reserves the right to change priority area designation without notifying the applicant.

C. Criteria for Screening and Reviewing Applications

1. *Screening Requirements.* In order for an application to be in conformance, it must meet all of the following requirements:

a. Length: The applicant should provide a brief (1 or 2 paragraph) abstract summarizing the objectives of the proposal. A summary, not to exceed 5 pages, of the proposed project must be included. This summary should discuss the project objectives, hypotheses to be examined, data to be used and its source(s), model type(s) and structure(s) to be used in analyses, resources available to conduct the project, and amount and duration of support requested. The narrative portion of the application should be printed single-sided, double-spaced, and should not exceed 80 double spaced pages, exclusive of resumes, forms, etc. Applications should neither be unduly elaborative nor contain voluminous or unnecessary documentation

b. Number of copies: An original signed application and 12 copies must be submitted. Medicaid State agencies are required to submit an original signed application and 2 copies.

c. HCFA Priorities: Those projects which specifically address a priority area/topic stated in this announcement will receive preference. Non-priority area applications which relate to the goals and objectives of Titles XVIII or XIX will be considered for funding pending available funds.

d. Title XIX Demonstration Proposals: Demonstration proposals involving the Medicaid program must be submitted by the single State agency responsible for administration of the Medicaid program in that State.

APPLICATIONS THAT DO NOT MEET THESE SCREENING REQUIREMENTS GENERALLY WILL NOT BE REFERRED TO REVIEW PANELS.

2. *Evaluation Criteria.* Applications which meet the screening criteria will be reviewed by a technical review panel composed of at least three individuals. Reviewers will score the applications basing their scoring decisions and approval recommendations on the following criteria. Relative weights are shown in parentheses.

a. Project Methodology/Design: (40 Points). The application describes specific plans for conducting the project in terms of the tasks to be performed. It includes relevant information about (i) hypotheses to be tested (if applicable); (ii) concise and clear statement of goals and measurable/achievable objectives; (iii) what the project will do be conducted; (v) data to be collected (including specification of data sources); (vi) plan for data analysis; (vii) milestones/phases in the progress of the project.

Specifically, the proposal should contain the following:

i. A clear, quantifiable statement of the project goals and objectives.

ii. An explicit description of the research design, including the questions to be addressed and the methods and data to be used. The methodology must be well defined and scientifically valid.

iii. If the project is a demonstration proposal, the applicant should include separate sections on both the research design and the evaluation design. The research design section should include a detailed description of the reimbursement methodology and other programmatic changes. The evaluation section should provide an indication of the applicant's understanding of the evaluation issues and the various approaches to them. Should an award be made, the applicant may be required to collect data in a standardized manner to facilitate evaluation efforts. HCFA will have the option of determining whether the applicant or HCFA will be responsible for the evaluation.

iv. Demonstrations must contain a phase-down/phase-out plan that: (a) Ensures that Medicare and Medicaid beneficiaries, as well as any other project participants, are phased out of any special programs which were initiated and exist as reimbursable or covered health services only under the auspices of the project, or ensures that plans are in effect to provide other care for the project participants by the date the project is scheduled to end; and (b) ensures that any new payment methods initiated by the project will cease to apply at the scheduled end of the project, i.e., the project in and of itself cannot commit the Medicare or Medicaid programs to an indefinite use of the payment methodology beyond the scheduled end of the project.

v. The tasks and milestones must be clearly described and scheduled and must include a schedule of reports to be submitted to HCFA. (Progress and Financial Reports as required by 45 CFR Part 74)

vi. The application must contain information specifying the availability of the data to be used, if data are to be collected. The discussion must describe the nature of the data sought, the sample design and size, controls and comparisons (if any), and the problems that might be encountered in collection. Data that are collected under a HCFA cooperative agreement or grant must be available to HCFA or its agents. However, the applicant must ensure the confidentiality of any personally identifiable information collected under the auspices of any HCFA cooperative agreement or grant. The application must contain detailed plans to protect the confidentiality of all information that identifies individuals under the project. The plan must specify that such information is confidential, that it may not be disclosed directly or indirectly except for purposes directly connected with the conduct of the project, and that in all cases where disclosure takes place the informed written consent of the individual must be obtained.

vii. Projects that require waivers (for example, those under section 1115(a) of the Act, section 222(a) of the Social Security Amendments of 1972, as amended, and section 402(a) of the Social Security Amendments of 1967, as amended) must define the services, list the waivers, discuss the implications if such waivers are granted, and state the effect on Federal, State, and local laws as well as the effect (beneficial or adverse) on individuals enrolled in the project.

If the project involves both Medicare and Medicaid waivers, a request for Medicaid waivers from the State agency administering the Medicaid program must be included with the application. Applicants should contact HCFA for further information if questions arise in these cases.

b. Knowledge/Experience/Capability in Area: (20 Points). The application describes the applicant's prior experience in the area, or in related areas. The principal investigator and other key staff are qualified and possess the experience in this or related areas and the variety of skills required to

produce final results that are readily comprehensible and usable. The application should provide evidence of understanding and knowledge of prior and ongoing work in the area. Specific information must also be provided concerning how the personnel are to be organized in the project, to whom they will report, and how they will be used to accomplish specific objectives or portions of the project.

c. Level of Effort: (20 Points). The resources that will be needed to conduct the project are specified, including personnel, time, budget, and facilities. The staffing pattern clearly links responsibilities/levels of efforts to project tasks. The project's costs are reasonable in view of the anticipated results. Any collaborative effort (including subcontracts) with other organizations is clearly identified and written assurances included. A description by category (personnel, travel, consultants, etc.) of the total of the Federal funds required is included. Funds are specified for each budget period.

Specifically, the application should contain the following:

i. Information specifying the availability of adequate facilities and equipment for the project or clearly state how these are to be obtained.

ii. The budget must be developed in detail with justification and explanations for the amounts requested. The estimated costs must be reasonable considering the anticipated results.

iii. Applicants are expected to contribute towards the project costs. Generally, 5 percent of the total costs is considered acceptable. No demonstration project will be awarded that covers 100 percent of the project's costs. The budget may not include costs for construction or remodeling, or for project activities that take place before the applicant has received official notification of HCFA approval of the project.

iv. For demonstration projects involving waivers, budget estimates for the administrative and service costs must be prepared in accordance with the methodology specified in III.C.3.

Waiver-only applications must also contain estimates prepared in accordance with the methodology specified in section III.C.3. of this notice, of the amount of program and administrative expenditures that will occur under the waivers and a comparison of these expenditures to those that are projected to occur in the programs in the absence of the waivers.

v. Each application must include a statement that if the project is awarded, the awardee will furnish quarterly expenditures for administrative and program costs (and, for demonstration projects involving waivers, for service costs) for the project within the approved budget, in the format to be specified under special terms and conditions in the cooperative agreement or grant.

d. Project Objectives and Expected Outcomes: (20 points)

How closely do the project objectives fit those of the solicitation? What is the intrinsic merit of the research/study? The need for the project is discussed in terms of the importance of the issues to be addressed and the particular project proposed, as well as how the proposed project builds on and expands previous work in the area. The potential usefulness of the anticipated results and expected benefits to HCFA and other target groups. The application should discuss plans for utilization of the project's results.

V. Other Considerations

A. Selection Criteria for Funding New Projects

Although the recommendations of the technical review panels are a major factor in making the decision about an application, review scores and recommendations are not the only factors. The compatibility of applications to HCFA priorities as judged by HCFA Senior Staff, the availability of HCFA resources, and the comments of other HCFA and Department staff are considered in making funding decisions.

B. Other Requirements

1. While HCFA does not require review under Executive Order 12372, Intergovernmental Review of Federal Programs (47 FR 30959), all applicants must, nevertheless, determine whether review by the appropriate State and area-wide clearinghouse is required.

2. Applications approved by HCFA for funding will contain a specific set of special terms and conditions that must be approved by the applicant as a condition of award. These include the following:

a. The HCFA Project Officer shall be notified prior to formal presentation of any report or statistical or analytical material based on information obtained through this cooperative agreement. Formal presentation includes papers, articles, professional publications, speeches, and testimony. In the course of this research, whenever the Principal Investigator determines that a significant new finding has been developed, he will immediately communicate it to the HCFA Project Officer before formal dissemination to the general public.

The final report of the project may not be released or published without permission from the HCFA Project Officer within the first 4 months following the receipt of the report by the HCFA Project Officer. The final report will contain a disclaimer that the opinions expressed are those of the awardee and do not necessarily reflect the opinions of HCFA.

b. At any phase of the project, including the project's conclusion, the awardee, if requested by HCFA, must submit the analytic data file(s), with appropriate documentation, representing the data developed/used in end-product analyses generated under the award. The analytic file(s) may include primary data collected, acquired or generated under the award and/or data furnished by HCFA. The content, format, documentation, and schedule for production of the data file(s) will be agreed upon by the principal investigator and the HCFA Project Officer. The negotiated format(s) could include both file(s) that would be limited to HCFA internal use and file(s) which HCFA could make available to the general public.

c. At any phase of the project, including at the project's conclusion, the awardee, if so requested by HCFA, must deliver to HCFA any material, system, or other items developed, refined or enhanced in the course of or under the award. The awardee agrees that HCFA shall have royalty-free nonexclusive and irrevocable rights to reproduce, publish or otherwise use and to authorize others to use the items for Federal Government purposes.

d. Additional specific project requirements may be included in special cooperative agreement or grant solicitations.

3. *Final Reports.* When a project is completed, the awardee must submit a final report. As a minimum, the report must contain the following:

a. Identification of the project director, principal investigator, cooperative agreement or grant number, awardee, and title of the project.

b. Acknowledgment of the support received from HCFA, and a disclaimer to the effect that the findings do not necessarily reflect the opinions or policies of HCFA.

c. An executive summary (one or two pages) that provides an overview of the project and highlights significant findings.

d. A description of the initial hypotheses, objectives, and scope of the project.

e. An explanation of the study methodology.

f. A discussion of significant findings and demonstration or research results (and the implications of these results, if any).

On a semi-annual basis during the course of the project, the awardee must provide a list and copies of all papers presented, and of all articles, reports, and other types of publications that result from the project, for inclusion in a subject bibliography system maintained by the Office of Research and Demonstrations, HCFA. It is further requested that the awardee continue to provide the updated information for 2 years after the project's completion.

The ORD Author's Guidelines for Cooperative Agreements, Grants, and Contracts should be used in preparing the final report. This document is available on request from the ORD Publications Coordinator, Room 1–C–9 Oak Meadows, 6325 Security Boulevard, Baltimore, Md, 21207, (301) 594–7270.

D. Multiple Applications

The applicant must indicate when the same or a similar application is submitted to another HHS agency; for example, the Social Security Administration, the Office of Human Development Services, or to one of the Public Health Service programs.

E. Cooperative Agreement and Grant Policies

Projects are funded through a competitive process and chosen from among the applications submitted in response to this notice. In the case of demonstration projects, all awardees are expected to share directly in the costs of the projects. Normally, this sharing must be at least 5 percent of the total project costs. For section 1115(a) projects, the amount that the single State agency will be expected to provide generally must be at least 5 percent of the special Federal project funds. This amount may not be in-kind contributions.

If, following review of a proposed activity, HCFA determines that a research or demonstration project presents a danger to the physical or mental well-being of a participant of the project, then Federal funds will not be made available for that project without the written, informed consent of each participant.

Other policies including responsibilities, awarding and payment procedures, special provisions, and assurances may be found in 45 CFR Part 74, Administration of Grants, a reprint of which is included in the application kit.

It is a national policy to place a fair share of purchases with small, minority-owned, and woman-owned business firms (45 CFR Part 74, appendices G and H). DHHS is strongly committed to the objectives of this policy and encourages all recipients of its cooperative agreements and grants to take affirmative steps to ensure such fairness. In particular, recipients should:

1. Place small, minority-owned, and woman-owned business firms on bidders mailing lists;

2. Solicit these firms whenever they are potential sources of supplies, equipment, construction, or services;

3. Where feasible, divide total requirements into smaller needs, and set delivery schedules that will encourage participation by these firms; and

4. Use the assistance of the Minority Business Development Agency of the Department of Commerce, the Office of Small and Disadvantaged Business Utilization, DHHS, and similar available State and local governmental agencies.

VI. Review of Applications

An independent review will be conducted by a panel of not less than three experts. The panel will include experts from both DHHS and the private sector.

In most cases, there will be at least one independent review panel for each priority area, including, if necessary, one designated to review applications that do not fit in a priority area. An ORD chairperson will coordinate the panel's review but will not vote. The chairperson will also prepare the panel's recommendation (summary statement) to the Director, ORD. The panel's recommendation will contain numerical ratings (based on the rating criteria specified in section IV), ranking of all applications, and a written assessment of each application. These will be summarized in a ranking and approval list and a matrix will be prepared for each application.

Applicants may request in writing a copy of the summary statement on the review of their application after they have received from HCFA the letter announcing approval or disapproval. Summary statements will be made available subject to the applicable limitations of the Freedom of Information Act (5 U.S.C. 552), the Federal Advisory Committee Act (5 U.S.C. App. I.), the Privacy Act (5 U.S.C. 552a), and 45 CFR Parts 5, 5b, and 11.

VII. Closing Date and Times

We will process cooperative agreement and grant applications once a year and make award announcements approximately five to six months after the closing date. The following closing dates apply for cooperative agreement and grant applications with or without requests for waivers:

FY 1988

Friday, November 20, 1987 (Waiver only and discretionary funds awards)
Monday, May 2, 1988 (Waiver-only)

FY 1989

Monday, November 7, 1988 (Waiver-only and discretionary funds awards)
Monday, May 1, 1989 (Waiver-only)

FY 1990

Monday, November 6, 1989 (Waiver-only and discretionary funds awards)
Monday, May 7, 1990 (Waiver-only)

Applications mailed through the U.S. Postal Service or a commercial delivery service will be "on time" if they are received on or before the closing date, or sent on or before the closing date and received in time for submission to the independent review group (see section VI, Review of Applications). Applicants are cautioned to request a legible U.S. Postal Service postmark or to obtain a legibly dated receipt from the commercial carrier or the U.S. Postal Service. Privately metered postmarks will not be acceptable as proof of timely mailing.

Applications that do not meet the above criteria will be considered late applications. Those submitting late applications will be notified that the applications were not considered in the current competition.

(Sec. 1110, 1115(a), 1875, and 1881(f) of the Social Security Act (42 U.S.C. 1310, 1315(a), 139511, 1395rr(f); section 222(a) of the Social Security Amendments of 1972, as amended (42 U.S.C. 1395b–1 (note)); section 402 of the Social Security Amendments of 1967, as amended (42 U.S.C. 1395b–1); section 603 of the Social Security Amendments of 1983 (Pub. L. 98–21); section 605(b) of the Social Security Amendments of 1983 (42 U.S.C. 1395x(v)(1)(E)(note))

(Catalog of Federal Domestic Assistance Programs No. 13,766 Health Financing Research, Demonstrations and Experiments)

Dated: July 28, 1987.

William L. Roper,

Administrator, Health Care Financing Administration.

[FR Doc. 87–20650 Filed 9–9–87; 8:45 am]

BILLING CODE 4120–01–M

National Institutes of Health

Acquired Immunodeficiency Syndrome Program Advisory Committee; Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972, [Pub. L. 92–463, 86 Stat. 770–776] the Director, National Institutes of Health, announces the establishment by the Secretary, Department of Health and Human Services, of the Acquired Immunodeficiency Syndrome Program Advisory Committee.

The Acquired Immunodeficiency Syndrome Program Advisory Committee will advise the NIH on all aspects of AIDS research. The Committee will identify opportunities to further research on AIDS and recommend initiatives that should be undertaken to advance knowledge in diagnosing, preventing, and treating the disease. The Committee will also advise on research directions and identify areas of research requiring additional effort.

Unless renewed by appropriate action prior to its expiration, this Committee shall terminate two years from the date the charter is approved.

Dated: September 3, 1987.

William F. Raub,

Acting Director, National Institutes of Health.

[FR Doc. 87–20732 Filed 9–9–87; 8:45 am]

BILLING CODE 4140–01–M

Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the subcommittee on Primate Research Centers of the Animal Resources Review Committee, Division of Research Resources, October 30, 1987, Chateau LeMoyne Holiday Inn, 301 Rue Dauphine, New Orleans, Louisiana 70112.

This meeting will be open to the public from 8:30 a.m. to 9:00 a.m. for a brief staff presentation on the current status of the Animal Resources Program and the selection of future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provision set forth in section 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 from 9:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the Animal Resources Program. 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 warranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Maryland 20892, (301) 496–5545, will provide a summary of the meeting and a roster of the committee members upon request. Dr. David L. Madden, Executive Secretary of the Animal Resources Review Committee, Division of Research Resources, National Institutes of Health, Building 31, Room 5B55, Bethesda, Maryland 20892, (301) 496–5175, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Programs No. 13.306, Laboratory Animal Sciences, National Institutes of Health)

Dates: August 31, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–20729 Filed 9–9–87; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Clinical Trials Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, October 25–27, 1987, at the Days Inn Hotel, 1775 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to the public on October 25, from 7:30 p.m. to approximately 8 p.m. to discuss administrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public is 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 on October 25 from approximately 8 p.m. to recess, and from 8 a.m. on October 26 to adjournment on October 27, 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. Therefore, this meeting is concerned with matters exempt from mandatory disclosure under sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S.C.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A–21, National Institutes of Health, Bethesda, Maryland 20892, phone (301) 496–4236, will provide a summary of the meeting and a roster of the Committee members.

Dr. Norman S. Braveman, Contracts, Clinical Trials and Training Review Section, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Westwood Building, Room 550B, Bethesda, Maryland 20892, phone (301) 496–7361, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: August 31, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–20730 Filed 9–9–87; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute, National Heart, Lung, and Blood Advisory Council and Its Research Subcommittee and Training Subcommittee; Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Advisory Council, National Heart, Lung, and Blood Institute, October 22–23, 1987, National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 6, Bethesda, Maryland 20892. In addition, the Research Subcommittee and the Training Subcommittee of the above Council will meet on October 21, 1987, at 1 p.m. and 8 p.m. respectively, in Building 31, Conference Room 4.

The Council meeting will be open to the public on October 22 from 9 a.m. to approximately 3:30 p.m. for discussion of program policies and issues. Attendance by the public is 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., section 10(d) of Pub. L. 92–463, the Council meeting will be closed to the public from approximately 3:30 p.m. on October 22 to adjournment on October 23 for the review, discussion, and evaluation of individual grant applications. The meetings of the Research Subcommittee and the Training Subcommittee of the above Council on October 21, will be

closed from 1 p.m. and 8 p.m., respectively, to adjournment 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.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of the Council members.

Dr. David M. Monsees, Jr., Executive Secretary of the Council, Westwood Building, Room 7A–15, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–7548, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: August 31, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–20731 Filed 9–9–87; 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 October through November 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 secs. 552b(c)(4) and 552(c)(6), Title 5 U.S.C. and sec. 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	October-November 1987 meetings	Time	Location
Allergy & Immunology, Dr. Eugene Zimmerman, Rm. 320, Tel. 301–496–7380	Oct. 15–17	8:30	Crowne Plaza, Rockville, MD.
Bacteriology & Mycology–1, Dr. Timothy J. Henry, Rm. 304, Tel. 301–496–7340	Oct. 21–23	8:30	Holiday Inn, Bethesda, MD.
Bacteriology & Mycology–2, Dr. William Branche, Jr., Rm 306, Tel. 301–496–7682	Oct. 21–23	8:30	Marbury House, Georgetown, DC.
Behavioral Medicine, Dr. Joan Rittenhouse, Rm. 436, Tel. 301–496–7109	Oct. 7–9	8:00	Canterbury, Hotel, Washington, DC.
Biochemical Endocrinology, Dr. Janos Varga, Rm. 226, Tel. 301–496–7430	Oct. 19–21	8:30	Holiday Inn, Bethesda, MD.
Biochemistry–1, Dr. Adolphus P. Toliver, Rm. 318B, Tel. 301–496–7516	Oct. 26–29	8:30	Crowne Plaza, Rockville, MD.
Biochemistry–2, Dr. Alex Liacouras, Rm. 318A, Tel. 301–496–7517	Oct. 14–16	8:30	Holiday Inn, Bethesda, MD.
Bio-Organic & Natural, Products Chemistry, Dr. Michael Rogers, Rm. 5, Tel. 301–496–7107.	Oct. 22–24	9:00	Holiday Inn, Bethesda, MD.
Biophysical Chemistry, Dr. John B. Wolff, Rm. 236B, Tel. 301–496–7070	Oct. 22–24	8:30	Room 9, Bldg. 31C, Bethesda, MD.
Bio-Psychology, Dr. A. Keith Murray, Rm. 220, Tel. 301–496–7058	Oct. 5–8	9:00	Ramada Inn, Bethesda, MD.
Cardiovascular & Pulmonary, Dr. Anthony C. Chung, Rm. 2A–04, Tel. 301–496–7316	Oct. 28–30	8:30	Holiday Inn, Georgetown, DC.
Cardiovascular & Renal, Dr. Rosemary Morris, Rm. 321, Tel. 301–496–7901	Oct. 19–21	8:30	Howard Johnson Plaza Hotel, Washington, DC.
Cellular Biology and Physiology–1, Dr. Gerald Greenhouse, Rm. 336, Tel. 301–496–7396.	Oct. 7–9	8:30	Room 4, Bldg. 31A, Bethesda, MD.
Cellular Biology and Physiology–2, Dr. Frank Collins, Rm. 306, Tel. 301–496–7681	Oct. 19–21	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Chemical Pathology, Dr. Edmund Copeland, Rm. 353, Tel. 301–496–7078	Nov. 5–7	8:00	Marco Beach Hilton, Marco Island, FL.
Diagnostic Radiology, Dr. Catharine Wingate, Rm. 219B, Tel. 301–496–7650	Oct. 21–23	8:30	Historic Inns, Annapolis, MD.
Endocrinology, Dr. Harry Brodie, Rm. 333, Tel. 301–496–7346	Oct. 12–14	8:30	Holiday Inn, Bethesda, MD.
Epidemiology & Disease Control–1, Dr. Nathan Watzman, Rm. 203C, Tel. 301–496–7246.	Oct. 14–16	8:00	Crowne Plaza, Rockville, MD.
Epidemiology & Disease Control–2, Dr. Horace Stiles, Rm. 340, Tel. 301–496–7248	Oct. 14–16	8:00	Crowne Plaza, Rockville, MD.
Experimental Cardiovascular Sciences, Dr. Richard Peabody, Rm. 234, Tel. 301–496–7940.	Oct. 20–22	9:00	Holiday Inn, Chevy Chase, MD.
Experimental Immunology, Dr. Hugh Stamper, Rm. 222B, Tel. 301–496–7238	Oct. 14–16	9:00	Linden Hill Hotel, Bethesda, MD.
Experimental Therapeutics–1, Dr. Morris Kelsey, Rm. 221, Tel. 301–496–7839	Oct. 21–23	8:30	Holiday Inn, Bethesda, MD.
Experimental Therapeutics–2, Dr. Marcia Litwack, Rm. 2A03, Tel. 301–496–8848	Oct. 29–30	8:30	Holiday Inn, Bethesda, MD.
Experimental Virology, Dr. Garrett V. Keefer, Rm. 206, Tel. 301–496–7474	Oct. 19–21	8:30	Room 8, Bldg. 31C, Bethesda, MD.
General Medicine A–1, Dr. Harold Davidson, Rm. 354A, Tel. 301–496–7797	Oct. 21–23	8:30	Wellington Hotel, Washington, DC.
General Medicine A–2, Dr. Donna J. Dean, Rm. 354B, Tel. 301–496–7140	Oct. 21–23	8:30	Holiday Inn, Bethesda, MD.
General Medicine B, Dr. Daniel McDonald, Rm. 322, Tel. 301–496–7730	Oct. 7–9	8:00	Crowne Plaza, Rockville, MD.
Genetics, Dr. David Remondini, Rm. 349, Tel. 301–496–7271	Oct. 15–17	9:00	Room 6, Bldg. 31C, Bethesda, MD.
Hearing Research, Dr. Joseph Kimm, Rm. 225, Tel. 301–496–7494	Oct. 7–9	8:30	Omni Shoreham Hotel, Washington, DC.
Hematology–1, Dr. Clark Lum, Rm. 355A, Tel. 301–496–7408	Oct. 22–24	8:00	Hyatt Regency Hotel, Bethesda, MD.
Hematology–2, Dr. Joel Solomon, Rm. 355B, Tel. 301–496–7508	Oct. 28–30	8:00	Marbury House, Georgetown, DC.
Human Development & Aging–1, Dr. Teresa Levitin, Rm. 303, Tel. 301–496–7025	Oct. 28–30	9:00	Omni Shoreham Hotel, Washington, DC
Human Development & Aging–2, Dr. Louis Quatrano, Rm. 305, Tel. 301–496–7640	Oct. 14–16	8:30	Marbury House, Georgetown, DC.
Human Development & Aging–3, Dr. Anita Sostek, Rm. 203A, Tel. 301–496–9403	Oct. 26–27	8:30	Guest Quarters Hotel, Bethesda, MD.
Human Embryology & Development, Dr. Arthur Hoversland, Rm. 319A, Tel. 301–496–7597.	Oct. 20–23	8:30	Wellington Hotel, Washington, DC.
Immunobiology, Dr. William Stylos, Rm. 222A, Tel. 301–496–7780	Oct. 14–16	8:30	Wellington Hotel, Washington, DC.
Immunological Sciences, Dr. Anita Weinblatt, Rm. 233A, Tel. 301–496–7179	Oct. 7–9	8:30	Wellington Hotel, Washington, DC.
Mammalian Genetics, Dr. Jerry Roberts, Rm. 349, Tel. 301–496–7271	Oct. 22–24	8:30	Room 4, Bldg. 31A, Bethesda, MD
Medicinal Chemistry, Dr. Ronald Dubois, Rm. 5, Tel. 301–496–7107	Oct. 14–17	9:00	Holiday Inn, Chevy Chase, MD.
Metabolic Pathology, Dr. Marcelina Powers, Rm. 435, Tel. 301–496–5251	Oct. 28–30	9:00	Holiday Inn, Georgetown, DC.
Metabolism, Dr. Krish Krishnan, Rm. 339A, Tel. 301–496–7091	Oct. 22–24	8:30	Room 8, Bldg. 31C, Bethesda, MD
Metallobiochemistry, Dr. Edward Zapolski, Rm. 310, Tel. 301–496–7733	Oct. 22–24	8:30	St. James Hotel, Washington, DC.
Microbial Physiology & Genetics–1, Dr. Martin Slater, Rm. 238, Tel. 301–496–7183	Oct. 28–30	8:30	Sheraton Potomac, Rockville, MD.
Microbial Physiology & Genetics–2, Dr. Gerald Liddel, Rm. 357, Tel. 301–496–7130	Oct. 28–30	8:30	Crowne Plaza, Rockville, MD.
Molecular & Cellular Biophysics, Dr. Patricia Jost, Rm. 236A, Tel. 301–496–7060	Oct. 22–24	8:30	Governor's House, Washington, DC.

Study section	October-November 1987 meetings	Time	Location
Molecular Biology, Dr. Zain Abedin, Rm. 328, Tel. 301-496-7830	Oct. 15-17	8:30	Holiday Inn, Bethesda, MD.
Molecular Cytology, Dr. Ramesh Nayak, Rm. 233B, Tel. 301-496-7149	Oct. 15-17	8:00	Room 8, Bldg. 31C, Bethesda, MD.
Neurological Sciences-1, Dr. Allen C. Stoolmiller, Rm. 437B, Tel. 301-496-7279	Oct. 14-16	8:00	Wellington Hotel, Washington, DC.
Neurological Sciences-2, Dr. Stephen Gobel, Rm. 1A05, Tel. 301-496-8808	Oct. 13-15	8:30	Holiday Inn, Georgetown, DC.
Neurology A, Dr. Catherine Woodbury, Rm. 326, Tel. 301-496-7095	Nov. 12-14	8:00	Days Inn, New Orleans, LA.
Neurology B-1, Dr. Jo Ann McConnell, Rm. 152, Tel. 301-496-7846	Oct. 20-23	8:30	Governor's House, Washington, DC.
Neurology B-2, Dr. Herman Teitelbaum, Rm. 152, Tel. 301-496-7422	Oct. 6-9	8:00	Wellington Hotel, Washington, DC.
Neurology C, Dr. Kenneth Newrock, Rm. 232, Tel. 301-496-5591	Oct. 21-24	8:30	Governor's House, Washington, DC.
Nursing Research, Dr. Gertrude McFarland, Rm. A18, Tel. 301-496-0558	Oct. 26-29	8:00	Marriott Hotel, Bethesda, MD.
Nutrition, Dr. Ai Lien Wu, Rm. 204, Tel. 301-496-7178	Oct. 19-21	8:30	Holiday Inn, Bethesda, MD.
Oral Biology & Medicine-1, Dr. J. Terrell Hoffeld, Rm. 325, Tel. 301-496-7818	Oct. 12-15	8:30	Hyatt Arlington, Arlington, VA.
Oral Biology & Medicine-2, Dr. J. Terrell Hoffeld, Rm. 325, Tel. 301-496-7818	Oct. 5-8	8:30	Hyatt Arlington, Arlington, VA.
Orthopedics & Musculoskeletal, Ms. Ileen Stewart, Rm. 350, Tel. 301-496-7581	Oct. 21-23	8:30	Ramada Inn, Bethesda, MD.
Pathobiochemistry, Dr. John Mathis, Rm A26, Tel. 301-496-7820	Oct. 21-23	8:30	Holiday Inn, Bethesda, MD.
Pathology A, Dr. John L. Meyer, Rm. 337, Tel. 301-496-7305	Oct. 14-16	8:00	Holiday Inn, Chevy Chase, MD.
Pathology B, Dr. Nathan Watzman, Rm. 340, Tel. 301-496-7248	Oct. 21-23	8:30	Holiday Inn, Georgetown, DC.
Pharmacology, Dr. Joseph Kaiser, Rm. 206, Tel. 301-496-7408	Oct. 20-22	8:30	American Inn, Bethesda, MD.
Physical Biochemistry, Dr. Gopa Rakhit, Rm. 218B, Tel. 301-496-7120	Oct. 26-28	8:30	Crowne Plaza, Rockville, MD.
Physiological Chemistry, Dr. Stanley Burrous, Rm. 339B, Tel. 301-496-7837	Oct. 22-24	8:00	Holiday Inn, Bethesda, MD.
Physiology, Dr. Michael A. Lang, Rm. 209, Tel. 301-496-7878	Oct. 20-22	8:30	Holiday Inn, Chevy Chase, MD.
Radiation, Dr. John Zimbrick, Rm. 219A, Tel. 301-496-7073	Oct. 12-14	8:30	Holiday Inn, Bethesda, MD.
Reproductive Biology, Dr. Dharam Dhindsa, Rm. 307, Tel. 301-496-7318	Oct. 5-8	8:30	Holiday Inn, Bethesda, MD.
Reproductive Endocrinology, Dr. Bela Gulyas, Rm. 325B, Tel. 301-496-8857	Oct. 21-23	8:30	Marbury House, Georgetown, DC.
Respiratory & Applied Physiology, Dr. Clyde Watkins, Rm. 218A, Tel. 301-496-7320	Oct. 5-7	8:30	Ramada Inn, Bethesda, MD.
Safety & Occupational Health, Dr. Richard Rhoden, Rm. 154, Tel. 301-496-6723	Oct. 14-16	8:30	Ramada Inn, Bethesda, MD.
Sensory Disorders & Language, Dr. Michael Halasz, Rm. 3A-07, Tel. 301-496-7550	Oct. 14-16	8:30	Capitol Holiday Inn, Washington, DC.
Social Sciences & Population, Ms. Carol Campbell, Rm. 210, Tel. 301-496-7906	Oct. 8-10	9:00	Marbury House, Georgetown, DC.
Surgery & Bioengineering, Dr. Paul F. Parakkal, Rm. 303A, Tel. 301-496-7506	Oct. 19-20	8:30	Hyatt Regency Hotel, Bethesda, MD.
Surgery, Anesthesiology & Trauma, Dr. Keith Kraner, Rm. 319B, Tel. 301-496-7771	Oct. 22-23	8:30	Ramada Inn, Bethesda, MD.
Toxicology, Dr. Alfred Marozzi, Rm. 205, Tel. 301-496-7570	Oct. 21-23	8:00	Holiday Inn, Georgetown, DC.
Tropical Medicine & Parasitology, Dr. Jean Hickman, Rm. 334, Tel. 301-496-1190	Oct. 13-15	8:30	Holiday Inn, Georgetown, DC.
Virology, Dr. Bruce Maurer, Rm. 309, Tel. 301-496-7605	Oct. 8-10	8:30	Room 10, Bldg. 31C, Bethesda, MD.
Visual Sciences A-1, Dr. Luigi Giacometti, Rm. 207, Tel. 301-496-7000	Oct. 14-16	9:00	Holiday Inn, Georgetown, DC.
Visual Sciences A-2, Dr. Jane Hu, Rm. 439A, Tel. 301-496-7795	Oct. 27-30	8:30	Wellington Hotel, Washington, DC.
Visual Sciences B, Dr. Earl Fisher, Jr., Rm. 325, Tel. 301-496-7251	Oct. 7-9	8:30	Wellington Hotel, Washington, DC.

(Catalog of Federal Domestic Assistance Program Nos. 13.306, 13.333, 13.337, 13.393–13.396, 13.837–13.844, 13.846–13.878, 13.892, 13.893, National Institutes of Health, HHS)

Dated: August 31, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87-20728 Filed 9-9-87; 8:45 am]

BILLING CODE 4140-01-M

Health of Biomedical Research Institutions; Meeting

Notice is hereby given that the National Institutes of Health (NIH) will hold the first two of a series of regional public briefing meetings to be conducted under the auspices of the Advisory Committee to the Director, NIH, on "The Health of Biomedical Research Institutions." The purpose of the meetings is two-fold:

(1) To provide current information concerning the activities of the NIH by describing the broad political context in which the NIH operates, discussing the Federal budget process as it affects the formulation of the NIH budget, demonstrating recent trends in the funding of NIH programs, discussing the broad strategies adopted by NIH to meet emerging needs, and describing new NIH policies and programs designed to achieve program objectives; and

(2) To solicit through public testimony the views of biomedical researchers, university faculty and administrators, representatives of professional societies, and other interested parties concerning the impact of the Federal system of sponsored research on the health of biomedical research institutions.

The first meeting will be held on Thursday, November 5, 1987, from 8:30 a.m. to 5:00 p.m. at the University of California, Los Angeles. The second will be held on November 6, 1987, from 8:30 a.m. to 5:00 p.m. at the University of California, San Francisco. Notice of the time and location of additional meetings will be published later.

Following presentations by the Director, NIH, and his senior staff, a panel comprised of members of the Advisory Committee to the Director, NIH; representatives of NIH national advisory councils; and senior NIH staff will spend the remainder of the day receiving testimony from public witnesses. Each witness will be limited to a maximum of ten minutes. Attendance and the number of presentations will be limited to the time and space available. Consequently, all individuals wishing to attend or to present a statement at this public meeting should notify, in writing, Jay Moskowitz, Ph.D., Executive Secretary, National Institutes of Health, Shannon Building, Room 137, Bethesda, Maryland 20892. Those planning to make a presentation should file a one-page summary of their remarks with Dr. Moskowitz by September 30, 1987; a copy of the full text of these remarks should be submitted for the record at the time of the meeting. Please indicate which of the two meetings you plan to attend. Additional information may be obtained by calling Mr. Edward Lynch, Division of Program Analysis, Office of Program Planning and Evaluation, National Institutes of Health, at (301) 496-1454.

Date: September 3, 1987.

William F. Raub,

Deputy Director, National Institutes of Health.

[FR Doc. 87-20726 Filed 9-9-87; 8:45 am]

BILLING CODE 4140-01-M

National Institute of Allergy and Infectious Diseases, Microbiology and Infectious Diseases Research Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Research Committee, National Institute of Allergy and Infectious Diseases, on October 14, 15 and 16, 1987, in Building 31C, Conference Room 7, at the National Institutes of Health, Bethesda, Maryland 20892.

The meeting will be open to the public from 9 a.m. to 11 a.m. on October 14, to discuss administrative details relating to committee business and for program review. Attendance by the public will be limited to space available. In accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92-463, the meeting of the Microbiology and Infectious Diseases Research Committee

will be closed to the public for the review, discussion, and evaluation of individual grant applications and contract proposals from 11 a.m. on October 14 until recess, on October 15 from 9 a.m. until recess, and from 9 a.m. until adjournment on October 16. These applications, proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Patricia Randall, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20892, telephone (301–496–5717), will provide a summary of the meeting and a roster of the committee members upon request.

Dr. M. Sayeed Quraishi, Executive Secretary, Microbiology and Infectious Diseases Research Committee, NIAID, NIH, Westwood Building, Room 706, Bethesda, Maryland 20892, telephone (301–496–7465), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, Pharmacological Sciences; 13.856, Microbiology and Infectious Diseases Research, National Institutes of Health.)

Dated: August 31, 1987.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 87–20727 Filed 9–9–87; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Statement of Organization, Functions and Delegations of Authority; Health Resources and Services Administration

On July 24, 1987, a notice was published in the **Federal Register** (52 FR 27854–27855) abolishing the *Office of Debt Management (HBP14), Bureau of Health Professions (HBP),* Health Resources and Services Administration.

Notice is hereby given that the fiscal debt management functions previously performed by the Office of Debt Management, Bureau of Health Professions, are being transferred to the Division of Fiscal Services, Office of Operations and Management, Health Resources and Services Administration, and that the program debt management functions previously performed by the Office of Debt Management, Bureau of Health Professions, are being transferred to the Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration.

These transfers will be implemented by September 1, 1987.

Date: August 14, 1986.

John H. Kelso,

Acting Administrator, Health Resources and Services Administration.

[FR Doc. 87–20699 Filed 9–9–87; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–87–861]

Phoenix Office, Region IX; Designation and Order of Succession

AGENCY: Department of Housing and Urban Development.

ACTION: Designation and order of succession.

SUMMARY: The Manager of the Phoenix Office in Region IX is designation officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of Manager.

EFFECTIVE DATE: September 1, 1987.

FOR FURTHER INFORMATION CONTACT: Beverly G. Agee, Regional Counsel, Department of Housing and Urban Development, Region IX, 450 Golden Gate Avenue, Box 36003, San Francisco, CA 94102. Telephone (415) 556–6110. This is not a toll-free number.

Designation of Acting Manager

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of Manger, with all the powers, functions, and duties redelegated or assigned to the Manager:

Provided, That no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unable to act by reason of absence, disability, or vacancy is said position:

1. Deputy Manager,
2. Director of Housing Development,
3. Director of Housing Management,
4. Chief Attorney,
5. Chief of Housing Programs Branch.

This designation supersedes and cancels any previous designation, published or unpublished, that may be in effect prior to the effective date of this document.

Authority: Delegation of Authority by the Secretary of Housing and Urban Development effective October 1, 1970; 36 FR 3389, February 23, 1971.

Dated: July 24, 1987.

Dwight A. Peterson,

Manager, Phoenix Office, Department of Housing and Urban Development, Region IX.

Concur:

William Y. Nishimura,

Acting Regional Administrator-Regional Housing Commissioner, Region IX.

[FR Doc. 87–20836 Filed 9–9–87; 8:45 am]

BILLING CODE 4210–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Proposed Finding Against Federal Acknowledgment of the Machis Lower Alabama Creek Indian Tribe

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM8.

Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9(f)), notice is herby given that the Assistant Secretary proposes to decline to acknowledge that the Machis Lower Alabama Creek Indian Tribe, Inc., c/o Mrs. Pennie Wright, 708 S. John Street, New Brockton, Alabama 36351.

Exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet four of the mandatory criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

The Machis Lower Alabama Creek Indian Tribe contends that it is descended from those Creek Indians who took land allotments rather than remove to Indian Territory in the 1830s and that their ancestors purportedly then fled to a cave in Covington County, Alabama to hide from hostile whites and soldiers. No documentation has been found to substantiate the existence of a predecessor tribe or Indian Community to the group. The Machis Lower Alabama Creek Indian Tribe has only been identified as Indian and as Creek since its incorporation as a non-profit organization in 1982. The tribe which inhabited the Lower Creek town of Tamali, which the group claims was the aboriginal home of the "Machis Indians," emigrated to northwestern Florida around the year 1800 and was absorbed in the Seminole tribe. No historical reference could be found to document the existence of a Lower

Creek Indian named Machis, who the Group claims descent from and from whom the group derives its name. No evidence could be found to verify any linkage between the early 19th-century Lower Creek individuals in Alabama whom the petitioner claims were its ancestors and the family lines of the group's membership.

The group holds that its ancestors managed to escape forced removal from Alabama by hiding in a cave in Covington County. Federal census records indicate that most of the group's ancestors did not take up residence in Alabama until long after the period of Creek removal and that none of the primary families were living in Covington County prior to the 1880s. While Federal census and county records show there has been some residential clustering and interaction among the principal families in the group from 1850 to the present at various and somewhat scattered locations in southeastern Alabama, these family enclaves have never been regarded by others as being Amerian Indian communities.

There is no evidence that tribal political influence or authority has been exercised or maintained over its members or that tribal decision-making processes have been carried out by group leaders either prior to or after the formal incorporation of the group in 1982. Bylaws adopted in 1982 as the group's governing document set forth the formal governing procedures. A membership criterion is stated in the bylaws, but a statement concerning membership submitted with the petition appears to provide a more accurate description of the current membership. Although the majority of the membership does share common ancestry, no documentation was submitted nor was any documentation located to establish that the common ancestors of the group were identified as Indian or were members of any historical tribe or tribes.

No evidence was found that the members of the group are enrolled in any other Indian tribe or that the group or its members have been subject of Federal legislation which has expressly terminated or forbidden a relationship with the United States Government.

Based on this preliminary factual determination, we conclude that the MaChis Lower Alabama Creek Indian Tribe meets criteria d, f, and g, but does not meet criteria a, b, c, and e of § 83.7 of the Acknowledgment regulations (25 CFR Part 83).

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed finding may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120-days from the date of publication of this notice.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision will be available to the petitioners and interested parties upon written request. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20245, Attention: Branch of Acknowledgment and Research, Mail Stop 32–SIB.

After consideration of the written arguments and evidence rebutting the proposed finding and within 60 days after the expiration of the 120-day response period, the Assistant Secretary will publish the final determination regarding the petitioner's status in the **Federal Register** as provided in § 83.9(h).

If at the expiration of the 120-day response period this proposed finding is confirmed, the Assistant Secretary, in accordance with § 83.9(j), will analyze and forward to the petitioner other options, if any, under which the petitioner might make application for services or other benefits.

Hazel E. Elbert,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 87–20707 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[ID–020–07–4322–12]

Burley District Grazing Advisory Board Meeting; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting and agenda for Burley District Grazing Advisory Board.

SUMMARY: Notice is hereby given that the Burley District Grazing Advisory Board will meet on October 13, 1987. The meeting will convene at 9:00 a.m. on October 13, 1987 in the conference room of the Bureau of Land Management Office, 200 South Oakley Highway, Burley, Idaho.

Agenda items for the meeting will include: (1) Management recommendations for the Samaria Allotment. (2) Use of 8100 funds for pre-project work. (3) Review of FY–87 Range Improvement projects. (4) Review FY–88 proposed Range Improvement projects. (5) Items of information: (a) review of 1987 noxious weed control efforts; (b) review of 1987 grasshopper control efforts. The public is invited to attend the meeting. Interested persons may make an oral statement to the Board beginning at 1:00 p.m. or they may file written statements for the Board's consideration. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Anyone wishing to make an oral statement or file a written statement must contact the District Manager by October 9, 1987 for inclusion in the meeting schedule.

Detailed minutes of the Board meeting will be maintained in the District Office, 200 South Oakley Highway, Burley, Idaho, and will be available for public inspection during regular business hours, (7:45 a.m. to 4:30 p.m., Monday thru Friday) within 30 days following the meeting.

DATE: October 13, 1987.

ADDRESS: Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: John Davis, Burley District Manager, (208) 678–5514.

Dated: September 1, 1987.

Marvin R. Bagley,

Associate District Manager.

[FR Doc. 87–20709 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–GG–M

[CO–505–4410–02]

Canon City District Advisory Council Meeting; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94–579 that the Canon City District Advisory Council Meeting will be held on Wednesday, October 7, 1987, 10:30 a.m. to 4:30 p.m. and on Thursday, October 8, 1987, 8 a.m. to 12 noon, at the Canon City District Office, 3170 East Main, Canon City, Colorado.

The meeting agenda will include:

1. Results of the study on Effectively Utilizing BLM District Multiple Use Advisory Councils.
2. Video on the wild horse program.
3. Arkansas River Recreation Area Management Plan workshop.
4. Quail Mountain update.
5. San Luis Valley Resource Management Plan update.
6. Reports from Area Managers on current programs.
7. Demonstration of new digitizing equipment.

8. Public presentations to the council (open invitation).

The meeting is open to the public. Persons interested may make oral presentations to the council at 9:30 a.m. on Thursday or they may file written statements for the council's consideration. The District Manager may limit the length of oral presentations depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to make an oral or written presentation to the council should notify the District Manager, Bureau of Land Management, P.O. Box 311, 3170 East Main, Canon City, Colorado 81212 by October 6, 1987.

SUPPLEMENTARY INFORMATION: Summary minutes of the meeting will be available for public inspection and reproduction during regular working hours at the District Office approximately 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Ken Smith, (303) 275–0631.

Donnie R. Sparks,

District Manager.

[FR Doc. 87–20710 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–JB–M

[NV–050–07–4322–13]

Las Vegas District Grazing Advisory Board Meeting; Nevada

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Las Vegas District Grazing Advisory Board will be held Wednesday, October 7, and Thursday, October 8, 1987 beginning at 1:00 p.m. in the conference room of the Caliente Nevada Department of Agriculture complex. The meeting will continue into Thursay, October 8, 1987 beginning at 8:00 a.m.

The agenda is as follows:

1. Welcome and Introductions
2. Reading and Approval of Minutes from Previous Meeting
3. Range Improvement Program, Status Update, and Proposals
4. Allotment Management (AMPs) and Rangeland Monitoring
5. Proposed Rule Making Update
6. Wild Horse and Burro Program Update
7. Wilderness Program Update
8. South Nye Rangeland Program Summary Update
9. Public Comments
10. Other Business
11. Arrangements for the Next Meeting

The meeting is open to the public. Interested persons may make oral comments to the board during the public comment period on the day of the meeting or they may file written statements for the board's consideration during the meeting. Notify the District Manager, BLM, 4765 West Vegas Drive, P.O. Box 26569, Las Vegas, Nevada 89126, if you wish to make an oral statement to the Board. Summary minutes of the board meeting will be maintained at the Las Vegas District Office. The minutes will be available for public inspection during regular office hours (7:30 a.m. to 4:15 p.m.) within 30 days after the meeting.

Charles Frost,

Associate District Manager.

[FR Doc. 87–20711 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–HC–M

[WY–920–07–4111–15; W–99439]

Proposed Reinstatement of Terminated Oil and Gas Lease; Wyoming

Pursuant to the provisions of Pub. L. 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease W–99439 for lands in Hot Springs County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease W–99439 effective June 1, 1987, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Fred O'Ferrall,

Acting Chief, Leasing Section.

[FR Doc. 87–20712 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–22–M

[AZ–050–07–4333–11]

Yuma District, AZ, and California Desert District, CA, Long-Term Visitor Permit Program for 1987–1988 and Subsequent Use Seasons; Closure of Long-Term Visitor Area and Revision and Establishment of Supplementary Rules

AGENCY: Bureau of Land Management, Interior.

ACTION: Changes to the Long-Term Visitor Permit Program for the 1987–1988 and subsequent use seasons, closure of the Vidal Junction Long-Term Visitor Area for long-term camping, and revisions to an establishment of supplementary rules in the Yuma District, Arizona, and the California Desert District, California.

SUMMARY: The Bureau of Land Management's (BIM) Yuma District and California Desert District announce revisions to the "Long-Term Visitor Program" for the 1987–1988 and subsequent use seasons. The program, which was instituted in 1983, established an annual long-term use season. During the use season, visitors who wish to camp on public lands in one location for extended periods must stay in designated Long-Term Visitor Areas (LTVAs) and purchase a $25 LTVA permit. Beginning with the 1987–1988 use season, the following modifications are being made to the Long-Term Visitor Program:

1. The dates for the long-term use season are being changed from October 1 through May 31, to September 15 through April 15. Between September 15 and April 15, visitors who wish to camp in an LTVA are required, regardless of length-of-stay, to obtain an LTVA permit except a) in designated areas within LTVAs specifically identified for short-term camping use of up to 14 days, b) in the Mule Mountain LTVA where visitors may stay up to 14 days before a permit is required, or c) when campers are registered as a guest of an LTVA permittee. Person using an LTVA under the exceptions listed above must obtain the necessary short-term or guest registration forms.

2. The waiver period allowing visitors to the La Posa LTVA to stay without a permit during the period of operation of the annual Quartzsite Pow Wow is abolished. In the 1987–1988 winter visitor season, all overnight visitors to the La Posa LTVA must obtain either an LTVA permit or guest registration form.

3. The Vidal Junction Long-Term Visitor Area is closed to long-term camping. Beginning with the 1987–1988 season, long-term camping is prohibited at Vidal Junction. Visitors may stay a maximum of 14 days in any 28-day period at this area.

4. LTVA permittees who have resided in an LTVA for 5 days or longer may have overnight guests provided the guests are registered with the BLM. Guests may stay a maximum of 7 consecutive days during any 28-day period within the LTVA system in Arizona and California.

5. In addition to rules of conduct set forth in CFR Title 43, Chapter II, 8365.1–5, the following supplementary rules apply to designated LTVAs. These rules revise and supplement those published in the **Federal Register** on August 14, 1986.

a. Pets must be kept on a leash at all times.

b. No wood collection is permitted within the boundaries of Imperial Dam and La Posa LTVAs. Outside these LTVAs and in all other LTVAs, only dead and down wood may be collected for firewood or hobby purposes.

c. In Pilot Knob, Dunes Vista, Midland, Tamarisk, and Hot Spring LTVAs, camping is restricted to self-contained camping units only. The La Posa LTVA is restricted to self-contained camping units except within 500 feet of a BLM vault toilet. The Imperial Dam LTVA is also restricted to self-contained camping units except in the South Mesa area.

d. Camping or dwelling units must not be left unoccupied within any LTVA for periods of greater than 5 days unless approved in advance by the authorized officer.

e. The authorized officer may revoke without reimbursement any LTVA permit issued to any person when the permittee violates any BLM rule or regulation, or when the permittee, permittee's family, or guests' conduct is inconsistent with the goals of BLM's Long-Term Visitor Program. Failure to return any LTVA permit or sticker to any authorized officer upon demand is a violation of this supplemental rule. Any permittee whose permit is revoked must remove all property and leave the LTVA system within 12 hours of notice.

EFFECTIVE DATE: September 15, 1987.

FOR FURTHER INFORMATION CONTACT: David Mensing, Outdoor Recreation Planner, California Desert District, 1695 Spruce Street, Riverside, California 92507, (714) 351–6402; or Dennis Turowski, Outdoor Recreation Planner, Yuma Resource Area, 3150 Winsor Avenue, Yuma, Arizona 85365, (602) 726–6300.

SUPPLEMENTARY INFORMATION: The purpose of the Long-Term Visitor Program is to provide areas for long-term winter camping use. The sites designated as LTVAs are, in most cases, the traditional use areas of long-term visitors. Designated sites were selected using criteria developed during the management planning process, and environmental assessments were completed for each site location.

The program was established to properly accommodate the increasing demand for long-term winter visitation and to provide natural resource protection through improved management of this use.

Visitors may camp without a Long-Term Visitor Permit outside of LTVAs on public lands not otherwise closed to camping for up to 14 days in any 28-day period unless posted otherwise. The Mule Mountain LTVA is also open to short-term camping without an LTVA permit for a period not to exceed 14 days.

Authority for the designation of LTVAs is contained in CFR Title 43, Chapter II, 8372.0–5(g). Authority for the establishment of a Long-Term Visitor Permit Program is contained in CFR Title 43, Chapter II, 8372.1, and for the payment of fees in CFR Title 36, Chapter I, Part 71.

The authority for establishing supplementary rules is contained in CFR Title 43, Chapter II, 8365.1–6. The LTVA supplementary rules have been developed to meet the goals of individual resource management plans. These rules will be available in each local office having jurisdiction over the lands, sites, or facilities affected and will be posted near and/or within the lands, sites, or facilities affected. Violations of supplementary rules are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Maps showing the location of all LTVAs are available at both the California Desert District and Yuma District Offices.

Ed Hastey,

State Director, California.

August 17, 1987.

D. Dean Bibles,

State Director, Arizona.

August 10, 1987.

[FR Doc. 87–20708 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–32–M

Bureau of Reclamation

Environmental Impact Statement; Los Banos Grandes Offstream Storage Project, Merced County, CA

AGENCY: Bureau of Reclamation, Department of the Interior.

ACTION: Notice of intent to prepare a joint environmental impact statement/environmental impact report for the Los Banos Grandes Offstream Storage Project.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (as amended), and Section 21100 of the California Environmental Quality Act, the Bureau of Reclamation, Department of the Interior, and the California State Department of Water Resources (DWR) intend to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Los Banos Grandes Offstream Storage Project. The primary purpose of the project is to provide dependable water supplies for the State Water Project (SWP) and the Federal Central Valley Project (CVP) and to help spawning and migrating fish through more timely water diversions from the Sacramento-San Joaquin Delta. Additional benefits may include added flood protection for farmland adjacent to Los Banos Creek and the community of Los Banos, additional storage space to develop water for wildlife refugees in the San Joaquin Valley, additional recreation opportunities, and potential pumped-storage power generation. The project would capture water from the Delta during high flood flows in the winter.

The DWR has been studying Los Banos Grandes since May 1984. The Bureau has been evaluating Los Banos Grandes along with many other reservoir sites as part of the Bureau's Offstream Storage Investigation. The Bureau will expedite the Los Banos Grandes portion of the Offstream Storage study and jointly examine the development potential with DWR.

DWR held a public meeting to solicit public input in determining the scope of the EIS/EIR and the significant issues involved. This scoping session was held on May 29, 1986, in Santa Nella, California. Any additional comments on the scope and content of the EIS/EIR may be sent to the addresses listed below. Comments should identify significant issues, reasonable alternatives, and possible mitigation measures which should be considered in the EIS/EIR.

FOR FURTHER INFORMATION CONTACT:

Mr. Douglas Kleinsmith (Attn: MP–750), Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825–1898, Phone (916) 978–5121

Mr. Michael Cooney, California Department of Water Resources, 1416 9th Street, Sacramento, CA 94236–0001, Phone (916) 323–7456

SUPPLEMENTARY INFORMATION: The reservoir site is on Los Banos Creek in western Merced County, southwest of the city of Los Banos. Surplus flows from the Sacramento-San Joaquin Delta would be pumped south, through the California Aqueduct, primarily during the wet winter months (November to April) and stored in Los Banos Grandes. Stored water would be released during water-short periods for use by agencies contracting for water from the SWP and CVP. Reservoir sizes from 1.25 to 2.25 million acre-feet are being studied.

Five alternatives are being evaluated:

1. State-Only Project—DWR would construct and operate Los Banos Grandes to provide water for the SWP.

2. State/Electric Utility Project—This would be a jointly developed project by the State and one or more electric utility companies to be operated for SWP water supply and as a pumped-Storage power generator to produce electricity during the periods of peak electrical demand.

3. State/Federal Project—DWR and the Bureau of Reclamation would construct and operate Los Banos Grandes as an integrated feature of the CVP and SWP to provide water for both projects. This would be a larger reservoir than for Alternative 1.

4. State/Federal/Electric Utility Project—Same as Alternative 3 except that the project would also be operated through the pumped-storage power generator as described in Alternative 2.

5. No Action—Los Banos Grandes would not be constructed.

An existing structure, Los Banos Detention Dam, is located 5 miles downstream from the Los Banos Grandes site. The detention dam was constructed to protect portions of the California Aqueduct and downstream areas from flooding. With the potential project, the flood control space in the detention reservoir would be transferred to the Los Banos Grandes Reservoir. The detention reservoir would be modified and used as an integral part of the pump-generator conveyance connection between the California Aqueduct and the Los Banos Grandes Reservoir, and it would serve as an afterbay for pumped-storage power generation.

Date: September 1, 1987.

C. Dale Duvall,

Commissioner.

[FR Doc. 87–20553 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Klamath River Basin Fisheries Task Force Meeting

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Task Force meeting will be held from 9:00 A.M. to 4:00 P.M., Wednesday, September 23, 1987.

ADDRESS: The meeting will be held at the headquarters of the Klamath National Forest, 1312 Fairlane Road, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, Klamath Field Office, U.S. Fish and Wildlife Service, Yreka, CA, (916) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Klamath River Basin Fisheries Task Force, please refer to the notice of its initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639). During the September 23 meeting, the Task Force will elect a chairperson, discuss standards for non-Federal contributions to the Klamath River Basin Conservation Area Restoration Program, review fishery restoration projects and studies now in place or underway in the Klamath River Basin, and address other pertinent topics.

Dated: September 3, 1987.

Sam Marler,

Acting Director, U.S. Fish and Wildlife Service

[FR Doc. 87–20850 Filed 9–9–87; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Development Operations Coordination Document; Sohio Petroleum Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Sohio Petroleum Company has submitted a DOCD describing the activities it proposes to conduct on Leases OCS–G 5793, 5799, and 5800, Blocks 782, 825, and 826, respectively, Ewing Bank Area, offshore Lousiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Fourchon, Louisiana.

DATE: The subject DOCD was deemed submitted on September 1, 1987. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans Louisiana (Office Hours: 8 a.m. to 4:30 p.m. Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736–2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised 250.34 of Title 30 of the CFR.

Date September 2, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-20735 Filed 9-9-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3965, Block 239, West Cameron Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Sabine Pass, Texas.

DATE: The subject DOCD was deemed submitted on August 28, 1987. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Sec. 25 of the OCS Land Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 31, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-20713 Filed 9-9-87; 8:45 am]

BILLING CODE 4310-MR-M

Development Operations Coordination Document, Seagull Energy E&P Inc.

AGENCY: Minerals Management Service.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Seagull Energy E&P Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 8131, Block 383, Galveston Area, offshore Texas. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Freeport, Texas.

DATE: The subject DOCD was deemed submitted on August 28, 1987.

ADDRESS: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Ms Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline, Section, Exploration/Development Plans Unit; Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected local governments, and other interested parties become effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: August 31, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-20714 Filed 9-9-87; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-379 and 380 (Preliminary)]

Certain Brass Sheet and Strip From Japan and the Netherlands

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan and the Netherlands of certain brass sheet and strip,[2] provided

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] For purposes of these investigations the term "certain brass sheet and strip" refers to brass sheet and strip, other than leaded brass and tin brass sheet and strip, of solid rectangular cross section over 0.006 inch but not over 0.188 inch in thickness, in coils or cut to length, whether or not corrugated or crimped, but not cut, pressed, or stamped to nonrectangular shape, provided for in items 612.3960, 612.3982, and 612.3986 of the *Tariff Schedules of the United States Annotated* (TSUSA). The chemical compositions of the products under

Continued

for in item 612.39 of the Tariff Schedules of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On July 20, 1987, petitions were filed with the Commission and the Department of Commerce by counsel on behalf of American Brass, Buffalo, NY; Bridgeport Brass Corp., Indianapolis, IN; Chase Brass & Copper Co., Solon, OH; Hussey Copper, Ltd., Leetsdale, PA; The Miller Company, Meriden, CT; Olin Corp.-Brass Group, East Alton, IL; and Revere Copper Products, Inc., Rome, NY; domestic producers of brass sheet and strip, and on behalf of International Association of Machinists and Aerospace Workers, Washington, DC; International Union, Allied Industrial Workers of America (AFL–CIO), Milwaukee, WI; Mechanics Educational Society of America (Local 56), Rome, NY; and United Steelworkers of America (AFL–CIO/CLC), Pittsburgh, PA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of certain brass sheet and strip from Japan and the Netherlands. Accordingly, effective July 20, 1987, the Commission instituted preliminary antidumping investigations Nos. 731–TA–379 and 380 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of July 29, 1987 (52 FR 28352). The conference was held in Washington, DC, on August 12, 1987, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on September 3, 1987. The views of the Commission are contained in USITC Publication 2011 (September 1987), entitled "Certain Brass Sheet and Strip from Japan and the Netherlands: Determinations of the Commission in Investigations Nos. 731–TA–379 and 380 (Preliminary) Under the Tariff Act of 1930, together With the Information Obtained in the Investigations."

investigation are currently defined in the Copper Development Association (CDA) 200 series or the Unified Numbering System (UNS) C20000 series. Products whose chemical compositions are defined by other CDA or UNS series are not covered by these investigations.

By Order of the Commission.

Issued: September 3, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–20801 Filed 9–9–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–183]

Change of the Commission Investigative Attorney; Certain Indomethacin

Notice is hereby given that, as of this date, Lynn I., Levine, Esq., of the Office of Unfair Import Investigations will be the Commission Investigative Attorney in the above-cited investigation instead of Deborah S. Strauss, Esq.

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: September 4, 1987.

Arthur Wineburg,

Director, Office of Unfair Import Investigations.

[FR Doc. 87–20802 Filed 9–9–p87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. TA–603–10]

Industrial Forklift Trucks

AGENCY: United States International Trade Commission.

ACTION: Postponement of the hearing in preliminary investigation No. TA–603–10.

SUMMARY: The Commission hereby postpones the hearing in connection with the preliminary investigation No. TA–603–10, concerning Industrial Forklift Trucks pursuant to a request by certain parties to the investigation.

EFFECTIVE DATE: September 1, 1987.

FOR FURTHER INFORMATION CONTACT: Lawrence Rausch (202–523–0300), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436.

Background: On August 28, 1987, the Commission received a request from counsel for Clark Equipment Company, on behalf of certain parties to investigation No. TA–603–10, that the Commission postpone the hearing to be held in connection with this investigation for a period of 90 days. On September 1, 1987, the Commission decided to postpone the hearing for a nonrenewable period of 45 days and cancelled its public hearing scheduled for September 2, 1987. All parties that had filed an entry of appearance were notified of this postponement. The date for the rescheduled hearing will be announced at a later date.

By order of the Commission.

Issued: September 1, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–20803 Filed 9–9–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–384 (Preliminary)]

Nitrile Rubber From Japan

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731–TA–384 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of nitrile rubber, not containing fillers, pigments, or rubber-processing chemicals, provided for in item 446.15 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.[1]

As provided in section 733(a), the Commission must complete a preliminary antidumping investigation in 45 days, or in this case by October 16, 1987.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: September 1, 1987.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202–523–0296), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal on 202–724–0002. Information may also be obtained via electronic mail by calling

[1] For purposes of this investigation, nitrile rubber refers to the synthetic rubber that is made from the polymerization of butadiene and acrylonitrile and that does not contain any type of additive or compounding ingredient having a function in processing, vulcanization, or end use of the product.

the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–523–0161.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on September 1, 1987, by Uniroyal Chemical Co., Inc., Middlebury, CT.

Participation in the investigation.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference.—The Commission's Director of Operations has scheduled a conference in connection with this investigation for 9:30 a.m. on September 23, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Parties wishing to participate in the conference should contact Larry Reavis (202–523–0296) not later than September 21, 1987, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions.—Any person may submit to the Commission on or before September 28, 1987, a written statement of information pertinent to the subject of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: September 4, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–20804 Filed 9–9–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–374 (Final)]

Potassium Chloride From Canada

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–374 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Canada of potassium chloride, provided for in item 480.50 of the Tariff Schedules of the United States, that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final LTFV determination on or before November 3, 1987, and the Commission will make its final injury determination by December 21, 1987, (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR Part 201).

EFFECTIVE DATE: August 25, 1987.

FOR FURTHER INFORMATION CONTACT: Jim McCLure (202–523–1793), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–523–0161.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of potassium chloride from Canada are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on February 10, 1987, by Lundberg Industries, Ltd., of Dallas, TX, and the New Mexico Potash Corp. of Memphis, TN, U.S. producers of potassium chloride. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (52 FR 10641, April 2, 1987).

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report.—A public version of the prehearing staff report in this investigation will be placed in the public record on October 27, 1987, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on November 10, 1987, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary of the Commission not later than the close of business (5:15 p.m.) on October 30, 1987. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on November 3, 1987, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is November 5, 1987.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on November 16, 1987. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before November 16, 1987.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: September 4, 1987

Kenneth R. Mason,

Secretary.

[FR Doc. 87-20805 Filed 9-9-87; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-190]

Change of the Commission Investigative Attorney; Certain Softballs and Polyurethane Core Therefor

Notice is hereby given that, as of this date, Steven H. Schwartz, Esq., of the Office of Unfair Import Investigations will be the Commission Investigative Attorney in the above-cited investigation instead of Deborah S. Strauss, Esq.

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: September 4, 1987.

Arthur Wineburg,

Director, Office of Unfair Import Investigations.

[FR Doc. 87-20806 Filed 9-9-87; 8:45 am]

BILLING CODE 7020-02-M

[Inv. No. 337-TA-274]

Change of the Commission Investigative Attorney; Certain Toggle Clamps for Clamping, Fixturing, Processing, and Orginal Equipment Manufacturing

Notice is hereby given that, as of this date, David A. Guth, Esq., of the Office of Unfair Import Investigations will be the Commission Investigative Attorney in the above-cited investigation instead of Juan Cockburn, Esq.

The Secretary is requested to publish this Notice in the **Federal Register.**

Dated: September 4, 1987.

Arthur Wineburg,

Director, Office of Unfair Import Investigations.

[FR Doc. 87-20807 Filed 9-9-87; 8:45 am]

BILLING CODE 7020-02-M

Appointment of Individuals to Serve as Members of Performance Review Boards

AGENCY: United States International Trade Commission.

ACTION: Appointment of Individuals to Serve as members of Performance Review Boards.

EFFECTIVE DATE: September 10, 1987.

FOR FURTHER INFORMATION CONTACT: Terry P. McGowan, Director of Personnel, U.S. International Trade Commission, (202) 523-0182.

SUPPLEMENTARY INFORMATION: The Chairman of the U.S. International Trade Commission has appointed the following individuals to serve on the Commission's Performance Review Board (PRB).

Chairman of PRB: Anne E. Brunsdale, Vice Chairman
Member: Commissioner Seeley G. Lodwick
Member: Charles W. Ervin
Member: Lorin L. Goodrich
Member: Eugene A. Rosengarden
Member: Lyn M. Schlitt
Member: John W. Suomela
Member: Erland H. Heginbotham

Notice of these appointments is being published in the **Federal Register** pursuant to the requirement of 5 U.S.C. 4314(c)(4).

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724-0002.

By order of the Chairman.

Issued: September 4, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87-20808 Filed 9-9-87; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31098]

Burlington Northern Railroad Co. and the Atchison, Topeka and Santa Fe Railway Co.; Joint Renewal of Trackage Rights Exemption

Burlington Northern Railroad Company (BN) and The Atchison, Topeka and Santa Fe Railway Company (ATSF) have agreed to renew and modify reciprocal local and bridge trackage rights between Denver and Pueblo, CO, including: (1) The ATSF line between the southern yard limits of the Pueblo Terminals (Joint Line); (2) the BN and ATSF Denver Terminals and the BN Denver Consolidated Facilities of the former Colorado and Southern Railway Company and the Chicago, Burlington and Quincy Railroad Company; (3) portions of the BN and ATSF Terminals at Pueblo; (4) portions of the BN and ATSF Terminals at Colorado Springs, CO; and (5) the Denver and Rio Grande Western Railroad Company (DRGW) rail lines and properties as described in the 1936 DRGW-ATSF Agreement, as amended. This renewed and modified agreement, the BN-ATSF 1986 Joint-Line Agreement (entered July 31, 1986), replaces the BN-ATSF 1940 Agreement approved by the Commission in Finance Docket No. 13017, *Atchison, T. & S.F. Ry. Co. Operation*, 244 I.C.C. 32 (1940). Dedication of rail properties by DRGW was approved in Finance Docket No. 11450, *Atchison, T. & S.F. Ry. Co. Operation*, 221 I.C.C. 145 (1937). *See* Finance Docket No. 13017, Fourth Supplemental Order (not printed), served August 7, 1969. The trackage rights transaction was consummated on August 18, 1987, effective September 1, 1985 (the date the 1940 agreement technically expired).

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).[1]

Dated: September 1, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 87-20627 Filed 9-9-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31061]

The Straits Corp.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from prior approval, under 49 U.S.C. 11343, the continuance in control by The Straits Corporation of Detroit and Mackinac Railway Company and Central Michigan Railway Company, subject to standard labor protective conditions.[1]

DATES: The exemption is effective on September 20, 1987.

Petitions to reopen must be filed by September 30, 1987.

ADDRESSES: Send pleadings referring to Finance Docket No. 31061 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' Representative: Mark M. Levin, Suite 800, 1350 New York Avenue NW.,Washington, DC 20005-4797.

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 24, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Vice Chairman Lamboley dissented with a separate expression.

Noreta R. McGee,

Secretary.

[FR Doc. 87-20655 Filed 9-9-87; 8:45 am]

BILLING CODE 7035-01-M

[1] The Railway Labor Executives' Association and the United Transportation Union have filed a request for labor protection. Since this transaction involves an exemption from 49 U.S.C. 11343, whereby the imposition of labor protective conditions is mandatory, those conditions have been routinely imposed.

[1] The decision granting this exemption also denies a petition to reopen and revoke a notice of exemption filed in Finance Docket No. 31059, *Central Michigan Railway Company—Acquisition and Operation—Certain Lines of Grand Trunk Western Railroad Company*, published July 13, 1987, 52 FR 26189.

DEPARTMENT OF JUSTICE

Settlement Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act; General Motors Corp. et al.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a Consent Decree in *United States* v. *General Motors Corporation, et al.*, Civil Action No. 87-464, was lodged with the United States District Court for the District of Delaware September 3, 1987. The Consent Decree concerns cost recovery and clean-up actions at the Harvey & Knotts hazardous waste site located in New Castle County, Delaware. The complaint in this action alleges that certain parties, including General Motors Corporation, contributed to the contamination of the site. The Consent Decree provides that General Motors Corporation will undertake a remedial program to abate the contamination at the site. General Motors Corporation also agrees to reimburse the United States $979,688.08 for costs the federal government expended in regard to the site. General Motors Corporation, in addition, agrees to pay two-thirds of the future costs of the United States in regard to the site. Pursuant to a schedule contained in the Consent Decree, General Motors Corporation may request reimbursement from the Hazardous Waste Superfund for one-third of its costs in cleaning up the site.

Comments should be addressed to the Assistant Attorney General, Washington, DC 20530 and should refer to *United States* v. *General Motors Corporation, et al.*, D.J. Ref. No. 90-11-2-34A.

The Stipulation for Compromise Settlement may be examined at the Office of the United States Attorney, District of Delaware, J. Caleb Boggs Federal Building, 844 King Street, Room 5110, Wilmington, Delaware 19801; at the Region III office to the Environmental Protection Agency, 841 Chestnut Street, Philadelphia,

Pennsylvania 19107; and the Environmental Enforcement Section, Land and Natural Resources Division, Room 1515, Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the Stipulation for Compromise Settlement may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Please enclose a certified check payable to "Treasurer, United States of America" for $4.00 (10 cents per page) to cover the costs of copying.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-20736 Filed 9-9-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Clean Air Act; Berger Industries, Inc.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree and Final Judgment in *United States v. Berger Industries, Inc.*, Civil Action No. CV87-0011 (MAC), has been lodged with the United States District Court for the Eastern District of New York. The complaint filed by the United States alleged that Berger Industries, Inc. violated the Clean Air Act, 42 U.S.C. 7401 *et seq.*, by failing to comply with applicable provisions of the New York State Implementation Plan ("SIP") pertaining to the control of emissions of volatile organic compound.

The proposed Consent Decree and Final Judgment requires Berger Industries, Inc. to pay a civil penalty of $19,600 and enjoins Berger Industries, Inc. from further violations of the Clean Air Act.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree and Final Judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Berger Industries, Inc.*, D.J. Ref. 90-5-2-1-988.

The proposed Consent Decree and Final Judgment may be examined at the office of the United States Attorney, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, and at the Office of Regional Counsel, United States Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278. Copies of the Consent Decree and Final Judgment may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree and Final Judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please refer to the referenced case name and D.J. Ref. number.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-20739 Filed 9-9-87; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Air Act; Zemco Builders et al.

In accordance with departmental policy, 28 CFR 50.7, notice is hereby given that on August 31, 1987, a proposed consent decree in *United States v. James Zemlicka d/b/a Zemco Builders; and Terry P. Hanson*, C.A. No. 87-1060, was lodged with the United States District Court for the District of Idaho. The Complaint filed by the United States alleged violations of the Clean Air Act and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos by both defendants. The complaint sought injunctive relief to require the defendants to comply with the Clean Air Act and the NESHAP for asbestos and civil penalties for past violations. The decree requires defendants to comply with the Clean Air Act and the NESHAP for asbestos in the future and imposes a $12,000 civil penalty for past violations of the Act and standards.

The Department of Justice will receive, for a period of thirty days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. James Zemlicka d/b/a Zemco Builders; and Terry P. Hanson*, Department of Justice Reference 90-5-2-1-1042.

The proposed consent decree may be examined at the office of the United States Attorney, and the Region X Office of 550 W. Fort Street, Boise, Idaho, and at the Region X Office of the Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101. Copies of the proposed consent decree may be examined at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC. A copy of the proposed consent decree may be obtained in person from the above address or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044. When requesting a copy, please refer to *United States v. James Zemlicka d/b/a Zemco Builders; and Terry P. Hanson*, D.J. Ref. 90-5-2-1-1042.

Roger J. Marzulla,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 87-20737 filed 9-9-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

[Att'y. Gen. Order No. 1216-87]

List of Publications

Pursuant to 5 U.S.C. 552(a)(2), each agency is required to maintain and make available for public inspection current indexes to the agency's materials relating to certain final opinions and orders, statements of policy and interpretations, and administrative staff manuals and instructions. These indexes are required to be published at quarterly or more frequent intervals, unless the agency determines by order published in the **Federal Register** that such publication is unnecessary or impractical. See Att'y. Gen. Order No. 768-78, 43 FR 10447 (1978). The purpose of this order is to comply with this requirement of the Freedom of Information Act by providing additions to the list of documents that are not published on a quarterly basis.

By virtue of the authority vested in me by 28 U.S.C. 509 and 5 U.S.C. 301 and 552, it is hereby ordered as follows:

1. It is determined that it is unnecessary and impracticable to publish quarterly or more frequently the indexes to the Department of Justice materials indicated below. This determination is made because (a) there is insufficient interest to justify such publication; (b) with respect to some of the indexes listed continual updating and revision is required to reflect the frequent addition of materials; (c) with respect to other indexes changes are too infrequent to warrant quarterly publication; and (d) the practical utility of the indexes does not warrant such publication.

2. Indexes to the materials listed below can be inspected at the Department of Justice Reading Room, Room 1266, 10th and Pennsylvania Avenue, NW., Washington, DC 20530, except that there are separate public reading rooms maintained by certain Departmental organizations at other locations as noted below. With respect to those materials which are individual documents and not part of a series of similar documents, the list set forth below, together with the headings under which such materials are listed, itself constitutes an index to such materials. In the interests of facilitation of public availability of information, the list set forth below has been prepared with a view to inclusiveness, and accordingly it is possible that a few of the documents or portions thereof referred to below are not of an (a)(2) character or are exempted by subsection (b) of the Act.

(a) Report to the President and the Attorney General of the National Commission for the Review of Antitrust Laws and Procedures. January 22, 1979; Volumes I and II.

(b) Competition in the Goal Industry: Report of the Department of Justice Pursuant to section 8 of the Federal Coal Leasing Amendments Act of 1976. May, 1979; November, 1980; March, 1982; December, 1982; April, 1983; March, 1984; and March, 1985.

(c) Report of the Department of Justice to the President Concerning the Gasoline Shortage of 1979. July 1, 1980.

(d) Research Joint Venture Guide. November, 1980.

(e) Digest of Business Reviews, 1968–1982. May, 1983.

(f) Competition in the Oil Pipeline Industry: A Preliminary Report. May, 1984.

(g) Antitrust Merger Guidelines. June 14, 1984.

(h) Antitrust for Small Business. A joint report with the Small Business Administration and the Federal Trade Commission. January, 1985.

(i) Vertical Restraints Guidelines. January 23, 1985.

(j) Digest of Business Reviews, 1968–1984; Updated Indexes. September 13, 1985.

(k) Digest of Business Reviews, 1985 Update. March 21, 1986.

(i) Oil Pipeline Deregulations; Report of the U.S. Department of Justice. May, 1986.

Date: August 28, 1987.

Arnold I. Burns,

Acting Attorney General.

[FR Doc. 87-20717 Filed 9-9-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

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 describing 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 Officer, 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, DC 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.

New

Employment and Training Administration

Questionnaire for Compendium of State Unemployment Insurance Operations, Organizations and Relationships
Annually
State or local governments
53 respondents; 318 burden hours; no forms

For comparison, analysis and answering inquiries, UIS needs to know how the 53 State Employment Security Agencies UI system operates in specific activity areas, links with other programs and how UI activity areas are managed. No reporting mechanism exists with this information that will be obtained with this questionnaire.

Employment and Training Administration

Fiscal Year 1987 Unemployment Insurance Program Budget Reduction Impact Survey
New; no forms
One-time survey
53 respondents; 636 burden hours; no forms

Questionnaire is a tracking device for gathering data from SESAs whose UI Financial/Administrative/Management programs were affected by FY 1987 Congressional budget reductions. The need is maintenance of current information facilitating making up-to-date assessments of reductions impact, and input for FY 1989 Administration considerations of budgetary resources.

Employment and Training Administration

Survey to Evaluate the Impact of a Dislocated Worker Project
Single-time
Individuals or households
2,400 respondents; 1,400 burden hours; no forms

A survey is to be conducted among 2,400 workers dislocated by multiple plant closings, who are applying for assistance from the Metropolitan Re-Employment Project of St. Louis. Applicants will be randomly assigned to a treatment group (receiving services) or the control group. The survey will gather benchmark data on work history and wages. A follow-up survey 18 months

later will gather information on the effects of the program.

Bureau of Labor Statistics

December 1987 Agricultural Work Force Supplement—Supplement to CPS
Biennally
Individuals and households
Survey universe is 71,000 households
Respondent burden is estimated at approximately 1,550 hours

The purpose of this survey is to obtain from the agricultural work force (hired farmworkers, farmers, and unpaid farmworkers) data on monthly farm days worked, monthly farm earnings and the workers' major crop or livestock activity during the year. Migrant questions are asked of hired farm workers who say they did some other hired farm work in different localities. Data will be used by the U.S. Department of Labor to analyze policy issues relating to the U.S. farm force.

Employment and Training Administration

Unemployment Insurance Quality Control Alternative Methods Pilots

No forms
One-time pilot study
Individuals or households; State or local governments; Businesses or other for-profit
1,800 respondents; 1,000 hours; no forms

This pilot project is designed to help the Department decide how best to incorporate the use of the telephone into the investigative process, and second to provide information on the impact of the method on the integrity of the data collected.

Revision

Bureau of Labor Statistics

Occupational Wage Survey Program
1220–0007 BLS 275138A,BLS2752A,BLS2752B, BLS2753F,BLS2753G,552, BLS275AF,BLS2752C
Annually; biennially; other

State or local governments; business or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations.

27,640 responses; 76,660 hours; 8 forms

Occupational wage survey data serve a variety of uses, including wage administration, negotiations, mediation, plant location decisions, and general economic analysis. The data are also used in the administration of the Federal Pay Comparability Act of 1970 and the Service Contract Act of 1965.

Extension

Employment and Training Administration

Claims and Payment Activities
1205–0010; ETA 5159
Monthly
State or local governments
53 respondents; 1,836 burden hours; 1 form

Measures workload and provides quantitative measurement for budget estimates, administrative planning and program evaluation; main vehicle for accounting to public.

Mine Safety and Health Administration

Training Plan Regulations
1219–0009
On occasion
Businesses or other for profit; small businesses or organizations
1,229 respondents; 9,832 hours

Requires coal and metal and nonmetal mine operators to submit to MSHA for approval plans containing programs for training new miners, training newly-employed experienced miners, training miners for new tasks, annual refresher training, and hazard training.

Reinstatement

Occupational Safety and Health Administration

Hazard Communication, OSHA 245,1218–0072
OSHA 174
Recordkeeping; On occasion
Businesses and other for-profit; Federal agencies or employees; Small businesses or organizations.
3,892,371 respondents; 34,780,000 burden hours; 1 form

The Hazard Communication Standard requires all employers to establish hazard communication programs to transmit information on the hazards associated with chemicals to their employees by means of container labels, material safety data sheets and training programs. This action will reduce the incidence of chemical related illness and injury in American workplaces.

Signed at Washington, DC this 3rd day of September, 1987.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 87–20701 Filed 9–9–87; 8:45 am]

BILLING CODE 4510-30-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–24875; File No. SR–MSRB–87–10]

Self-Regulatory Organizations; Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to CUSIP Numbers

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 26, 1987, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Municipal Securities Rulemaking Board ("Board") is filing an amendment to Board rule G–34 on CUSIP numbers and dissemination of initial trade date information (hereafter referred to as "the proposed rule change"). The proposed rule change would require dealers to apply for new CUSIP numbers for secondary market municipal securities if the CUSIP number assigned to the securities no longer designates a single, fully fungible group of securities. The full text of the proposed rule change is available for inspection and copying at the Commission's Public Reference Room and at the offices of the Board.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Rule G–34 requires dealers to apply to the Board or its designee for CUSIP numbers for new issues of municipal securities and to apply for new CUSIP numbers for secondary market municipal securities in two circumstances. Section (a) states that, if a new issue will be used to refund a maturity of an outstanding issue to more than one date or price, the underwriter of the new issue must apply for new CUSIP numbers for the outstanding issue. Section (b) requires dealers that arrange for an enhancement of the security or source of payment for part of

a maturity of an outstanding issue (*e.g.*, bond insurance or a put option) to apply for new CUSIP numbers for that portion of the maturity. New CUSIP numbers are required in these cases because the CUSIP number orginally assigned to the maturity no longer designates securities that are interchangeable in the market, *i.e.*, securities that are fungible.

Recently, the Board has been made aware of other circumstances, not specifically addressed by rule G–34, that may cause secondary market securities previously having identical features no longer to be fungible. For example, some issues of municipal securities have provisions that allow portions of the issue to be remarketed after a put date as different groups of securities, subject to different put options. In other cases, a transferable secondary market security enhancement for portions of a maturity may be arranged by an investor, rather than a dealer, and thus not covered under rule G–34(b).

The proposed rule change would require dealers to apply for new CUSIP numbers in connection with the sale or offering of any secondary market municipal securities if the CUSIP number assigned no longer designates a group of securities that are identical with respect to certain features. These features are those included in the eight items of information, listed in rule G–34(a)(i)(A), that must be supplied to obtain the assignment of CUSIP numbers for new issues. They are:

(1) Complete name of issue and series designation, if any;

(2) Interest rate(s) and maturity date(s);

(3) Dated date;

(4) Type of issue (*e.g.*, general obligation, limited tax or revenue);

(5) Type of revenue, if the issue is a revenue issue;

(6) Details of all redemption provisions;

(7) Name of any company or other person in addition to the issuer obligated, directly or indirectly, with respect to the debt service on all or part of the issue; and

(8) Any distinction(s) in the security or source of payment of the debt service on the issue.

If new CUSIP numbers are needed, the proposed rule change would require the dealer to apply to the Board or its designee (currently the CUSIP Service Bureau), and to provide the CUSIP number previously assigned to the securities and other information necessary to ensure appropriate CUSIP number assignment to the secondary market securities. The proposed rule change would require dealers to apply for new CUSIP numbers only if the secondary market securities are eligible for new CUSIP number assignment.

Dealers and the automated clearance and settlement systems depend upon CUSIP numbers to identify municipal securiteis and the usefulness of the CUSIP numbering system to identify securities is deiminished if the same CUSIP number is assigned to two or more types of securities having different features. The Board believes that the proposed rule change is necessary to ensure that each CUSIP number assigned to secondary market securities designates a single, fully fungible group of securities.

(b) The proposed rule change is adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act ("the Act") which authorizes the Board to adopt rules:

> designed to . . . foster cooperation and coordination with persons engaged in . . . clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and, in general, to protect investors and the public interest.

The proposed rule change would ensure accurate and efficient identification of municipal securities by CUSIP numbers when such securities are altered in the secondary market and therefore is consistent with the purposes of the Act. Because CUSIP numbers are necessary for the inclusion of municipal securities in automated clearance systems, the proposed rule change also is consistent with section 17A of the Act, which mandates the creation of a national clearing system for securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule change would impose no burden on competition since it would apply uniformly to all brokers, dealers and municipal securities dealers.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Board solicited comments on the proposed rule change in an exposure draft published in March 1987. The Board received four comment letters on the exposure draft and one oral comment. Three of the commentators supported the proposed rule change without change and noted that it would facilitate the identification of municipal securities in the secondary market.

Two commentators, while not opposing the proposed rule change, suggested that the Board limit it to secondary market securities that will be in existence for a specified minimum time period. One of the commentators noted that certain types of municipal securities have a nominal long-term maturity, but are remarketed with short mandatory tender periods, individually set through negotiations with customers. This commentator suggested that new CUSIP numbers would not be appropriate for such remarketed securities. The Board has determined that it is appropriate to rely on the CUSIP Service Bureau to set standards of eligibility for municipal securities and the Service Bureau has stated that remarketed securities in which the mandatory tender periods are negotiated individually with customers are ineligible for new CUSIP number assignment in the secondary market.

One commentator suggested that the entity responsible for causing a modification of the features of secondary market municipal securities, rather than the dealer offering or selling the securities, should be responsible for obtaining new CUSIP numbers. The Board, however, does not have authority to adopt rules that would require entities other than dealers to obtain CUSIP numbers for municipal securities, and believes that the proposed rule change generally will not place a burden on dealers that are not participating in a program to modify the features of an issue.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments,

all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 1, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: September 3, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-20796 Filed 9-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-24876; File No. SR-PSE-87-24]

Self-Regulatory Organizations; Proposed Rule Change by the Pacific Stock Exchange, Inc.; Relating to Termination of Technology Index Options Trading

Pursuant to section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), notice is hereby given that on August 20, 1987, the Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE, pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 ("Act"), hereby proposes to delete its Rule XXI, section 3(j). (Brackets indicate language to be deleted.)

Rule XXI—Index Options

Designation of the Index

Sec. 3(a) through 3(i). No change.

[(j). For purposes of this Rule, the PSE Technology Index shall be considered a broad based Index.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A). Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The Exchange has determined to cease to permit the trading of options on the PSE Technology Index once the current open interest has been closed through trading or expiration. As a result, the Exchange is deleting reference to the product in its Rules. To continue the reference to the product may cause investor confusion.

As a result, the Exchange believes that this proposed amendment is specifically consistent with section 6(b) (5) of the Act in that it will foster cooperation and coordination with persons engaged in regulation, clearing, settling and processing information with respect to the market and will protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competion

The Exchange does not believe that the proposed rule change imposes a burden on competiton.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of the publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by October 1, 1987.

For the Commission by the Division of Marketing Regulation, pursuant to delegated authority.

Dated: September 3, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-20797 Filed 9-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. IC-15963; File No. 812-6584]

Application; Computer Memories Inc.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for a Temporary Order under the Investment Company Act of 1940 ("1940 Act").

Applicant: Computer Memories Incorporated ("Applicant").

Relevant Sections: Amended order requested pursuant to section 6(c) exempting Applicant from all provisions of the 1940 Act.

Summary of Application: Applicant seeks an amended order exempting it from all provisions of the 1940 Act during the period ending October 31, 1987.

Filing Dates: Applicant's original application was filed December 31, 1986, and amended on April 9 and 27, 1987, and an order granting the application

was issued on May 27, 1987 (Investment Company Act Release No. 15756). The amendments to which this notice relates were filed on August 6 and September 1, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the requested exemption will be granted. Any interested person may request a hearing on this amended application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on September 28, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, in the case of an attorney-at-law, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Computer Memories Incorporated, 9811 Independence Avenue, Chatsworth, California 91311, Attention: President and Chairman of the Board; with a copy to Wilson, Sonsini, Goodrich & Rosati, Two Palo Alto Square, Suite 900, Palo Alto, California 94306, Attention: Douglas H. Collom, Esq.

FOR FURTHER INFORMATION CONTACT: Thomas C. Mira, Staff Attorney (202) 272–3033, or Brian R. Thompson, Special Counsel (202) 272–3016, (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the amended application. The complete amended application is available for a fee from either the SEC's public reference branch in person, or the SEC's commercial copier (telephone no. 800–231–3282; in Maryland, 301–258–4300).

Applicant's Representations

1. Applicant was exempted from all provisions of the 1940 Act based upon its intent to acquire Hemdale Film Corporation ("Hemdale") and thereby cease to be an investment company under either section 3(a)(1) or 3(a)(3) of the 1940 Act. Thereafter, Applicant was unable to consumate such transaction within the time frame originally contemplated and, thus, requests additional, temporary exemptive relief for the purpose of completing the acquisition without being subject to the provisions of the 1940 Act. Applicant has incorporated by reference the information contained in its original application filed December 31, 1986, as amended April 9 and April 27, 1987, which was the basis for temporarily exempting Applicant from all provisions of the 1940 Act. The prior order granting such exemptive relief expired on August 14, 1987.

2. Applicant states that on July 31, 1987, an agreement and plan of reorganization ("Reorganization Agreement") was entered into among the Applicant, Hemdale, Hemdale Holdings, Ltd. ("HHL"), and Derek Gibson. Pursuant to the Reorganization Agreement, each share of Hemdale will be exchanged for shares of the Applicant's Common Stock ("Exchange") and Hemdale will thereby become a wholly-owned subsidiary of the Applicant. Preliminary proxy materials relating to the Exchange pursuant to Rule 14a–6(a) of the Securities Exchange Act of 1934 have been filed with the SEC, in anticipation of soliciting the approval of Applicant's shareholders.

3. Upon completion of the Exchange, the combined companies will continue the business presently conducted by Hemdale. Based on the pro forma balance sheet of the combined companies reflecting the Exchange, the investment securities of the combined companies will represent a nominal percentage of the total assets (exclusive of cash items) of the combined companies. Accordingly, the Exchange will relieve Applicant of any literal or perceived investment company status under the 1940 Act.

4. Applicant states that its inability to conclude its acquisition of Hemdale by such date was due to factors beyond its control. The principal factors in this regard included (i) settlement of a class action securities litigation against the Applicant and related parties; (ii) difficulties in providing comfort to HHL, a located in, and subject to the tax laws of, the United Kingdom concerning the tax consequences of the acquisition under English law; and (iii) efforts of the Applicant and its representatives to conclude an extensive due diligence investigation of Hemdale.

5. Applicant believes that the period ending October 31, 1987, will provide an adequate amount of time to conclude its acquisition of Hemdale pursuant to the Reorganization Agreement.

Condition To Order: If the requested exemptive order is granted, Applicant agrees to the following condition:

1. Pending completion of the acquisition as contemplated in the Reorganization Agreement, Applicant will refrain from the business of investing, reinvesting, owning, holding or trading in securities for speculative purposes.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Dated: September 3, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–20798 Filed 9–9–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–24455]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

September 3, 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 28, 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 ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Columbia Fuel, Inc., et al. (70–6688)

Alabama Power Company ("Alabama"), an electric utility subsidiary company of The Southern Company, a registered holding company, and Alabama's subsidiary company, Columbia Fuels, Inc. ("Columbia"), both located at 600 North 18th Street, Birmingham, Alabama 35291 have filed a post-effective amendment to their application-declaration pursuant to sections 6(a), 7, 9(a), and 10 of the Act.

By prior Commission orders in this matter, Alabama was authorized to acquire the capital stock of Columbia, a

special purpose subsidiary organized to finance the nuclear fuel requirements of Alabama's Farley Nuclear Plant, and Columbia was authorized to enter into two credit agreements with Credit Suisse and Bank of America for credit lines of up to $30 million and $100 million, respectively. (HCAR Nos. 22786 and 23047, December 20, 1982 and August 31, 1983). Columbia now proposes to increase the credit arrangement with Credit Suisse by up to $20 million. Under the amended Credit Agreement, Credit Suisse will provide credit of up to $50 million to Columbia through (i) the issuance of an irrevocable letter of credit ("Letter of Credit") in support of the contemplated issuance by Columbia of its commercial paper and (ii) direct loans to Columbia against the issuance and delivery by Columbia of its promissory notes.

Allegheny Power System, Inc. (70–7420)

Allegheny Power System, Inc. ("Allegheny"), 320 Park Avenue, New York, New York 10022, a registered holding company, has filed an application pursuant to section 6(b) of the Act and Rule 50(a)(5) thereunder.

Allegheny seeks to issue and sell through September 30, 1989 up to $110 million of bank notes and commercial paper. This amount will include any short-term debt presently outstanding.

Each bank note will be dated as of the date of the borrowing which it evidences, will mature not more than 270 days after the date of issuance or renewal thereof, and will bear interest at no greater than the then current prime commercial credit or equivalent interest rate of the bank at which the borrowing is made. The commercial paper will have varying maturities, none more than 270 days. The notes will be sold directly to dealers at a discount not in excess of the discount rate per annum prevailing at time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper.

Allegheny requests authorization to issue and sell the commercial paper pursuant to an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5).

The Southern Company (70–7427)

The Southern Company ("Southern"), a registered holding company, 64 Perimeter Center East, Atlanta, Georgia 30346, and its subsidiaries, Alabama Power Company, 600 North 18th Street, Birmingham, Alabama 35291, Georgia Power Company, 333 Piedmont Avenue, NE., Atlanta, Georgia 30308, Gulf Power Company, 500 Bayfront Parkway, Pensacola, Florida 32501, Mississippi Power Company, 2992 West Beach, Gulfport, Mississippi 39501, Southern Company Services, Inc., 800 Shades Creek Parkway, Birmingham, Alabama 35202, Southern Electric Generating Company, 600 North 18th Street, Birmingham, Alabama 35291, Southern Electric International, Inc., 100 Ashford Center North, Atlanta, Georgia 30338, have filed an application-declaration pursuant to section 6(a) and 7, 9(a) and 10 of the Act and Rule 50(a)(5) thereunder.

Southern proposes to issue up to $6,000,000 in value of its authorized but unissued shares of common stock, par value $5 per share, to fund The Southern Company system's employee stock ownership plan ("the plan"). Southern will apply the proceeds of the sale to further equity investments as authorized by the Commission in File No. 70–7340 and as may be hereafter authorized and for other corporate purposes. Cash contributions to the plan may also be invested in Southern's common stock through open market purchases or private purchases from parties other than Southern.

Southern requests an exception from competitive bidding requirements pursuant to Rule 50(a)(5). Southern states that the purchase price per share of additional common stock acquired from Southern by the plan with cash contributions shall be the fair market value as of the date of acquisition.

EUA Service Corporation (70–7428)

EUA Service Corporation ("EUA Service"), P.O. Box 2333, Boston, Massachusetts 02107, A subsidiary of Eastern Utilities Associates, a registered holding company, has filed an application pursuant to section 6(b) of the Act and Rule 50(a)(5) thereunder.

EUA Service proposes to issue and sell up to $20,000,000 aggregate principal amount of secured or unsecured notes maturing in not less than 5 nor more than 25 years to one or more institutional investors.

EUA Service seeks an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5) to issue and sell the notes on a negotiated basis. EUA states that the company is unknown in the financial community and that the size of the offering makes it unlikely that prospective purchasers would be willing to do the necessary preparatory work for competitive bidding given the uncertain result of the bidding. EUA may proceed to negotiate the terms of the proposed notes.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–20799 Filed 9–9–87; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–15964; 812–6701]

Application; The Stanger Partnership Fund, L.P.

Date: September 3, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicant: Stanger Partnership Fund, L.P. (the "Partnership").

Relevant 1940 Act Sections: Exemption requested under section 6(c) of the 1940 Act from certain provisions of section 2(a)(19) of the 1940 Act.

Summary of Application: The Partnership seeks an order determining that the independent general partners of the Partnership are not "interested persons" of the Partnership solely by reason of being general partners thereof.

Filing Date: The application was filed on May 1, 1987 and amended on August 18, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the Application will be granted. Any interested person may request a hearing on this Application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m. on September 28, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. The Partnership, 1129 Broad Street, Shrewsbury, New Jersey, 07701.

FOR FURTHER INFORMATION CONTACT: Curtis R. Hilliard, Special Counsel (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the Application; the complete Application is available for a fee from either the Commission's Public Reference Branch

in person, or the Commission's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. The Partnership is a newly formed Delaware limited partnership and will be governed by an Agreement of Limited Partnership (the "Partnership Agreement"). The investment objectives of the Partnership will be to seek a high current yield and long-term capital appreciation by investing primarily in a diversified portfolio of securities of publicly-traded limited partnerships, commonly referred to as master limited partnerships. The Partnership will also invest up to 20% of its assets in securities of limited partnerships that are not readily marketable.

2. The Partnership has filed a registration statement under the Securities Act of 1933, as amended, on Form N–2 with respect to a proposed public offering of units of limited partnership interests ("Shares").

3. The general partners of the Partnership (the "General Partners") will consist of a managing general partner (the "Managing General Partner") and individual general partners (the "Individual General Partners"). The Managing General Partner will be responsible for certain administrative responsibilities on behalf of the Partnership, subject to the supervision of the Individual General Partners. The initial Managing General Partner to the Partnership will also be the Partnership's initial investment advisor.

4. The Partnership Agreement provides that after the initial public offering of Shares, the number of Individual General Partners will be fixed from time to time by the Individual General Partners then in office, but such number may not be less than three or more than nine. Initially, there will be four Individual General Partners, who will include the Independent General Partners (individuals who are not "interested persons" of the Partnership within the meaning of the 1940 Act other than by virtue of being a General Partner of the Partnership) and one General Partner who is an individual and an affiliated person of the Partnership's Managing General Partner. If at any time the number of Independent General Partners is less than the number of Independent General Partners required by the 1940 Act, within 90 days therafter specified action shall be taken to restore the number of Independent General Partners to the number required by the 1940 Act. The Partnership Agreement will also provide that the Independent General Partners may be removed either (i) for cause by the action of two-thirds of the remaining Individual General Partners or (ii) by the Consent of at least 80% in Interest of the Limited Partners. The Managing General Partner may be removed either (i) by a majority vote of the Independent General Partners or (ii) by the Consent of at least 80% in Interest of the Limited Partners. The General Partners have determined that the 80% voting requirements described above, which are greater than the minimum requirements under Maryland law or the 1940 Act, are in the best interest of the Limited Partners generally.

5. The role of the Individual General Partners will be to provide overall guidance and supervision with respect to the operations of the Partnership. The Individual General Partners will perform all duties which the 1940 Act imposes on directors of companies organized in corporate form and will monitor the investments of the Partnership. The persons who serve as Independent General Partners will assume the responsibilities and obligations which the 1940 Act and the regulations thereunder impose on the non-interested directors of an investment company. The Partnership Agreement will provide that the Individual General Partners will, within one year after the Partnership commences operations, call a meeting of Limited Partners for the purpose of voting upon the approval and election of General Partners. Thereafter, the Partnership normally will not conduct annual meetings of Limited Partners for the purpose of electing General Partners.

The Partnership Agreement will generally provide that the General Partners are not personally liable to the Partnership or any Limited Partner for losses suffered by the Partnership, so long as the General Partners acted in good faith and in the best interest of the Partnership, and so long as the General Partners' conduct did not constitute gross negligence, willful misfeasance, bad faith or reckless disregard of the duties involved in the conduct of his office. A General Partner is entitled to indemnification from the Partnership against liabilities and expenses to which he or she may be subject in his or her capacity as a General Partner, so long as the General Partner acted in good faith and for a purpose that the General Partner reasonably believed to be in the best interests of the Partnership, and so long as the expenses were not the result of gross negligence, willful misfeasance, bad faith or reckless disregard of the duties involved in the conduct of his office.

The Partnership presently does not have an insurance policy which would provide coverage to persons who become Limited Partners in the Partnership, and believes that such insurance may not be necessary.

Management of the Partnership will consider the possibility of obtaining errors and omissions insurance. In light of the view of the staff of the Commission that generous insurance coverage is appropriate in view of the special problems of using the limited partnership form for registered investment companies, the Individual General Partners will review periodically the question of the appropriateness of obtaining an errors and omissions insurance policy for the Partnership.

6. The Managing General Partner will undertake in the Partnership Agreement that it will not resign or withdraw from the Partnership unless a successor Managing General Partner has been appointed and consented to by the Limited Partners.

7. The Limited Partners of the Partnership have no right to control the Partnership's business, but may exercise certain rights and powers of a Limited Partner under the Partnership Agreement and the Delaware Revised Limited Partnership Act, including voting rights and the giving of consents and approvals provided for in the Partnership Agreement. Subject to certain limitations, the Partnership Agreement authorizes Limited Partners to vote on certain matters, including the election or removal of General Partners, approval or termination of management arrangements, ratification or rejection of the appointment of the independent certified public accounts of the Partnership, and approval of certain amendments to the Partnership Agreement. The Partnership will receive an opinion of Delaware counsel for the Partnership substantially to the effect that the existence or exercise of these voting rights does not subject the Limited Partners to liability as general partners under The Delaware Revised Uniform Limited Partnership Act.

8. The Independent General Partners may be deemed "interested persons" of the Partnership for two reasons. First, by virtue of being partners of the Partnership, the Independent General Partners may be considered "affiliated persons" of the Partnership and thus "interested persons" of the Partnership. Second, the Independent General Partners also could be deemed "interested persons" of an investment advisor to the Partnership. The Independent General Partners are

"affiliated persons" of the Partnership's investment advisor by virtue of being "co-partners" of the investment advisory in the Partnership.

9. The Partnership has been structured so that the Independent General Partners are the functional equivalents of the non-interested directors of an incorporated investment company, and that the protections under the 1940 Act non-interested directors offer shareholders of registered management companies organized in the corporate form are provided to the Limited Partners of the Partnership. Section 2(a)(19) excludes from the definition of "interested persons" of an investment company those individuals who would be "interested persons" solely because they are directors of such investment company. Similarly, the Independent General Partners of the Partnership should not be considered "interested persons" of the Partnership merely because they serve in that capacity. Thus, it is submitted that granting the requested exemption from the provisions of section 2(a)(19) is consistent with the purposes fairly intended by the policy and provisions of the 1940 Act.

10. Other than by virtue of being a general partner of the Partnership, by definition, the Independent General Partners will not be interested persons of the Partnership, as that term is defined in section 2(a)(19) of the 1940 Act. The compensation of the Independent General Partners for serving in that capacity will not be tied to the financial fortunes of the Partnership, the Partnership's investment advisor, any principal underwriter of the Partnership or any other affiliated or interested person of the Partnership. In addition, the Independent General Partners will not have any other material financial relationship with the Partnership's investment advisor, any principal underwriter of the Partnership or any other person (other than the Partnership iteslf) which would cause the Independent General Partners to be intrested persons of the Partnership. Because the Independent General Partners will not have any other relationship with the Partnership, and since the Independent General Partners will be performing the same functions as those performed by the board of directors of an investment company organized in the corporate form, the Partnership believes that the Independent General Partners should not be considered interested persons of the Partnership, just as the directors of investment companies organized in the corporate form are not considered interested persons of such companies, solely for serving as directors.

Applicant's Conditions

The Partnership agrees that if the order is granted, such order will be expressly conditioned on the Partnership's compliance with the representations set forth above.

For the SEC, by the Division of Investment management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-20800 Filed 9-9-87; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

ACTION: Notice of Reporting Requirements Submitted for Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments should be submitted within 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (S.F. 83s), supporting statements, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

AGENCY CLEARANCE OFFICER: William Cline, Small Business Administration, 1441 L Street, NW., Room 200, Washington, DC 20416, Telephone: (202) 653-8538.

OMB Reviewer: Robert Neal, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503, Telephone: (202) 395-7340.

Title: Reporting and Recordkeeping Requirements on Non-Bank Lenders

Frequency: On occasion

Description of Respondents: The SBA requires Small Business Lending Companies (SBLCs) to maintain and report essential records and information of their activities in the interest of protecting SBA's interest in their guaranteed loan portfolio.

Annuel Reponses: 16

Annual Burden Hours: 960

Type of Request: Extension

Title: Tax Information Authorization

Frequency: On occasion

Description of Respondents: This information is collected from corporations and individuals applying for assistance. This information would verify the accuracy of the information given by the corporation or individual regarding Federal taxes and their status.

Annual Responses: 38,250

Annual Burden Hours: 38,250

Type of Request: New

Title: Application for membership in Small Business Production or Research and Development Pool

Form No.: SBA 419

Frequency: On occasion

Description of Respondents: The SBA is mandated by Pub. L. 85-536, to assist and encourage small firms to undertake joint programs for research and development and to form Defense production pools, in order to maintain and strengthen the competitive free enterprise system and the national economy and to expand and maintain a strong industrial production base. SBA Form 419 is needed and used by small firms to voluntarily apply for pool membership approval.

Annual Responses: 11

Annual Burden Hours: 22

Type of Request: Extension

September 3, 1987.

William Cline,

Chief, Administrative Information Branch, Small Business Administration.

[FR Doc. 87-20755 Filed 9-9-87; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2289]

Declaration of Disaster Loan Area; Mississippi

Harrison and Marion Counties and the adjacent County of Jackson in the State of Mississippi constitute a disaster loan area because of damage from severe storms, torrential rains, flooding and flash flooding which occurred between August 10 and August 15, 1987. Applications for loans for physical damage may be filed until the close of business on November 2, 1987, and for economic injury until the close of business on June 3, 1988, at the address listed below:

Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Floor, Atlanta, Georgia 30308.

or other locally announced locations.

The interest rates are:

	Percent
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses without credit available elsewhere	4.000
Businesses (EIDL) without credit available elsewhere	4.000
Other (non-profit organizations including charitable and religious organizations)	9.500

The number assigned to this disaster is 228906 for physical damage and for economic injury the number is 654700.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Date: September 3, 1987.

James Abdnor,

Administrator.

[FR Doc. 87-20756 Filed 9-9-87; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on September 23, 1987 at 10:00 a.m. at NTIA/ITS, 325 Broadway, Boulder, Colorado.

The purpose of the meeting will be to review, prepare and approve U.S. contributions to upcoming special Rapporteur and Editorial Group meetings of Study Group VII.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, DC; telephone (202) 653-6102.

Date: August 21, 1987.

Earl S. Barbely,

Director, Office of Technical Standards and Development; Chairman, U.S. CCITT National Committee.

[FR Doc. 87-20719 Filed 9-9-87; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Air Traffic Procedures Advisory Committee (ATPAC) to be held from October 19, at 9 a.m., through October 23, 1987, at 4 p.m., in the Administrator's Round Room on the 10th floor, at FAA headquarters, 800 Independence Avenue, SW., Washington, DC.

The agenda for this meeting is as follows: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public, but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify, not later than October 16, 1987, Mr. Walter H. Mitchell, Executive Director, ATPAC, Air Traffic Operations Service, 800 Independence Avenue, SW., Washington, DC, 20591, telephone (202) 267-9378. Information may be obtained from the same source.

The next quarterly meeting of the FAA ATPAC is planned to be held from January 26 through January 29, 1988, at Embry-Riddle, Daytona, FL.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on September 1, 1987.

Walter H. Mitchell,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 87-20750 Filed 9-9-87; 8:45 am]

BILLING CODE 4910-13-M

Informal Airspace Meetings

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of informal airspace meetings.

SUMMARY: This notice announces informal airspace meetings to discuss the proposed alteration of the Los Angeles, CA, Terminal Control Area (TCA) (Airspace Docket No. 87-AWA-31; August 10, 1987, 52 FR 29612).

DATES AND ADDRESSES:

Date: November 12, 1987
Time: 7:00 p.m.
Location: Performing Arts Center, Birmingham High School, 17000 Hayes Street, Van Nuys, CA

Date: November 16, 1987
Time: 7:00 p.m.
Location: El Segundo High School 640 Main Street, El Segundo, CA

Date: November 19, 1987
Time: 7:00 p.m.
Location: Building Six Theater, Armed Forces Reserve Center, Katella Avenue and Lexington, Los Alamitos, CA

Date: November 24, 1987
Time: 7:00 p.m.
Location: Merton E. Hill Auditorium, Chaffey Joint Union High School, 211 West Fifth Street, Ontario, CA

FOR FURTHER INFORMATION CONTACT: Ron Debelak, Airspace and Procedures Branch (AWP-530), Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, CA; telephone: (213) 297-1658.

Issued in Washington, DC, on September 3, 1987.

Sid Wugalter,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 87-20751 Filed 9-9-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautical (RTCA) Special Committee 150; Meeting

This Notice announces the change in meeting date of RTCA Special Committee 150 on Minimum System Performance Standards for Vertical Separation above Flight Level 290, which was scheduled for September 21-

23, 1987, and announced in the **Federal Register** on August 13, 1987, (52 FR 30275). This meeting has been rescheduled for September 22–24, 1987.

Issued in Washington, DC on September 1, 1987.

Herb Goldstein,

AES–3.

[FR Doc. 20752 Filed 9–9–87; 8:45 am]

BILLING CODE 4910–13–M

Federal Highway Administration

Environmental Impact Statement: Charles and Prince George's Counties, MD

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement is being prepared for the proposed construction of Maryland Route 228 Extended between US Route 301 and MD Route 210 in Charles and Prince George's Counties.

FOR FURTHER INFORMATION CONTACT: Mr. Edward A. Terry, Jr., Field Operations Engineer, Federal Highway Administration, The Rotunda, Suite 220, 711 W. 40th Street, Baltimore, Maryland 21211, telephone 301/962–4010, and/or Mr. Louis Ege, Jr., Deputy Director, Project Development division, Maryland State Highway Administration, 707 North Calvert Street, Room 310, Baltimore, Maryland 21202, telephone 301/333–1130.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway Administration, is preparing an environmental impact statement to develop acceptable alternatives to provide an improved four-lane arterial highway between existing US Route 301 in Waldorf and Maryland Route 210 (Indian Head Highway). This facility would accommodate a major travel desire between the Waldorf/St. Charles City area and I–95.

In addition to the No-Build Alternate, four build alternates are under consideration. Alternate 2/3 follows existing MD Route 228 from US 301 westward to Sharperville Road. It then diverges northward from MD Route 228, following the approximate alignment of Sharperville Road to its existing terminus at Livingston Road. From Livingston Road to MD Route 210, the facility would be on new location for one-half mile.

Alternate 5/6 follows existing MD Route 228 from US 301 westward to Bealle Hill Road. It then diverges northwesterly from MD Route 228, on new location for one and one-half miles, intersecting MD Route 210 in the vicinity of Manning Road.

Alternate 7 would create an extension of existing Smallwood Drive from Middletown Road, extending westward on new location for approximately four miles, intersecting MD Route 210 near Pine road.

Alternate 8 would follow existing MD Route 228 to the point where Alternate 7 would intersect existing MD Route 228. From this point, Alternate 8 would follow the same alignment as Alternate 7, intersecting MD Route 210 near Pine road.

All build alternates include options for either an at-grade intersection or an interchange connection at Maryland Route 210.

All build alternates include the widening of a portion of MD Route 210 to six lanes, utilizing the existing median, in order to accommodate the substantial traffic volume entering the MD Route 210 corridor at the new connection with MD Route 228 Extended.

Potential impacts of particular concern include encroachments on Mattawoman Creek and tributaries of both Mattawoman and Piscataway Creeks, archeological sites, woodlands, and residential displacements.

A public meeting to discuss the preliminary alternates has been held. A public hearing will be held after circulation of the DEIS. A public notice will give the time and place of the public hearing, and individual notices will be sent to those agencies, groups, and individuals on the mailing list. The DEIS will be available for public and agency review and comment prior to the public hearing. To ensure that the full range of issues relating to this proposal are addressed and all significant issues identified, comments and suggestions are invited from all interested persons.

(Catalog of Federal Domestic Assistance Program Number 20.025, Highway Research, Planning and Construction. The provisions of Executive Order 12372 regarding State and local review of Federal and Federally assisted programs and projects apply to this program)

Emil Elinsky,

Division Administrator, Baltimore, Maryland.

[FR Doc. 87–20720 Filed 9–9–87; 8:45 am]

BILLING CODE 4910–22–M

Federal Railroad Administration

[FRA Waiver Petition Docket Number RSRM–87–1]

Petition for Relief from the Requirements of Rear End Marking Device Regulation; Central of Georgia Railroad Company

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that Central of Georgia Railroad Company (CG) has petitioned the Federal Railroad Administration (FRA) for permanent relief from the requirements of 49 CFR 221.13. This section requires that trains which occupy or operate on main track shall (1) be equipped with, (2) display on the trailing end of the rear car of that train, and (3) continuously illuminate or flash a marking device prescribed in Subpart B of Part 221.

The permanent relief is requested for those regular trains operating on the Tennille Wye and Dublin District of the CG, a part of the coastal division of Southern Railway System (a trade name of affiliated carriers including CG). The carrier feels that the establishment of an absolute block to prevent entry of another train, the ordinarily short train length, the limited train speed (25 mph), and the CG's record of no major accidents or incidents on the Tennille-Dublin Line over the last 6 years, together support a premise that safety would not be compromised were their request to be granted.

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 these proceedings should identify the appropriate Docket Number (Docket Number RSRM–87–1) and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Communications received before October 28, 1987 will be considered by FRA before final action is taken. Comments received after that will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC on August 26, 1987.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 87-20863 Filed 9-9-87; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: September 3, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0086
Form Number: 1040C
Type of Review: Revision
Title: U.S. Departing Alien Income Tax Return
Description: Form 1040C is used by aliens departing the U.S. to report income received or expected to be received for the entire tax year. The data collected is used to insure that the departing alien has no outstanding U.S. Tax liability. Affected public are aliens departing the U.S.
Respondents: Individuals or households
Estimated Burden: 7,800 hours

OMB Number: 1545-0779
Form Number: 5617
Type of Review: Revision
Title: Understanding Taxes Teacher's Evaluation
Description: Redesign of course materials into a teacher's resource package that includes software, videos, transparencies, and teaching modules demands substantive input from educators to determine the effectiveness of the Understanding Taxes course materials. This course evaluation will aid in improving/revising existing materials to improve the quality of the teacher's resource package.
Respondents: Individuals or households
Estimated Burden: 1,500 hours

OMB Number: 1545-0897
Form Number: None
Type of Review: Extension
Title: IRS Outreach Brochure
Description: Publication 1224, Community Outreach Tax Assistance Brochure includes the Outreach Interest Card which is completed by taxpayers to make the Service aware of those interested in community tax assistance sessions.
Respondents: Individuals or households, Farms, Small businesses or organizations
Estimated Burden: 10,000 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

Financial Management Service

OMB Number: 1510-0004
Form Number: TFS 285-A
Type of Review: Extension
Title: Schedule of Excess Risks
Description: Listing of Excess Risks written or assumed by Treasury certified companies showing compliance with Treasury regulations to assist Treasury in determining solvency of certified companies for benefit of writing Federal surety bonds.
Respondents: Businesses or other for-profit, Small businesses of organizations
Estimated Burden: 24,880 hours
Clearance Officer: Hector Leyva (301) 436-5300, Financial Management Service, Room 100, 3700 East West Highway, Hyattsville, MD 20783
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 87-20734 Filed 9-9-87; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Performance Review Board; Membership

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Members of Senior Executive Service Performance Review Board.

DATE: Performance Review Board effective September 1, 1987.

FOR FURTHER INFORMATION CONTACT: DiAnn Kiebler, HR:H:E, Room 3515, 1111 Constitution Avenue, NW., Washington, DC 20224, Telephone No. (202) 566-4633, (not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 4314(c)(4) of the Civil Service Reform Act of 1978, the members of the Internal Revenue Service's Senior Executive Service Performance Review Board for senior executives other than Assistant Commissioners, Regional Commissioners and executives in Inspection are as follows:

Michael J. Murphy, Senior Deputy Commissioner, Chairperson
Michael P. Dolan, Assistant Commissioner (Human Resources Management and Support)
Percy P. Woodard, Jr., Assistant Commissioner (International)
Thomas P. Coleman, Regional Commissioner, Western Region
Richard C. Voskuil, Regional Commissioner, Southwest Region
Robert I. Brauer, Assistant Commissioner (Employee Plans & Exempt Organizations), Alternate
Cornelius J. Coleman, Regional Commissioner, North Atlantic Region, Alternate

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978 (43 FR 52122).

Lawrence B. Gibbs,

Commissioner.

[FR Doc. 87-20780 Filed 9-9-87; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 175
Thursday, September 10, 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 ELECTION COMMISSION

DATE AND TIME: Tuesday, September 15, 1987 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEM TO BE DISCUSSED:

Explanation and Justification of the Delegate Selection Regulations (11 CFR 110.14)

DATE AND TIME: Tuesday, September 15, 1987 following the open meeting.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be open to the public.

ITEM TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.
Audits conducted pursuant to 2 U.S.C. 437g, 438(b), and Title 26, U.S.C.
Matters concerning participation in civil actions or proceedings or arbitration.
Internal personnel rules and procedures or matters affecting a particular employee.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–376–3155.

Marjorie W. Emmons,

Secretary of the Commission.

[FR Doc. 87–20915 Filed 9–8–87; 2:20 pm]

BILLING CODE 6715-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Agenda

TIME AND DATE: 9:30 a.m., Tuesday, September 15, 1987.

PLACE: Board Room (Room 812A), Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: The first four items will be open to the public. The last item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Railroad Accident Report: Derailment of Steam Excursion Train of the Norfolk and Western Railway Company, Train Extra 611 West, Suffolk, Virginia, May 18, 1986.
2. Marine Accident Report: Engineroom Flooding of U.S. Tankship PRINCE WILLIAM SOUND, Puerto Vallarta, Mexico, May 9, 1986.
3. Marine Accident Report: Fires on Board the Panamanian Tankship SHOUN VANGUARD and the U.S. Tank Barge HOLLYWOOD 3013, Deer Park, Texas, October 7, 1986.
4. Recommendation to Review the British Columbia Safety Education Program to Determine if it is Feasible for Use in the United States. (Calendared by Chairman)
5. Opinion and Order: Administrator v. Watkins, Docket SE–7595; Disposition of the Appeals of Respondent and the Administrator. (Calendared by Chairman)

FOR MORE INFORMATION CONTACT: Bea Hardesty, Federal Register Liaison Officer.

Bea Hardesty,

Federal Register Liaison Officer.

September 4, 1987.

[FR Doc. 87–20869 Filed 9–8–87; 9:13 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of September 7, 14, 21, and 28, 1987.

PLACE: Commissioners' Conference Room, 1717 H Street NW.,Washington, DC.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of September 7

Wednesday, September 9

2:00 p.m.
Briefing on Performance of Sandia Containment Tests (Public Meeting)

Thursday, September 10

2:00 p.m.
Discussion of Integration of AEOD Reports into the Regulatory Process (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting)
a. Jurisdiction over Kress Creek (Tentative)

Week of September 14—Tentative

Monday, September 14

10:00 a.m.
Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2 & 6)
2:00 p.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)
2:30 p.m.
Briefing on the Status of Peach Bottom (Public Meeting)

Thursday, September 17

10:00 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of September 21—Tentative

Thursday, September 24

2:00 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of September 28—Tentative

Thursday, October 1

10:00 a.m.
Discussion of Pending Investigations (Closed—Ex. 5 & 7)
2:00 p.m.
Briefing on Technical Specifications Improvement Project (Public Meeting)
3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (If needed)

Note—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634–1498.

CONTACT PERSON FOR MORE INFORMATION: Robert McOsker, (202) 634–1410.

Andrew L. Bates,

Office of the Secretary.

September 3, 1984.

[FR Doc. 87–20914 Filed 9–8–87; 2:08 pm]

BILLING CODE 7590-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

TIME AND DATE: 1:30 p.m. (closed portion), 3:30 p.m. (open portion), Tuesday, September 22, 1987.

PLACE: Offices of the Corporation, fourth floor Board Room, 1615 M Street NW., Washington, DC.

STATUS: The first part of the meeting from 1:30 p.m. to 3:30 p.m. will be closed to the public. The open portion of the meeting will commence at 3:30 p.m. (approximately).

MATTERS TO BE CONSIDERED: (Closed to the public 1:30 p.m. to 3:30 p.m.):

1. Finance Project in Middle Eastern Country
2. Finance Project in South American Country
3. Finance Project in West Asian Country
4. Finance Project in East Asian Country
5. Report of Trade Policy Review Group
6. Legislative Renewal
7. Worker Rights in China

8. Board Membership
9. Claims Report

FURTHER MATTERS TO BE CONSIDERED:
(Open to the public 3:30 p.m.)

1. Approval of the Minutes of the Previous Board Meeting
2. Approval of Proposed Regular Meetings of the Board
3. Information Reporters

CONTACT PERSON FOR INFORMATION:
Information with regard to the meeting may be obtained from the Secretary of the Corporation, on (202) 457–7079.

Margaret A. Kole,
OPIC Corporate Secretary.
September 4, 1987.

[FR Doc. 87–20894 Filed 9–8–87; 11:52 am]
BILLING CODE 3210-01-M

Corrections

Federal Register
Vol. 52, No. 175
Thursday, September 10, 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 180

[PP 5E3269/P426; FRL-2239-2]

Pesticide Tolerance for Oxyfluorfen

Correction

In proposed rule document 87-17186 beginning on page 28314 in the issue of Wednesday, July 29, 1987, make the following corrections:

1. On page 28315, in the first column, under **SUPPLEMENTARY INFORMATION**, in the second paragraph, in the sixth line, "oxyfluorfen" was misspelled.

2. On the same page, in the second column—

a. On the third line, "880" should read "800".

b. On the fourth line, "at 57" should read "at week 57".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 233

Aid to Families With Dependent Children—Treatment of Utility Payments by Applicants or Recipients Living in Certain Federally Assisted Housing

Correction

In proposed rule document 87-19628 beginning on page 32323 in the issue of Thursday, August 27, 1987, make the following corrections:

1. On page 32323, in the third column, under **DATES**, the date in the last line should read "October 26, 1987".

2. On page 32324—

a. In the second column, in the third complete paragraph, in the seventh line, "as separate" should read "as a separate".

b. In the third column, in the last paragraph, in the third line, "family have" should read "family shall have"

§ 233.20 [Corrected]

3. On page 32325, in the third column, in § 233.20(a)(2)(ix)—

a. In the fourth line, "the" should read "be".

b. In the 18th, 19th and 20th lines remove "Utility payments are made in garbage collection.".

c. In the last line after "housing" insert a period.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 872

Dental Devices; Proposed Exemptions From Premarket Notification

Correction

In proposed rule document 87-18268 beginning on page 30120 in the issue of Wednesday, August 12, 1987, make the following corrections:

1. On page 30120, in the first column, the heading should read as set forth above.

2. On the same page, in the same column, in the **SUPPLEMENTARY INFORMATION**, in the fifth line, "for medical" should read "of medical".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 541

Control, Custody, Care, Treatment, and Instruction Of Inmates; Inmate Discipline and Special Housing Units

Correction

In proposed rule document 87-19687 beginning on page 32478 in the issue of Thursday, August 27, 1987, make the following corrections:

1. On pages 32484 and 32485, in Table 3, in the top of the columns, remove the following language:

"[The UDC shall * * * appropriate disposition.]"

2. On page 32484, in the first column, insert "**HIGH CATEGORY**" as a centered heading before entry "200".

3. On the same page, in the third column, insert "**MODERATE CATEGORY**"as a centered heading before entry "300".

4. On the same page, in the same column, in entry "308" in the third line move "N. Extra duty" from the second column of the table to the third column of the table.

5. On page 32485, in Table 3, in the second column, insert "**LOW MODERATE CATEGORY**" as a centered heading before entry "400".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 602

Federal-State Unemployment Compensation Program; Unemployment Insurance Quality Control Program

Correction

In rule document 87-20151 beginning on page 33520 in the issue of Thursday, September 3, 1987, make the following correction:

§ 602.41 [Corrected]

On page 33530, in the second column, in § 602.41, in the 10th line, "Actions" should read "sections".

BILLING CODE 1505-01-D

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Revisions to Freedom of Information Act (FOIA) Regulations

Correction

In proposed rule document 87-19706 appearing on page 32573 in the issue of Friday, August 28, 1987, make the following correction:

§ 1301.1 [Corrected]

In § 1301.1(c)(3), in the third column, in the first line, the paragraph designation "(iii)" should read "(ii)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 48

[T.D. 8152]

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

Correction

In rule document 87-18851 beginning on page 31614 in the issue of Friday, August 21, 1987, make the following correction:

§48.4081-2 [Corrected]

On page 31619, in the second column, in § 48.4081-2(a)(5), in the first line, the designation "(1)" should have read "(i)".

BILLING CODE 1505-01-D

federal register

Thursday
September 10, 1987

Part II

Department of the Interior

Minerals Management Service

Outer Continental Shelf; Proposed Notice of Sale; Central Gulf of Mexico Sulphur and Salt Lease Sale; Notice

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Proposed Notice of Sale
Central Gulf of Mexico
Sulphur and Salt Lease Sale

By publication of this proposed Notice of Sale, the Department of the Interior provides the public and potential bidders an opportunity to review the proposed terms and conditions for a sulphur and salt lease sale on the Federal Outer Continental Shelf (OCS) in the Central Gulf of Mexico. The proposed Notice for this sale was preceded by a Notice in the Federal Register (June 29, 1987, at 52 FR 24264) which included a query regarding tentative terms and conditions for a sale. Responses to that Notice were employed in the decisions on the terms and conditions in this proposed Notice of Sale.

The Minerals Management Service is requesting further comment by October 26, 1987, on scheduling of the sale, royalty rates, and lease terms. See paragraph 16 of this Notice.

Acting Director, Minerals Management Service

David W. Crow

Approved:

Acting Assistant Secretary - Land and Minerals Management

James E. Cason

9/2/87
Date

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Proposed Notice of Sale
Central Gulf of Mexico
Sulphur and Salt Lease Sale

1. Authority. This Notice is published pursuant to the Outer Continental Shelf (OCS) Lands Act (43 U.S.C. 1331-1356, (1982)), as amended by the OCS Lands Act Amendments of 1985 (100 Stat. 147), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8 a.m. to 4 p.m.) until the Bid Submission Deadline at 10 a.m., January __, 1988. Hereinafter, all times cited in this Notice refer to Central Standard Time (c.s.t.) unless otherwise stated. Bids will not be accepted the day of Bid Opening, January __, 1988. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10 a.m., January __, 1988. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 8:30 a.m., January __, 1988. Bid Opening Time will be 9 a.m., January __, 1988, at _____. All bids must be submitted and will be considered in accordance with applicable regulations, including 30 CFR Part 256.

3. Method of Bidding. A separate bid in a sealed envelope labeled "Sealed Bid for Sulphur and Salt Lease Sale (bidding unit number, map number, map name, and block number(s)), not to be opened until 9 a.m., c.s.t., January __, 1988," must be submitted for each prescribed bidding unit bid upon. It is recommended that all numbers of blocks and applicable portions (as described in paragraph 12) comprising the bidding unit appear on the sealed envelope. A bid form for this sale is available from the Gulf of Mexico Regional Office as provided in paragraph 14(a). In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior—Minerals Management Service. No bid for less than all of any bidding unit as described in paragraph 12 will be considered.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico Regional Office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder in percent to a maximum of five decimal places after the decimal point, e.g., 50.12345 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $144,000 or more per bidding unit. All leases awarded will provide for a yearly rental payment of $3 per acre or fraction thereof. All leases will provide for a minimum royalty of $3 per acre or fraction thereof. A cash bonus/fixed royalty bidding system with a sulphur royalty rate of 12 1/2 percent will be employed on all bidding units offered in this sale. No royalty will be collected on salt used for operations or production purposes on the lease itself. A royalty rate applicable to salt produced for off-site usage will be determined prior to the final Notice of Sale.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See paragraph 14(d).

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Bidding Units or Portions Thereof. The United States reserves the right to withdraw any bidding unit or portion thereof from this sale prior to issuance of a written acceptance of a bid for the bidding unit.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any bidding unit will be awarded to any bidder, unless:

a) the bidder has complied with all requirements of this Notice and applicable regulations;

b) the bid is the highest valid bid; and

c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of $144,000 or more per bidding unit. Any bid submitted which does not conform to the requirements of this Notice, the OCS Lands Act, as amended, and applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental as

specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment, for each lease issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155.

11. Leasing Maps and Official Protraction Diagrams. Most of the bidding units offered for lease may be located on the Outer Continental Shelf Leasing Maps--Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for $17 and which may be purchased from the Gulf of Mexico Regional Office (see paragraph 14(a)). Two of the bidding units contain blocks which are located on the Official Protraction Diagram NH 16-10, Mississippi Canyon (revised December 2, 1976). This map sells for $2 and also may be purchased from the Regional Office.

12. Description of the Areas Offered for Bids. The sale will include 51 bidding units as described below. Bidding units are based upon the MMS geologic outline of potential sulphur deposits and are formed by combining several quarter blocks. The following table contains the bidding units offered in this sale as well as their block composition and acreage. The map abbreviations used therein and their associated map names are:

WC-West Cameron
WCS-West Cameron South
ECS-East Cameron South
SMI-South Marsh Island
SMIS-South Marsh Island South
SS-Ship Shoal
PL-South Pelto
GI-Grand Isle
WD-West Delta
MC-Mississippi Canyon
SPSE-South Pass South and East
MPSE-Main Pass South and East
WCW-West Cameron West
EC-East Cameron
VR-Vermilion
SMIN-South Marsh Island North
EI-Eugene Island
SSS-Ship Shoal South
ST-South Timbalier
GIS-Grand Isle South
WDS-West Delta South
SP-South Pass
MP-Main Pass

CENTRAL GULF OF MEXICO
SULPHUR AND SALT LEASE SALE BIDDING UNITS

Bidding Unit #	Bidding Unit Description	Acreage
1	WCW 306	5,000.00
2	WCS 521;522;544	11,428.74
3	EC 104;115	10,000.00
4	EC 118;119	10,000.00
5	EC 126	5,000.00
6	EC 154;155; WC 263;272NE/4	16,250.00
7	EC 178;179W/2;184NW/4;185N/2	11,250.00
8	EC 229	5,000.00
9	ECS 293;304N/2	7,500.00
10	VR 124	5,000.00
11	VR 161;162	9,792.53
12	VR 164;179	10,000.00
13	VR 189;190;193;194	20,000.00
14	VR 199SW/4;200;203;204NW/4	12,500.00
15	VR 217;218;225;226	20,000.00
16	SMI 8; SMIN 288	6,315.57
17	SMI 33;38	10,000.00
18	SMI 58;69;70; SMIS 71NE/4;72;73	23,719.57
19	SMIS 121,132N/2	7,500.00
20	EI 62S/2;63S/2;76;77	15,000.00
21	EI 89;94;95W/2;110NW/4;111N/2	16,250.00
22	EI 116S/2;128;128A;129;129A	12,500.00
23	EI 119;120;125;126	20,000.00
24	EI 157SE/4;158;175;176E/2	13,750.00
25	EI 172;184	10,000.00
26	EI 188S/2;189S/2;190;191	15,000.00
27	EI 205;218;227N/2	12,500.00
28	EI 208	5,000.00
29	EI 237;238;252N/2;253N/2	15,000.00
30	SS 30;31;32;33	20,000.00
31	SS 149;154	10,000.00
32	SS 208SE/4;209S/2;214;215W/2	11,250.00
33	SS 218;219E/2;229;230W/2; SSS 242N/2	17,500.00
34	SSS 268;269E/2;274;275W/2	15,000.00
35	PL 11;12;19NW/4;20N/2	13,750.00
36	ST 63;86	10,000.00
37	ST 131;132N/2; GIS 86	7,762.58
38	ST 134W/2;135;151N/2	10,000.00
39	ST 160SW/4;161;176;177	16,250.00
40	GI 72	5,000.00
41	WD 30;31	10,000.00
42	WDS 121SE/4;122S/2;133;134E/2	11,250.00
43	WDS 137;138; MC 267	12,258.68
44	WDS 152S/2; MC 357;358	8,629.27
45	SPSE 88;89;93;94	17,080.90
46	SP 60;61N/2; SPSE 67;70N/2	14,999.94
47	MP 72(seaward of Federal/State boundary)	3,750.80
48	MP 144;145; MPSE 295;296	19,110.72
49	MPSE 289	4,560.81
50	MPSE 299	4,560.81
51	MPSE 305;306	9,999.92

13. Lease Terms and Stipulations.

a) Leases resulting from this sale will have a primary lease term of 5 years with an automatic extension to 10 years in cases where drilling has occurred before the end of the fifth year pursuant to, and meeting the critieria established in an approved exploration plan. The availability of lease forms for this sale will be announced in the Federal Register at a later date.

b) The stipulations to be applied are as described in the following paragraphs:

Stipulation No. 1—Protection of Archaeological Resources.

(This stipulation applies to all bidding units leased in this sale.)

(1) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object (Section 301(5), National Historic Preservation Act, as amended, 16 U.S.C. 470w(5)). "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(2) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (a) through (c).

(a) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(b) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(c) If the RD determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(3) If the lessee discovers any archaeological resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2—Military Areas.

(This stipulation applies only to Bidding Unit No. 49, i.e. Main Pass South and East Addition Block 289, which is located in the Eglin Water Test Area 1 (EWTA-1), an area used by the U.S. Air Force for rocket and missile testing. This bidding unit is located on the western boundary of EWTA-1.)

(a) Hold and Save Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U. S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters for Eglin Water Test Area 1 (EWTA-1), address provided below.

Notwithstanding any limitation of the lessee's liability in the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of its officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, independent contractors or subcontractors emanating from EWTA-1 in accordance with requirements specified by the commander of the command headquarters for EWTA-1, address provided below, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities conducted within EWTA-1. Necessary monitoring control and coordination with the lessee, its agents, employees, invitees, independent contractors, or subcontractors will be affected by the commander of the aforementioned onshore military

installation conducting operations in EWTA-1, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors, or subcontractors and onshore facilities.

(c) Operational

The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic in EWTA-1, shall enter into an agreement with the commander of the command headquarters for EWTA-1, address provided below, upon utilizing the area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating in EWTA-1 at all times.

EWTA-1 Contact Officer: Commander
Armament Division
Attention: Howard Dimmig/CCN
Eglin AFB, Florida 32542
Telephone: (904) 882-5558

Stipulation No. 3--Hydrocarbon Discovery Stipulation.

(This stipulation applies to all bidding units leased in this sale).

Sulphur and salt leases are granted separately from oil and gas leases. Therefore, any hydrocarbons discovered by the sulphur and salt lessee cannot be produced under this lease. If the lessee discovers hydrocarbons while conducting sulphur and salt operations on the lease area, the lessee shall report the discovery immediately to the Regional Director (RD). If the RD determines that the discovery is significant, and the Director determines that release of the information is necessary for the proper development of the field or area, then a public announcement of the significant hydrocarbon discovery will be made pursuant to 30 CFR 250.3.

14. Information to Lessees.

a) Supplemental Documents. For copies of the various documents identified as available from the Gulf of Mexico Regional Office, prospective bidders should contact the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, either in writing or by telephone (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment at that address or by telephone at (504) 736-2755.

b) Navigation Safety. Operations on some of the bidding units offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended. U.S. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with Section 4(e) of the OCS Lands Act, as amended.

c) Offshore Pipelines. Lessees are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

d) Affirmative Action. Revision of the Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5 (a)(1) and 60-1.7(a)(1). Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

e) Ordnance Disposal Areas. The U.S. Air Force has released an indeterminable amount of unexploded ordnance throughout Eglin Water Test Area 1, which is shown on a map available from the MMS Gulf of Mexico Regional Office. The exact location of the unexploded ordnance is unknown, and lessees are advised that all bidding units included in this sale in or near this water test area should be considered potentially hazardous to drilling and platform and pipeline placement.

f) Operational Constraints.

(1) Sulphur and salt exploration or development activities will be permitted in such a manner that they will not unduly interfere with prior rights or approvals for oil and gas exploration and/or development activities.

(2) Exploration or development and production plans submitted in accordance with 30 CFR 250.34 for proposed sulphur and salt activities will be required to include the showing of notice to existing oil and gas operators or pipeline permittees whose existing or approved activities may be affected by the proposed sulphur activities. Information regarding existing pipelines and other oil and gas appurtenances and structures is available from the Regional Office. See paragraph 14(a).

(3) The MMS may, if determined necessary as a means of safeguarding life and the environment and the carrying out of oil and gas operations, impose appropriate operational constraints or requirements, including but not limited to the following:

(a) The establishment of "no activity zones" in the vicinity of certain existing or approved oil and gas activities; and

(b) The delaying of sulphur development activities until such time that the potential for negative impact upon oil and gas activities is at an acceptable level.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico OCS Orders, as of their effective dates, and any other applicable OCS Order as it becomes effective.

16. Request for Comments. Further comments are requested from interested parties on the subjects listed below. Comments are requested by October 26, 1987, and should be sent to the Deputy Associate Director for Offshore Leasing, Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Room 4230 (MS-645), Washington, D.C. 20240.

a) The MMS acknowledges recommendations from some interested parties for a delay of the sale to some time after January 1988. However, the MMS has decided to proceed with the sale and will re-evaluate the delay alternative at the time of the final Notice of Sale. Additional comments on the timing of the sale are requested.

b) Additional comments specific to the recommended terms and conditions in this proposed Notice of Sale are requested, particularly on royalty rates and lease terms.

c) As noted in paragraph 4 of this proposed Notice, the MMS is planning to assess a royalty on salt produced in this sale for usage off the lease site. Specific comments regarding an appropriate royalty rate are hereby requested.

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federal register

Thursday
September 10, 1987

Part III

Department of the Treasury

Internal Revenue Service

26 CFR Parts 31, 301, and 602

Penalty for Failure To Include Correct Information on Information Returns and Payee Statements; Temporary Regulations and Notice of Proposed Rulemaking

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31, 301, and 602

[T.D. 8155]

Penalty for Failure to Include Correct Information on Information Returns and Payee Statements

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations on the penalty for failure to provide correct information on information returns and payee statements. Congress enacted this penalty in section 1501 of the Tax Reform Act of 1986 (Pub. L. 99–514). These regulations affect persons who are required to file information returns with the Internal Revenue Service and furnish statements to payees. The text of these temporary regulations also serves as the text of the proposed regulations cross-referenced in the notice of proposed rulemaking in the Proposed Rules section of this issue of the **Federal Register.**

DATES: These regulations are effective January 1, 1987, as applicable to information returns and payee statements the due date for which (determined without regard to extensions) is after December 31, 1986.

FOR FURTHER INFORMATION CONTACT: Renay France of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T) (202–566–3459, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations on the penalty under section 6723 for failure to include correct information on information returns and payee statements. Section 6723 was added to the Internal Revenue Code by the Tax Reform Act of 1986. These temporary regulations will remain in effect until superseded by final regulations on this subject.

Explanation of Provisions

Section 6723 imposes a penalty on any person who files an information return (as defined in section 6724(d)(1)), or furnishes a payee statement (as defined in section 6724(d)(2)), and fails to include all of the required information or includes incorrect information. The amount of the penalty is $5 for each return to statement for which there is a failure to include correct information. However, the total penalty imposed on any person for all such failures during a calendar year is limited to $20,000.

The statute provides higher penalties for intentional disregard of the correct information reporting requirement, and these higher penalties are not subject to the $20,000 maximum. Likewise, pursuant to section 6724, the $20,000 maximum does not apply with respect to interest or dividend returns or statements.

The temporary regulations provide that for purposes of the penalty for failure to include correct information, the information that is required to be included correctly on a return or statement is the information required by the applicable information reporting statute or by any administrative pronouncement issued thereunder (such as a regulation, revenue ruling, revenue procedure, or information reporting form).

Exception for Inconsequential Omissions and Inaccuracies

The temporary regulations provide an exception from the penalty for inconsequential omissions and inaccuracies. Under this exception, the penalty will not be assessed for any failure to include correct information on an information return if the failure does not prevent or hinder the Internal Revenue Service from processing the return or from correlating the information required to be shown on the return with the information shown on the payee's tax return. Similarly, the penalty will not be assessed with respect to a payee statement if the failure cannot reasonably be expected to prevent or hinder the payee from receiving correct information and reporting it on his or her tax return.

Exception for Corrected Omissions and Inaccuracies

To encourage the reporting of correct information, the temporary regulations also provide an exception for corrected failures. Under this exception, the penalty generally will not be assessed for omissions and inaccuracies that are corrected timely. To be considered timely, a correction must occur by the earliest of: (1) 30 days after the person who filed the return or furnished the statement discovers the failure; (2) 30 days after the date of a written request from the Internal Revenue Service for corrected information; or (3) October 1 (March 1 for payee statements) of the calendar year in which the return or statement is due. Under the regulations, timely correction does not prevent assessment of the penalty for any failure that is part of a pattern of conduct of repeatedly failing to include correct information, or for any failure that is intentional.

The October 1 deadline for correcting information returns reflects the Internal Revenue Service's need to receive corrected returns in time to process them with other information returns. The March 1 deadline for correcting payee statements reflects the need of payees to include correct information in their tax returns due April 15. Note that these deadlines for qualifying for the exception from the penalty differ from the deadlines contained in § 31.6051–1(d) and –2(b) with respect to the separate requirements to furnish corrected Forms W–2 (Wage and Tax Statements).

Waiver for Reasonable Cause or Due Diligence

Section 6724 waives the penalty for failure to include correct information if it is shown that the failure is due to reasonable cause and not to willful neglect (or, for interest and dividend returns and statements, if it is shown that due diligence was exercised). The temporary regulations set forth the procedure to be followed in seeking a waiver for reasonable cause or due diligence.

Intentional Disregard of the Correct Information Reporting Requirement

As mentioned above, section 6723 provides higher penalties for intentional disregard of the correct information reporting requirement. The temporary regulations provide rules regarding the circumstances in which a failure to include correct information on an information return will be treated as due to intentional disregard. Under the regulations, the failure to include correct information on payee statements will not be treated as due to intentional disregard.

Coordination with Other Penalties

The temporary regulations also provide rules for coordinating the penalty for failure to include correct information with other penalties, such as the section 6676 penalty for failure to supply identifying numbers. Section 6723(c) and the temporary regulations provide that no penalty for failure to include correct information will be imposed with respect to a return or statement if a penalty is imposed under section 6676 with respect to such return or statement. The temporary regulations also provide a comparable rule for coordinating the penalty for failure to include correct information with the

penalties under sections 6721 and 6722 for failure to file information returns and furnish payee statements.

Executive Order 12291

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

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 1545–0909.

Regulatory Flexibility Act

A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, these temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these temporary regulations is Renay France 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 regulations, on matters of both substance and style.

List of Subjects

26 CFR Part 31

Employment taxes, Income taxes, Lotteries, Railroad retirement, Social security, Unemployment tax, Withholding.

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 31, 301 and 602 are amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

Paragraph 1. The authority for Part 301 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 301.6723–1T is added immediately after § 301.6708–1T to read as follows:

§ 301.6723–1T Failure to include correct information (temporary).

(a) *General rule.* If any person files an information return (as defined in section 6724(d)(1)) or furnishes a payee statement (as defined in section 6724(d)(2)), and such person fails to include all of the information required to be shown on such return or statement or includes incorrect information, such person will be considered to have failed to include correct information. For this purpose, information required to be shown on a return or statement is the information required by the applicable information reporting statute or by any administrative pronouncement issued thereunder (such as a regulation, revenue ruling, revenue procedure, or information reporting form). Except as otherwise provided in this section, any person who fails to include correct information shall pay $5 for each return or statement with respect to which such failure occurs; however, the total amount imposed on any person for all such failures during any calendar year shall not exceed $20,000. See paragraph (e) of this section regarding the higher penalties for intentional disregard of the correct information reporting requirement and for interest and dividend returns and statements.

(b) *Exception for inconsequential omissions and inaccuracies*—(1) *Exception.* The penalty imposed by paragraph (a) of this section will not be assessed for any failure to include correct information on an information return if the failure does not prevent or hinder the Internal Revenue Service from processing the return or from correlating the information required to be shown on the return with the information shown on the payee's tax return. Similarly, the penalty imposed by paragraph (a) of this section will not be assessed for any failure to include correct information on a payee statement if the failure cannot reasonably be expected to prevent or hinder the payee from timely receiving correct information and reporting it on his or her tax return.

(2) *Examples.* The provisions of this paragraph (b) may be illustrated by the following examples:

Example (1). A payor files a Form 1099–MISC (relating to miscellaneous income) with the Internal Revenue Service and furnishes a corresponding statement to the payee. Both the Form 1099–MISC and the payee statement are complete and correct, except that the word "Street" is misspelled in the payee's address. The error does not prevent or hinder the Internal Revenue Service from processing the return or from correlating the information required to be shown on the return with the information shown on the payee's tax return. In addition, the error cannot reasonably be expected to prevent or hinder the payee from timely receiving correct information and reporting it on his or her tax return. Therefore, the penalty imposed by paragraph (a) will not be assessed.

Example (2). Assume the same facts as in Example (1), except that the only error on the Form 1099–MISC and the payee statement is that the payee's first name, "William," is misspelled as "Willaim." The penalty imposed by paragraph (a) will not be assessed, for the reasons set forth in Example (1).

Example (3). Assume the same facts as in Example (1), except that the only error on the Form 1099–MISC and the payee statement is that the payee's street address, 4821 Main Street, is incorrectly reported as 8421 Main Street. The penalty imposed by paragraph (a) will not be assessed with respect to the Form 1099–MISC if the error does not prevent or hinder the Internal Revenue Service from processing the return or from correlating the information required to be shown on the return with the information shown on the payee's tax return. However, the penalty will be assessed with respect to the payee statement because the error can reasonably be expected to prevent or hinder the payee from timely receiving correct information and reporting it on his or her tax return. See paragraph (d) of this section regarding waiver of the penalty for reasonable cause or due diligence.

(c) *Exception for corrected omissions and inaccuracies*—(1) *Exception.* The penalty imposed by paragraph (a) of this section generally will not be assessed for a failure to include correct information on an information return or payee statement if the person who filed the return or furnished the statement corrects the failure by the earliest of—

(i) The date that is 30 days after the date that the person discovers the failure; or

(ii) The date that is 30 days after the date of a written request, from the Internal Revenue Service to the person, for corrected information; or

(iii) October 1 (March 1 for payee statements) of the calendar year in which the return or statement is due.

(2) *Limitations on exception.* Notwithstanding paragraph (c)(1) of this section, timely correction of a failure to include correct information on a return or statement will not prevent assessment of the penalty for any failure

that is part of a pattern of conduct, by the person who filed the return or furnished the statement, of repeatedly failing to include correct information. Further, correction of a failure to include correct information will not prevent assessment of the penalty for intentional disregard of the correct information reporting requirement. See paragraph (e)(1) of this section with respect to intentional disregard.

(3) *Examples.* The provisions of this paragraph (c) may be illustrated by the following examples:

Example (1). In January 1987, Bank M prepares Forms 1099–INT (relating to interest income) with respect to interest income earned by its depositors in calendar year 1986. M timely files the forms with the Internal Revenue Service and timely furnishes copies to its depositors. On March 16, 1987, M discovers that the amount of backup withholding tax (Federal income tax withheld) was inadvertently omitted from several of the forms and payee copies. Several days later M files corrected forms with the Service and furnishes corrected copies to the affected payees. The penalty for failure to include correct information will not be due with respect to the incomplete Forms 1099–INT filed with the Internal Revenue Service, since they were corrected within 30 days after M discovered the omission and before October 1, 1987. However, the penalty will be due with respect to the incomplete copies furnished to the payees, since they were not corrected by March 1, 1987.

Example (2). In January 1987, Corporation N files Forms 1099–DIV (relating to dividends and distributions) for calendar year 1986 and furnishes copies to its shareholders. A significant number of the forms and payee copies do not include the amount of backup withholding tax. On December 1, 1987, the Internal Revenue Service provides N with a written request for corrected information. On December 15, 1987, N files corrected forms with the Service and furnishes corrected copies to the payees. The penalty for failure to include correct information will be due with respect to the incomplete forms, since they were not corrected by October 1, 1987. In addition, the penalty will be due with respect to the incomplete copies furnished to the payees, since they were not corrected by March 1, 1987. However, N's correction of the forms is a fact to be considered, along with other facts, in determining whether the higher penalty for intentional failures will be imposed; see paragraph (e)(1)(ii)(B) of this section.

Example (3). In January 1987, Corporation O files Forms 1099–DIV for calendar year 1986 and furnishes copies to its shareholders. O intentionally does not include the amount of backup withholding tax for any shareholder. Since the omissions represent an intentional disregard of the correct information reporting requirement, correction of the omissions will not prevent assessment of the penalty for intentional failure to include correct information.

(d) *Waiver for reasonable cause or due diligence*—(1) *Reasonable cause.* Except as provided in paragraph (d)(2) (relating to interest or dividend returns or statements), the penalty imposed by paragraph (a) of this section will be waived for any failure to include correct information if it is established to the satisfaction of the district director or the director of the internal revenue service center that such failure was due to reasonable cause and not to willful neglect.

(2) *Due diligence.* Paragraph (d)(1) of this section will not apply in the case of any interest or dividend return or statement (as defined in section 6724(c)(5)). However, in such a case, the penalty imposed by paragraph (a) of this section will be waived for any failure to include correct information if it is established to the satisfaction of the district director or the director of the internal revenue service center that the person otherwise liable for such penalty exercised due diligence in attempting to include such information. The requirement to exercise due diligence imposes a higher standard to conduct than required under the reasonable cause defense.

(3) *Procedure for seeking waiver.* Reasonable cause (or due diligence) may be established only by submitting a written statement that sets forth all the facts alleged as reasonable cause (or due diligence) and makes an affirmative showing of reasonable cause (or due diligence). The statement must be signed by the person required to file the information return or furnish the payee statement to which the penalty imposed by paragraph (a) of this section relates, and must contain a declaration that it is made under the penalties of perjury. See § 31.6061–1 for rules on the signing of returns.

(e) *Higher penalties in certain cases*—(1) *Intentional disregard of the correct information reporting requirement*—(i) *Application of section 6723(b).* If a person fails to include correct information on an information return and such failure is due to intentional disregard of the correct information reporting requirement, the penalty imposed by paragraph (a) of this section with respect to such return will be determined under section 6723(b). The penalty prescribed by section 6723(b) for such a return is $100 or, if greater, the amount equal to 10 percent (or, in some cases, 5 percent) of the aggregate amount of the items required to be reported correctly on the return. In the case of any penalty determined under section 6723(b), the $20,000 limitation of paragraph (a) of this section will not apply. In addition, such penalty will not be taken into account in applying the $20,000 limitation to penalties not determined under section 6723(b).

(ii) *Meaning of intentional disregard.* A failure to include correct information on an information return will be treated as due to intentional disregard of the correct information reporting requirement if the person who filed the return knowingly or willfully failed to include correct information at the time the return was filed. Whether a person knowingly or willfully failed to include correct information will be determined on the basis of all of the facts and circumstances in the particular case. Facts and circumstances to be considered for this purpose include, but are not limited to, the following—

(A) Whether the failure to include correct information is part of a pattern of conduct, by the person who filed the return, of repeatedly failing to include correct information on information returns;

(B) Whether the person who filed the return corrects the failure within 30 days after the date of any written request from the Internal Revenue Service for corrected information; and

(C) Whether the person who filed the return can reasonably be expected to have discovered the failure during the calendar year the return was due and, if so, whether timely correction was made.

(2) *Interest and dividend returns and statements.* In the case of any interest or dividend return or statement (as defined in section 6724(c)(5)), the $20,000 limitation of paragraph (a) of this section will not apply. In addition, any penalty imposed by paragraph (a) with respect to such a return or statement—

(i) Will not be taken into account in applying the $20,000 limitation of paragraph (a) with respect to other returns or statements, and

(ii) Will not be taken into account in applying the $100,000 limitations of sections 6721(a) and 6722(a) with respect to any return or statement.

(f) *Manner of payment*—(1) *In general.* Except as provided in paragraph (f)(2) (relating to interest and dividend returns and statements), any penalty imposed by paragraph (a) shall be paid on notice and demand by the Internal Revenue Service and in the same manner as a tax liability is paid.

(2) *Self-assessment for interest and dividend returns and statements.* Any penalty imposed by paragraph (a) with respect to an interest or dividend return or statement will be assessed and collected in the same manner as an excise tax imposed by subtitle D of the Internal Revenue Code, and the deficiency procedures of subchapter B of chapter 63 of the Code will not apply. In

such a case, the penalty must be self-assessed and will be due and payable on April 1 of the calendar year following the calendar year for which the return or statement is required. The penalty should be remitted with a properly executed Form 8210 (Self-Assessed Penalties Return).

(g) *Coordination with other penalties*—(1) *Penalty for failure to supply identifying numbers.* Pursuant to section 6723(c), no penalty shall be imposed under paragraph (a) of this section with respect to any return or statement if a penalty is imposed under section 6676 (relating to the failure to supply identifying numbers) with respect to such return or statement.

(2) *Penalty for failure to file information returns or furnish payee statements.* No penalty shall be imposed under paragraph (a) of this section with respect to any return or statement if a penalty is imposed under section 6721 (relating to the failure to file certain information returns) or section 6722 (relating to the failure to furnish certain payee statements) with respect to such return or statement.

(3) *Examples.* The provisions of this paragraph (g) may be illustrated by the following examples:

Example (1). Corporation P timely files Forms 1099-DIV (relating to dividends and distributions) for a calendar year and furnishes copies to its shareholders. Several of these forms and shareholder copies do not include correct taxpayer identification numbers (TINs), and Corporation P does not show that it exercised due diligence in attempting to include correct TINs; therefore, a penalty is imposed under section 6676 (b) with respect to these several forms and shareholder copies. Since a penalty is imposed under section 6676, no penalty is imposed under paragraph (a) of this section with respect to the same several forms and shareholder copies.

Example (2). Corporation Q, a bank, fails to file certain required Forms 1099–INT (relating to interest income of its depositors) in a timely fashion. Corporation Q claims that it exercised due diligence in attempting to file the forms on time and that therefore no penalty under section 6721 or 6723 should apply. If the Internal Revenue Service finds that Corporation Q did not exercise due diligence and imposes the failure-to-file penalty under section 6721 with respect to the forms, no penalty will be imposed under paragraph (a) of this section.

Example (3). Corporation R files with the Internal Revenue Service a document purporting to be an information return. The document contains so many omissions and inaccuracies that its utility as an information return is minimized or eliminated. The Service imposes the failure-to-file penalty under section 6721 with respect to the document. Since the failure-to-file penalty is imposed, no penalty will be imposed under paragraph (a) of this section.

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

Par. 3. The authority for Part 31 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

§ 31.605 [Amended]

Par. 4. Section 31.6051–1 (h) is amended by adding the following new sentence at the end thereof: "See section 6723 and § 301.6723–1T for provisions relating to the penalty for failure to include correct information on an information return or payee statement and for the exceptions to the penalty, particularly the exception for timely correction."

§ 31.6051–2 [Amended]

Par. 5. Section 31.6051–2(c) is amended by adding the following new sentence at the end thereof: "See section 6723 and § 301.6723–1T for provisions relating to the penalty for failure to include correct information on an information return or payee statement and for the exceptions to the penalty, particularly the exception for timely correction."

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 6. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 7. Section 602.101(c) is amended by inserting the following in the appropriate place in the table:

"§ 301.6723–1T(d) . . . 1545–0909".

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

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved

J. Roger Mentz,

Acting Assistant Secretary of the Treasury.

August 25, 1987.

[FR Doc. 87–20675 Filed 9–9–87; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 31, 301, and 602

Penalty for Failure to Include Correct Information on Information Returns and Payee Statements

AGENCY: Internal Revenue Service, Treasury.

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

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations relating to the penalty for failure to include correct information on information returns and payee statements. The text of those temporary regulations also serves as the common document for this notice of proposed rulemaking.

DATES: The regulations are proposed to be effective as final regulations January 1, 1987, as applicable to information returns and payee statements the due date for which (determined without regard to extensions) is after December 31, 1986. Written comments and requests for a public hearing must be delivered or mailed by November 9, 1987.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR–142–86), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Renay France of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attention: CC:LR:T) (202–566–3459, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** add new § 301.6723–1T to Part 301 of Title 26 of the Code of Federal Regulations. When § 301.6723–1T is promulgated as a final regulation, it will be renumbered as § 301.6723–1.

For the text of the proposed regulations, see new § 301.6723–1T. The preamble to the temporary regulations explains this addition to the Income Tax Regulations.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

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

The collection-of-information requirements contained herein have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on the requirements should be sent to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for Internal Revenue Service, New Executive Office Building, Washington, DC 20503. The Internal Revenue Service requests persons submitting comments to OMB to also send copies of the comments to the Service.

Drafting Information

The principal author of these proposed regulations is Renay France 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 regulations, on matters of both substance and style.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87–20676 Filed 9–9–87; 8:45 am]

BILLING CODE 4830–01–M

Federal Register

Thursday
September 10, 1987

Part IV

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for April 1987

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53096; FRL-3243-1]

Premanufacture Notices; Monthly Status Report for April 1987

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for April 1987.

Nonconfidential portions of the PMNs and exemption requests may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53096]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during April; (b) PMNs received previously and still under review at the end of April; (c) PMNs for which the notice review period has ended during April; (d) chemical substances for which EPA has received a notice of commencement to manufacture during April; and (e) PMNs for which the review period has been suspended. Therefore, the April 1987 PMN Status Report is being published.

Dated: July 28, 1987.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report, April 1987

I. 150 Premanufacture Notices and Exemption Requests Received During the Month

PMN No.	
P 87-914	P 87-979
P 87-915	P 87-980
P 87-916	P 87-981
P 87-917	P 87-982
P 87-918	P 87-983
P 87-919	P 87-984
P 87-920	P 87-985
P 87-921	P 87-986
P 87-922	P 87-987
P 87-923	P 87-988
P 87-924	P 87-989
P 87-925	P 87-990
P 87-926	P 87-991
P 87-927	P 87-992
P 87-928	P 87-993
P 87-929	P 87-994
P 87-930	P 87-995
P 87-931	P 87-996
P 87-932	P 87-997
P 87-933	P 87-998
P 87-934	P 87-999
P 87-935	P 87-1000
P 87-936	P 87-1001
P 87-937	P 87-1002
P 87-938	P 87-1003
P 87-939	P 87-1004
P 87-940	P 87-1005
P 87-941	P 87-1006
P 87-942	P 87-1007
P 87-943	P 87-1008
P 87-944	P 87-1009
P 87-945	P 87-1010
P 87-946	P 87-1011
P 87-947	P 87-1012
P 87-948	P 87-1013
P 87-949	P 87-1014
P 87-950	P 87-1015
P 87-951	P 87-1016
P 87-952	P 87-1017
P 87-953	P 87-1018
P 87-954	P 87-1019
P 87-955	P 87-1020
P 87-956	P 87-1021
P 87-957	P 87-1022
P 87-958	P 87-1023
P 87-959	P 87-1024
P 87-960	P 87-1025
P 87-961	P 87-1026
P 87-962	P 87-1027
P 87-963	P 87-1028
P 87-964	P 87-1029
P 87-965	P 87-1030
P 87-966	P 87-1031
P 87-967	P 87-1032
P 87-968	P 87-1033
P 87-969	P 87-1034
P 87-970	P 87-1035
P 87-971	P 87-1036
P 87-972	P 87-1037
P 87-973	P 87-1038
P 87-974	P 87-1039
P 87-975	P 87-1040
P 87-976	P 87-1041
P 87-977	P 87-1042
P 87-978	P 87-1043
P 87-1044	Y 87-135
P 87-1045	Y 87-136
P 87-1046	Y 87-137
P 87-1047	Y 87-138
P 87-1048	Y 87-139
P 87-1049	Y 87-140
P 87-1050	Y 87-141
P 87-1051	Y 87-142
P 87-1052	Y 87-143
P 87-1053	Y 87-144

II. 193 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	
P 87-721	P 87-783
P 87-722	P 87-784
P 87-723	P 87-785
P 87-724	P 87-786
P 87-725	P 87-787
P 87-726	P 87-788
P 87-727	P 87-789
P 87-728	P 87-790
P 87-729	P 87-791
P 87-730	P 87-792
P 87-731	P 87-793
P 87-732	P 87-794
P 87-733	P 87-795
P 87-734	P 87-796
P 87-735	P 87-797
P 87-736	P 87-798
P 87-737	P 87-799
P 87-738	P 87-800
P 87-739	P 87-801
P 87-740	P 87-802
P 87-741	P 87-803
P 87-742	P 87-804
P 87-743	P 87-805
P 87-744	P 87-806
P 87-745	P 87-807
P 87-746	P 87-808
P 87-747	P 87-809
P 87-748	P 87-810
P 87-749	P 87-811
P 87-750	P 87-812
P 87-751	P 87-813
P 87-752	P 87-814
P 87-753	P 87-815
P 87-754	P 87-816
P 87-755	P 87-817
P 87-756	P 87-818
P 87-757	P 87-819
P 87-758	P 87-820
P 87-759	P 87-821
P 87-760	P 87-822
P 87-761	P 87-823
P 87-762	P 87-824
P 87-763	P 87-825
P 87-764	P 87-826
P 87-765	P 87-827
P 87-766	P 87-828
P 87-767	P 87-829
P 87-768	P 87-830
P 87-769	P 87-831
P 87-770	P 87-832
P 87-771	P 87-833
P 87-772	P 87-834
P 87-773	P 87-835
P 87-774	P 87-836
P 87-775	P 87-837
P 87-776	P 87-838
P 87-777	P 87-839
P 87-778	P 87-840
P 87-779	P 87-841
P 87-780	P 87-842
P 87-781	P 87-843
P 87-782	P 87-844

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P 87-911
P 87-912
P 87-913

III. 144 Premanufacture Notices and Exemption Requests for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.

P 87-414
P 87-415
P 87-416
P 87-417
P 87-418
P 87-419
P 87-420
P 87-421
P 87-422
P 87-423
P 87-424
P 87-425
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Y 87-143
Y 87-144

IV. 74 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity and generic name	Date of commencement
P 81-245	Generic name: Carbocyclic sulfonic acid salt	Oct. 2, 1981.
P 84-936	Generic name: Aromatic keto-ester	Apr. 1, 1987.
P 84-1175	Generic name: Polyester polyol	Feb. 5, 1987.
P 85-128	Generic name: Butanamide, N-substituted alkyl	Mar. 2, 1987.
P 85-146	Generic name: Biphenyl,3,3'-dichloro-4-(substituted azo)-4'((((phenylamino)carbonyl)2-oxoprop-1-yl)azo)-	Mar. 9, 1987.
P 85-322	2-Propanamine, N-(1-methylethyl)-, lithium salt	Feb. 16, 1987.
P 85 1323	Generic name: Nitrogen containing alkyl phenol	Apr. 8, 1987.
P 85-1325	Generic name: Alkyl phenol	Do.
P 86-11	Generic name: Reaction product of bismaleimide with amino aryl hydrazide	Feb. 3, 1987.
P 86-103	Generic name: Polyester of aliphatic polyols and aliphatic and aromatic dibasic and monobasic acids	Feb. 11, 1987.
P 86-271	Generic name: Chlorinated polymer latex	Mar. 18, 1987.
P 86-364	Generic name: Aryl substituted lactone	Apr. 8, 1987.
P 86-376	Generic name: Caprolactam-blocked TDI prepolymer	Mar. 20, 1987.
P 86-391	Generic name: Azoxy bis(substituted phenyl)azo bis substituted naphthalenesulfonic acid, salt	Mar. 11, 1987.
P 86-406	Generic name: Water reducible acrylic copolymer alkyd	Apr. 22, 1987.
P 86-590	Generic name: Thermoplastic polyurethane	Feb. 21, 1987.
P 86-833	Generic name: Polyurethane resins	Feb. 10, 1987.
P 86-886	Generic name: Polymer of acrylic and acrylates	Feb. 18, 1987.
P 86-903	Generic name: Succinate ester amide	Mar. 9, 1987.
P 86-905	Generic name: Functionalized ethane copolymer	Mar. 4, 1987.
P 86-923	Generic name: Zirconium (4+) alkanolamine complex	Feb. 19, 1987.
P 86-986	Generic name: Hydrocarbon resin	Feb. 26, 1987.
P 86-1035	Generic name: Polymer of aromatic diisocyanate, aliphatic diacid and alkanediols	Mar. 26, 1987.
P 86-1088	Generic name: Urethane acrylate with pendant hydroxy and carboxyl groups	Feb. 27, 1987.
P 86-1095	Generic name: Aryliminonaphthalenon	Mar. 2, 1987.

IV. 74 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity and generic name	Date of commencement
P 86-1096	Generic name: Substituted naphthol	Feb. 25, 1987.
P 86-1143	Generic name: Cationic copolymer	Apr. 2, 1987.
P 86-1183	Generic name: Substituted (substituted phenyl) alkanamide	Feb. 26, 1987.
P 86-1312	Polymer of epsilon-caprolactone and polyethylene glycol, 1,3-benzenedicarboxylic acid, polymer with 1,6-hexanediol and nonanedioic acid, 1,1' biphenyl, 4,4'-diisocyanato-3,3' dimethyl, poly(oxy-1,4-butanediyl), a-[[(3-isocyanatomethyl carbonyl)amino] carbonyl]-omega- [[[(3-isocyanatomethyl phenyl)amino] carbonyl]oxy]-, polytetramethylene amide-di-p-aminobenzoate, and 1,4 butanediol.	Jan. 1, 1987.
P 86-1358	Generic name: Hydroxy substituted benzoic acid derivative	Mar. 14, 1987.
P 86-1502	Generic name: Polyester-imide resin	Apr. 8, 1987.
P 86-1557	Generic name: Oxepanone polymer with polyalkoxy compound, tri functional polyol, substituted propanoic acid, a diamine and a diisocyanate.	Mar. 10, 1987.
P 86-1571	Generic name: Alkylalkoxysilane	Mar. 28, 1987.
P 86-1605	Generic name: N-alkylaminoacrylamide quaternary salt	Mar. 25, 1987.
P 86-1636	Generic name: Unsaturated aldehyde	Mar. 13, 1987.
P 86-1693	Generic name: Phenyl substituted nitrogen heterocycle	Mar. 2, 1987.
P 86-1774	Methylene bis-(4-cyclohexyl isocyanate)	Mar. 16, 1987.
P 87-22	Generic name: Aliphatic aromatic polyester	Mar. 1, 1987.
P 87-30	Generic name: Prepolymer of ethanol, 2, 2'-thiobis, ethanol, 2-mercapto, oxirane, methyl, and methylene bis-(4-cyclohexyl isocyanate).	Mar. 16, 1987.
P 87-49	Generic name: Modified acrylic polymer	Do.
P 87-93	Generic name: Alkylene diol alkyl ether	Mar. 13, 1987.
P 87-96	Generic name: Blocked isocyanate polymer B	Feb. 25, 1987.
P 87-97	Generic name: Blocked isocyanate polymer A	Do.
P 87-109	Generic name: Perfluoroalkyl ester	Jan. 22, 1987.
P 87-153	Generic name: Salt of substituted (phenylpyrazole)	Mar. 12, 1987.
P 87-161	Generic name: Disubstituted quinoline hydrochloride	Apr. 1, 1987.
P 87-204	Generic name: Aqueous polyurethane dispersion	Mar. 31, 1987.
P 87-232	Generic name: Cyclohexane carbanol acetate	Feb. 16, 1987.
P 87-237	Generic name: Water based acrylic copolymer solution	Mar. 16, 1987.
P 87-258	Generic name: Polymer of carboxy terminated acrylonitrile/butadiene reacted with an epoxy ester, mono- and dibasic fatty acids and poly alkylene polyamines.	Feb. 23, 1987.
P 87-278	Generic name: Inert perflurorcarbon liquid	Mar. 2, 1987.
P 87-280	Generic name: Modified polyacrylate polymer	Mar. 23, 1987.
P 87-283	Generic name: Epoxy modified alkyd resin	Mar. 19, 1987.
P 87-289	Generic name: Alkoxyamine/RE-32626	Apr. 6, 1987.
P 87-290	Generic name: Trione/RE-45550	Mar. 31, 1987.
P 87-341	Generic name: Modified epoxy resin	Mar. 17, 1987.
P 87-363	Polymer of trichloromethylsilane, dichlorodimethyl-silane, trichlorophenylsilane, and dichlorodi-phenylsilane	Apr. 2, 1987.
P 87-365	Polymer of trichloromethylsilane, and dichlorodimethylsilane	Do.
P 87-371	Generic name: Partially fluorinated polyamic acid	Apr. 7, 1987.
P 87-372	Generic name: Partially fluorinated polyamic acid	Mar. 27, 1987.
P 87-379	Generic name: Methacrylated polybutadiene	Apr. 8, 1987.
P 87-380	Generic name: Saturated Polyester polymer	Mar. 23, 1987.
P 87-381	Generic name: Urethane ester polymer	Do.
P 87-382	Generic name: Zinc-o-branched octyl-o-isopropyl phosphorodithioate	Apr. 6, 1987.
P 87-385	Generic name: 3,4-Hydroxyamino substituted benzenesulfonamide	Mar. 24, 1987.
Y 86-19	Generic name: Silicone modified alkyd	Mar. 13, 1987.
Y 86-179	Generic name: Linseed oil dicyclopentadiene, mixed C_{10}, C_{15}, C_{20} hydrocarbon, fumuric acid polymer	June 28, 1987.
Y 8-115	Generic name: Aliphatic polyether urethane	Mar. 24, 1987.

V. 0 Premanufacture Notices for Which the Period Has Been Suspended

[FR Doc. 87-17886 Filed 9-9-87; 8:45 am]
BILLING CODE 6560-50-M

federal register

Thursday
September 10, 1987

Part V

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for May 1987

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53097; FRL-3241-7]

Premanufacture Notices; Monthly Status Report for May 1987

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption requests pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for May 1987.

Nonconfidential portions of the PMNs and exemption requests may be seen in the Public Reading Room NE-G004 at the address below between 8:00 a.m. and 4:00 p.m., Monday thru Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "[OPTS-53097]" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

FOR FURTHER INFORMATION CONTACT: Wendy Cleland-Hamnett, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-613, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during May; (b) PMNs received previously and still under review at the end of May; (c) PMNs for which the notice review period has ended during May; (d) chemical substances for which EPA has received a notice of commencement to manufacture during May; and (e) PMNs for which the review period has been suspended. Therefore, the May 1987 PMN Status Report is being published.

Dated: July 27, 1987.

Denise Devoe,

Acting Director, Information Management Division.

Premanufacture Notices Monthly Status Report May 1987

I. 149 Premanufacture Notices and Exemption Requests Received During the Month

PMN No.	
P 87-1054	P 87-1119
P 87-1055	P 87-1120
P 87-1056	P 87-1121
P 87-1057	P 87-1122
P 87-1058	P 87-1123
P 87-1059	P 87-1124
P 87-1060	P 87-1125
P 87-1061	P 87-1126
P 87-1062	P 87-1127
P 87-1063	P 87-1128
P 87-1064	P 87-1129
P 87-1065	P 87-1130
P 87-1066	P 87-1131
P 87-1067	P 87-1132
P 87-1068	P 87-1133
P 87-1069	P 87-1134
P 87-1070	P 87-1135
P 87-1071	P 87-1136
P 87-1072	P 87-1137
P 87-1073	P 87-1138
P 87-1074	P 87-1139
P 87-1075	P 87-1140
P 87-1076	P 87-1141
P 87-1077	P 87-1142
P 87-1078	P 87-1143
P 87-1079	P 87-1144
P 87-1080	P 87-1145
P 87-1081	P 87-1146
P 87-1082	P 87-1147
P 87-1083	P 87-1148
P 87-1084	P 87-1149
P 87-1085	P 87-1150
P 87-1086	P 87-1151
P 87-1087	P 87-1152
P 87-1088	P 87-1153
P 87-1089	P 87-1154
P 87-1090	P 87-1155
P 87-1091	P 87-1156
P 87-1092	P 87-1157
P 87-1093	P 87-1158
P 87-1094	P 87-1159
P 87-1095	P 87-1160
P 87-1096	P 87-1161
P 87-1097	P 87-1162
P 87-1098	P 87-1163
P 87-1099	P 87-1164
P 87-1100	P 87-1165
P 87-1101	P 87-1166
P 87-1102	P 87-1167
P 87-1103	P 87-1168
P 87-1104	P 87-1169
P 87-1105	P 87-1170
P 87-1106	P 87-1171
P 87-1107	P 87-1172
P 87-1108	P 87-1173
P 87-1109	P 87-1174
P 87-1110	P 87-1175
P 87-1111	P 87-1176
P 87-1112	P 87-1177
P 87-1113	P 87-1178
P 87-1114	P 87-1179
P 87-1115	P 87-1180
P 87-1116	P 87-1181
P 87-1117	P 87-1182
P 87-1118	P 87-1183
P 87-1184	Y 87-150
P 87-1185	Y 87-151
P 87-1186	Y 87-152
P 87-1187	Y 87-153
P 87-1188	Y 87-154
Y 87-145	Y 87-155
Y 87-146	Y 87-156
Y 87-147	Y 87-157
Y 87-148	Y 87-158
Y 87-149	

II. 140 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	
P 87-914	P 87-976
P 87-915	P 87-977
P 87-916	P 87-978
P 87-917	P 87-979
P 87-918	P 87-980
P 87-919	P 87-981
P 87-920	P 87-982
P 87-921	P 87-983
P 87-922	P 87-984
P 87-923	P 87-985
P 87-924	P 87-986
P 87-925	P 87-987
P 87-926	P 87-988
P 87-927	P 87-989
P 87-928	P 87-990
P 87-929	P 87-991
P 87-930	P 87-992
P 87-931	P 87-993
P 87-932	P 87-994
P 87-933	P 87-995
P 87-934	P 87-996
P 87-935	P 87-997
P 87-936	P 87-998
P 87-937	P 87-999
P 87-938	P 87-1000
P 87-939	P 87-1001
P 87-940	P 87-1002
P 87-941	P 87-1003
P 87-942	P 87-1004
P 87-943	P 87-1005
P 87-944	P 87-1006
P 87-945	P 87-1007
P 87-946	P 87-1008
P 87-947	P 87-1009
P 87-948	P 87-1010
P 87-949	P 87-1011
P 87-950	P 87-1012
P 87-951	P 87-1013
P 87-952	P 87-1014
P 87-953	P 87-1015
P 87-954	P 87-1016
P 87-955	P 87-1017
P 87-956	P 87-1018
P 87-957	P 87-1019
P 87-958	P 87-1020
P 87-959	P 87-1021
P 87-960	P 87-1022
P 87-961	P 87-1023
P 87-962	P 87-1024
P 87-963	P 87-1025
P 87-964	P 87-1026
P 87-965	P 87-1027
P 87-966	P 87-1028
P 87-967	P 87-1029
P 87-968	P 87-1030
P 87-969	P 87-1031
P 87-970	P 87-1032
P 87-971	P 87-1033
P 87-972	P 87-1034
P 87-973	P 87-1035
P 87-974	P 87-1036
P 87-975	P 87-1037

P 87-1038
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P 87-1040
P 87-1041
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P 87-1046
P 87-1047
P 87-1048
P 87-1049
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P 87-1051
P 87-1052
P 87-1053

III. 259 Premanufacture Notices and Exemption Requests for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)

PMN No.

P 83-634
P 85-67
P 85-194
P 85-882
P 85-1149
P 85-1239
P 85-1240
P 85-1335
P 86-36
P 86-282
P 86-283
P 86-331
P 86-466
P 86-477
P 86-478
P 86-626
P 86-627
P 86-823
P 86-1014
P 86-1015
P 86-1162
P 86-1252
P 86-1299
P 86-1322
P 86-1660
P 86-1708
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Y 87-158

IV. 67 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity and generic name	Date of commencement
P 79-11	Benzene, ethenyl-, tribromo derivative, homopolymer	July 1, 1980.
P 80-1	3-Alkoxy(C_{10}-C_{14})-2-hydroxypropylester of dimer/trimer acid	Oct. 15, 1981.
P 81-447	Generic name: Polyester based urethane	May 4, 1987.
P 83-333	Generic name: Reaction product of polycycle-sulfonic acid salt with phosphorous halide/halogen, subsequent reaction with an amine, subsequent reaction with an aldehyde/sodium bisulfite/alkali.	Apr. 28, 1987.
P 83-846	Generic name: CI Basic Blue 54	Apr. 5, 1987.
P 83-1119	Generic name: Salt of alpha olefin/2,5- furandione polymer	Apr. 27, 1987.
P 85-649	Generic name: Sulfurized alkyl phenol	Oct. 7, 1985.
P 85-961	Generic name: Amine polyglycol	Mar. 26, 1987.
P 85-971	Generic name: Tetrafunctional mercaptoester reaction with propylene dicarboxylic acid	Aug. 14, 1985.
P 85-1097	Generic name: Metal salt of hydroxynaphthalene sulfonic acid ((substituted-naphthyl)azo)	Sept. 26, 1985.
P 85-1099	Generic name: Alkoxy borated polybutylsuccinamide	Apr. 20, 1987.
P 86-208	Generic name: Aromatic MDI polyether polyurethane	Apr. 10, 1987.
P 86-252	Generic name: Polyoxyalkylene-, polymethylalkyl-polysiloxane	Apr. 25, 1986.
P 86-269	1,2-Dimethyl-3-(1-methylethenyl)-cyclopentanol propionate mixture	Mar. 11, 1986.
P 86-392	Methyl carbamic acid, phenyl ester	Apr. 9, 1987.
P 86-534	Generic name: Substituted bis 1,3,2-dioxa-phosphorinane, 2,2'-dioxide	Apr. 21, 1987.
P 86-544	Generic name: Butanedioic acid, sulfo-,1,4-bis (3,3,4,4,5,5,6,6,7,7,8,8,8-tridecafluorooctyl)ester, sodium salt	Aug. 26, 1986.
P 86-1123	Generic name: Acrylate methacrylate styrene polymer	Apr. 20, 1987.
P 86-1151	Generic name: Styrenated acrylic polymer	Apr. 13, 1987.

IV. 67 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Identity and generic name	Date of commencement
P 86-1169	Generic name: Polyester modified epoxy resin	Apr. 23, 1987.
P 86-1170	Generic name: Polyamide/acrylic copolymer	Apr. 3, 1987.
P 86-1171	Generic name: Substituted phenylazo naphthalene	Apr. 23, 1987.
P 86-1234	Generic name: Poly(hydroxyether)thiol	Sept. 29, 1986.
P 86-1238	Generic name: Lactam capped polyurethane	Apr. 22, 1987.
P 86-1239	Generic name: Amino functional paintable silicone wax	Mar. 31, 1987.
P 86-1285	Generic name: 3-Hydroxy-2-naphthalene-carboxylic acid benzeneamine, 2,4-dimethoxy-	Apr. 15, 1987.
P 86-1286	Generic name: 2-Naphthalenecarboxamide,3-hydroxy-N-phenyl-3-hydroxy-7-methoxy-2-naphthalenecarboxylic acid aniline.	Do.
P 86-1287	2-Naphthalenecarboxamide, 3-hydroxy-N-(2 methylphenyl)-potassium salt	Do.
P 86-1499	Generic name: Branched fatty alcohols	Apr. 22, 1987.
P 86-1622	Polymer of: siloxane DC1248, 2,4-toluene diisocyanate, and hydroxy ethyl acrylate	Apr. 30, 1987.
P 86-1690	Generic name: Phenyl substituted nitrogen heterocycle	Apr. 8, 1987.
P 86-1765	Generic name: Acrylic modified alkyd resin	Apr. 1, 1987.
P 86-1766	Generic name: Alkyd resin	Do.
P 86-1767	Generic name: Alkyd resin	Apr. 2, 1987.
P 86-1768	Generic name: Alkyd resin	Do.
P 86-1769	Generic name: Modified alkyd resin	Apr. 3, 1987.
P 87-51	Generic name: Hydroxylated substituted phenol	Apr. 4, 1987.
P 87-52	Generic name: Oil modified polyurethane	Do.
P 87-53	Generic name: Oil modified polyurethane	Apr. 5, 1987.
P 87-54	Generic name: Oil modified polyurethane	Do.
P 87-55	Generic name: Acrylic resin	Apr. 6, 1987.
P 87-95	Generic name: Acrylonitrile copolymer	Apr. 16, 1987.
P 87-124	Bicyclo[2.2.1] heptane-2-methanol, 5,6-dimethyl-(1-methylethenyl)	Apr. 2, 1987.
P 87-190	Generic name: Alkyd resin	Apr. 6, 1987.
P 87-209	Generic name: Pentenenitrili nickel (11) cyanoborate complex	Apr. 2, 1987.
P 87-269	Generic name: Rosin and phenolic modified alkyd resin	Apr. 7, 1987.
P 87-281	Generic name: Acrylated alkyd resin	Do.
P 87-362	Trichloromethylsilane	Apr. 2, 1987.
P 87-390	Generic name: Modified alkyd resins	Apr. 8, 1987.
P 87-392	Generic name: Modified alkyd resins	Do.
P 87-393	Generic name: Modified alkyd resins	Apr. 9, 1987.
P 87-394	Generic name: Modified alkyd resins	Do.
P 87-395	Generic name: Modified alkyd resins	Apr. 10, 1987.
P 87-397	Generic name: Modified acrylic polymer	Do.
P 87-428	Generic name: Polyester	Apr. 28, 1987.
P 87-465	Generic name: Phosphite derivative	Apr. 20, 1987.
P 87-501	Generic name: Organo-aluminum compound	Apr. 27, 1987.
P 87-506	Generic name: Ammonium bis 1-(3,5-disubstituted-2-hydroxy phenol)azo-3-(N-monosubstituted)-2-naphtalenolate (2-) chromate (1).	Do.
P 87-514	Generic name: 2,6-bis(substitutedamino)-3-methyl-fluoran	Apr. 29, 1987.
P 87-515	Generic name: Poly ether glycol	Do.
P 87-535	Generic name: Vinyl silicone resin	May 4, 1987.
Y 87-22	Generic name: Polyester resin of aryl of dicarboxylic acids and alkane diols	Apr. 22, 1987.
Y 87-52	Generic name: Polyesterimide polymer B	Feb. 25, 1987.
Y 87-54	Generic name: Polyesterimide polymer A	Do.
Y 87-118	Generic name: Polyurethane	Apr. 15, 1987.
Y 87-132	Generic name: Saturated polyester resin	Do.
Y 87-133	Generic name: Water reducible alkyd resin	Do.

V. 25 PREMANUFACTURE NOTICES FOR WHICH THE PERIOD HAS BEEN SUSPENDED

PMN No.

P 86-632
P 87-547
P 87-548
P 87-549
P 87-561
P 87-568
P 87-569
P 87-570
P 87-571
P 87-586
P 87-635
P 87-636
P 87-637
P 87-638
P 87-639
P 87-640
P 87-641
P 87-642
P 87-650
P 87-700
P 87-717
P 87-723
P 87-796
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[FR Doc. 87-17748 Filed 9-9-87; 8:45 am]

BILLING CODE 6560-50-M

federal register

Thursday
September 10, 1987

Part VI

Department of Education

34 CFR Part 326

Handicapped Youth Program; Secondary Education and Transitional Services; Final Rule and Notices

DEPARTMENT OF EDUCATION

34 CFR Part 326

Secondary Education and Transitional Services for Handicapped Youth Program

AGENCY: Department of Education.

ACTION: Technical amendments.

SUMMARY: The Secretary issues final regulations for the Secondary Education and Transitional Services for Handicapped Youth Program in order to implement the amendments to section 626 of the Education of the Handicapped Act (EHA) included in the EHA Amendments of 1986, Pub. L. 99-457.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Dr. William Halloran, Secondary and Transitional Services for Handicapped Youth Program, Division of Educational Services, Office of Special Education Programs, U.S. Department of Education, MES Room 4094, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 732-1112.

SUPPLEMENTARY INFORMATION: The Secondary Education and Transitional Services for Handicapped Youth Program was established under Pub. L. 98-199 and is currently authorized by section 626 of Part C of the Education of the Handicapped Act (20 U.S.C. 1425). Section 626 was amended by Pub. L. 99-457, enacted October 8, 1986. Section 626(e) now authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with, such organizations or institutions determined by the Secretary to be appropriate for the development or demonstration of new or improvements in existing methods, approaches, or techniques that will contribute to the adjustment and education of handicapped children and youth and the dissemination of materials and information on effective practices. The Secretary has decided that exercise of this authority would probably be through individual Requests for Proposals and not through this Part. Changes in the regulations include expansion of the definition of handicapped youth to include individuals who were enrolled in the seventh or higher grade in school and recently left school; allowance for the support of projects to stimulate the improvement of the vocational and life skills of handicapped students to enable them to be better prepared for transition to adult life and services; and the establishment of special application requirements for projects other than studies and evaluations. The listing of priority areas has also been expanded to include dropout studies, curriculum development, and specially designed therapeutic recreation programs. These amendments to the regulations governing this program are technical in nature, and are inserted to implement new legislation.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Waiver of Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. Because the changes made in the regulations merely incorporate statutory changes into existing regulations and do not establish new substantive policy, public comment could have no effect on the content of these amendments. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B) that proposed rulemaking on these amendments is unnecessary and contrary to the public interest.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened Federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

The Secretary has determined that the regulations in this document would not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 326

Education, Education of handicapped, Education—research, Grants Program—education, Secondary Education and Transitional Services.

(Catalog of Federal Domestic Assistance Number 84.158; Secondary Education and Transitional Services for Handicapped Youth Program)

Dated: August 28, 1987.

William J. Bennett,

Secretary of Education.

The Secretary amends Part 326 of Title 34 of the Code of Federal Regulations as follows:

PART 326—SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH PROGRAM

1. The authority citation for Part 326 is revised to read as follows:

Authority: 20 U.S.C. 1425, unless otherwise noted.

2. In § 326.1, paragraphs (a)(2) (i) and (ii) are revised and (a)(2)(iii) is added to read as follows:

§ 326.1 What Is the Secondary Education and Transitional Services for Handicapped Youth Program?

(a) * * *

(2) * * *

(i) Strengthen and coordinate education and related services that assist handicapped youth currently in school or who recently left school to assist them in the transition to competitive or supported employment, postsecondary education, vocational training, continuing education, or adult services;

(ii) Stimulate the improvement and development of programs for secondary special education; or

(iii) Stimulate the improvement of the vocational and life skills of handicapped students to enable them to be better prepared for transition to adult life and services.

* * * * *

3. In § 326.4, paragraphs (c)(1) (i) and (ii) are revised and (c)(1)(iii) is added to read as follows:

§ 326.4 What definitions apply to this program?

* * * * *

(c) * * *

(1) * * *

(i) Is twelve years of age or older;

(ii) Is enrolled in the seventh or higher grade in school; or

(iii) Was enrolled in the seventh or higher grade in school and recently left school.

(Authority: 20 U.S.C. 1401(b), 1425(a)(1))

* * * * *

4. In § 326.10, paragraph (a)(3) is amended by removing the word "training" the first time it appears, and adding in its place "education" and paragraph (a)(4) is revised to read as follows:

§ 326.10 What kinds of projects are authorized under this part?

(a) * * *

(4) To stimulate the improvement of the vocational and life skills of handicapped students to enable them to be better prepared for transition to adult life and services.

* * * * *

5. Section 326.20 is amended by revising paragraph (b) to read as follows:

§ 326.20 What must an applicant include in its application?

* * * * *

(b) Each applicant, other than for the purpose of conducting studies or evaluation, shall—

(1) Describe the procedures to be used for disseminating relevant findings and data to regional resource centers, clearinghouses, and other interested persons, agencies, or organizations;

(2) Describe the procedures to be used for coordinating services among agencies for which handicapped youth are or will be eligible;

(3) To the extent appropriate, provide for the direct participation of handicapped students and the parents of handicapped students in the planning, development, and implementation of such projects.

* * * * *

6. Section 326.30 is amended by adding in paragraph (b) the words "individualized education" before the word "programs", in paragraph (e) by removing the words "public employment" and adding in their place "and public employment agencies", and by adding new paragraphs (i), (j), and (k) to read as follows:

§ 326.30 What priorities are considered for support by the Secretary under this part?

* * * * *

(i) *Drop Out Studies.* This priority supports studies which provide information on the numbers, age levels, types of handicapping conditions and reasons why handicapped youth drop out of school.

(j) *Curriculum Development.* This priority supports the development of special education curriculum and instructional techniques that will improve handicapped students' acquisition of the skills necessary for transition to adult life and services.

(k) *Physical Education and Therapeutic Recreation.* This priority supports specially designed physical education and therapeutic recreation programs to increase the potential of handicapped youth for community participation.

(Authority: 20 U.S.C. 1425)

7. A new § 326.34 is added to read as follows:

§ 326.34 Are awards in this program geographically dispersed?

As much as feasible, the Secretary, in addition to using the criteria in §§ 326.32 and 326.33, geographically disperses awards throughout the Nation in urban as well as rural areas.

(Authority: 20 U.S.C. 1425)

[FR Doc. 87-20775 Filed 9-9-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Secondary Education and Transitional Services for Handicapped Youth Program

AGENCY: Department of Education.

ACTION: Notice of proposed annual funding priorities.

SUMMARY: The Secretary proposes annual funding priorities for the Secondary Education and Transitional Services for Handicapped Youth Program to ensure effective use of funds and to direct funds to areas of identified need during fiscal year 1988.

DATE: Comments must be received on or before October 13, 1987.

ADDRESS: Comments should be addressed to Dr. Joseph Clair, Division of Educational Services, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW. (Switzer Building, Room 4092) Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Edward Wilson, Telephone: (202) 732–1121.

SUPPLEMENTARY INFORMATION: The Secondary Education and Transitional Services for Handicapped Youth Program is authorized by section 626 of Part C of the Education of the Handicapped Act (20 U.S.C. 1425), as amended by Pub. L. 99–457. This program supports research, development, demonstration, evaluation, and other types of projects that: (1) Strengthen and coordinate activities to assist in the transition to postsecondary education, vocational training, competitive employment, continuing education, or adult services for handicapped youth; (2) stimulate the improvement and development of programs for secondary special education; and (3) stimulate the improvement of the vocational and life skills of handicapped students to enable them to be better prepared for transition to adult life and services.

These proposed annual funding priorities target: (1) Projects for youth with severe handicaps to be prepared for and placed in supported work prior to their leaving school, and (2) projects to improve existing tracking systems for youth who complete or leave secondary education and to improve secondary education practices based on continued analysis of outcome data.

Eligible Applicants

Awards are made under this program to institutions of higher education, State educational agencies, local educational agencies, and other public and private nonprofit institutions or agencies (including the State job training coordinating councils and services delivery area administration entities established under the Job Training Partnership Act).

Proposed Priorities

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105 (c)(3), the Secretary proposes to give an absolute preference to applications addressing the following priorities:

(a) *Priority 1: Training and employment models for youth with severe handicaps.* This priority supports school and community based projects for youth with severe handicaps to be prepared for and placed in supported work prior to leaving school. Models funded under this competition are expected to emphasize the following: (1) Collaboration with employers and measurement of employer satisfaction; (2) program evaluation with outcome measures to determine initial and continuing employment status; (3) working relationships between education agencies and supported work efforts at the State and/or local level; and (4) working partnerships with families that demonstrate a commitment to maximizing independence. The outcome of these models is to place youth with severe handicaps in supported employment. Supported employment must include paid employment in integrated work settings and ongoing support from adult service agencies.

(b) *Priority 2: Secondary and Transition Services follow-up/follow-along projects.* This priority supports school and community based projects to improve tracking systems for youth who complete or leave secondary programs and to revise curriculum and/or program options based on continued analysis of outcome data. Models funded under this competition are expected to emphasize the following: (1) A commitment to enhance existing procedures for a follow-up/follow-along system for all youth who complete or leave secondary education, and (2) revision of existing program options to improve outcomes for youth with handicaps completing or leaving school. Placement status of youth in the community must be the performance standard used to target these outcomes.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened Federalism by relying on State and local processes for State and local government coordination review of proposed Federal financial assistance.

In accordance with the order, this document provides early notification of the Department's specific plans and actions for this program.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities. All comments submitted in response to these proposed priorities will be available for public inspection, during and after the comment period, in Room 4092, 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. 1455)

(Catalog of Federal Domestic Assistance No. 84.158; Secondary & Transitional Services Education Programs for Handicapped Persons)

Dated: August 28, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87–20776 Filed 9–9–87; 8:45 am]

BILLING CODE 4000–01–M

Notice Inviting Applications for New Grant Awards Under the Secondary Education and Transitional Services Program for Fiscal Year 1988

This notice includes two competitions: Training and Employment Models for Youth with Severe Handicaps (CFDA Number 84.158N) and Secondary and Transitional Services Follow-up/Follow-along Projects (CFDA Number 84.158R).

Purpose: To strengthen and coordinate activities that assist in the transition to postsecondary education, vocational training, competitive employment, continuing education, or adult services for handicapped youth; to stimulate improvement of secondary special education programs; and to stimulate the improvement of vocational and life skills of handicapped students to enable them to be better prepared for the transition to adult life and services.

Deadline for Transmittal of Applications: For 84.158N, February 12, 1988; for 84.158R, April 15, 1988.

Deadline for Intergovernmental Review Comments: N–4/12/88, R–6/15/88.

Applications Available: November 2, 1987.

Estimated Range of Awards: For 84.158N, $80,000–$120,000: for 84.158R, $110,000–$130,000.

Estimated Size of Awards: For 84.158N, $100,000; for 84.158R, $120,000.

Estimated Number of Awards: For 84.158N, 10; for 84.158R, 7.

Average Project Period: 3 years for 84.158N, and 4 years for 84.158R.

Applicable Regulations: (a) The regulations for the Secondary Education and Transitional Services for Handicapped Youth Program, 34 CFR Part 326, including the amendments to the regulations published in this issue of the **Federal Register;** (b) the Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 76, 77, and 78; and (c) when adopted in final form, the notice of proposed annual priorities published in this issue of the **Federal Register.** Applicants should prepare their applications based on the proposed priorities. If there are any substantive changes made when the final priorities are published, applicants will be given the opportunity to amend or resubmit their applications.

For Applications or Information Contact: Edward Wilson, Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 3092–M/S 2313), Washington, DC 20202. Telephone: (202) 732–1121.

Program Authority: 20 U.S.C. 1455.

Dated: September 4, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

[FR Doc. 87–20777 Filed 9–9–87; 8:45 am]

BILLING CODE 4000–01–M

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