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DENVER, CO

WHEN: December 15; at 9 a.m.

WHERE: Room 239, Federal Building, 1961 Stout Street, Denver, CO.

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NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 706

Credit Practices

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: On September 9, 1987, the NCUA Board adopted the Prohibited Lending Practices Rule as an interim final rule. The rule, which applies to consumer credit obligations, prohibits the use by Federal credit unions (FCU's) of four contract provisions and the pyramiding of late charges. The rule also requires that a notice be given to potential cosigners of credit obligations. The Board is now adopting the rule as a final rule. The final rule contains several clarifying amendments and has been renamed the Credit Practices Rule. The rule is substantially comparable to a Federal Trade Commission rule that FCU's have complied with since 1985. The rule is necessary because of a statutory amendment transferring jurisdiction to NCUA.

EFFECTIVE DATE: December 9, 1987.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: James J. Engel, Deputy General Counsel, or Julie Tamuleviz, Staff Attorney, NCUA, Office of General Counsel, at the above address, or telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION: On September 9, 1987, the NCUA Board adopted the Prohibited Lending Practices Rule (52 FR 35060, September 17, 1987) as an interim final rule. The rule, which applies to consumer credit obligations, prohibits the use by FCU's of four contract provisions and the pyramiding of late charges. The prohibited contract provisions are: (1) Confessions of judgment or cognovits: (2) waivers of exemption: (3) wage assignments; and (4) a nonpurchase money security interest in household goods. The rule also requires that a notice be given to potential cosigners of consumer credit obligations.

The rule was immediately effective. A sixty-day comment period was provided. Eight comments were received. Comments were received from 3 credit unions, 2 credit union trade associations, 2 state credit union leagues, and a credit union products corporation.

Prior to the Competitive Equality Banking Act of 1987 (CEBA), Pub. L. 100–86, Federal credit unions were subject to the Federal Trade Commission's (FTC) Credit Practices Rule, 16 CFR 444. Pursuant to an amendment to the Federal Trade Commission Act by CEBA, Federal credit unions are no longer subject to the FTC's rule. FCU's are now subject to NCUA's rule. NCUA's rule is substantially similar to the FTC's rule. Readers seeking further information on the interpretation of NCUA's rule should refer to the preamble to NCUA's interim final rule, 52 FR 35060, September 17, 1987, and the preamble to the FTC's Credit Practices Rule, 49 FR 7740, March 1, 1984. As explained below, several amendments have been made to the interim final rule. Also, to clarify that the rule is, in essence, a continuation of the rules FCU's adhered to when they were subject to the FTC's jurisdiction, the title of the rule is being changed to the Credit Practices Rule.

One commenter asked whether states that had received an exemption from the FTC's Credit Practices Rule would be required to reapply for an exemption from NCUA pursuant to § 706.5 of NCUA's rule. Section 706.5 has been amended as a result of this comment. The NCUA Board has determined that it will recognize FTC exemptions granted prior to September 17, 1987, the date NCUA's interim final rule was published in the **Federal Register**, provided that the state forwards a copy of the exemption to the appropriate NCUA Regional Office. NCUA will honor the FTC exemption for as long as the state administers and enforces the state requirement or prohibition effectively. Any state requiring any further exemption from that granted to it by the FTC must apply to NCUA pursuant to § 706.5.

One commenter questioned whether the notice to cosigner required by § 706.3 of the rule was subject to the Paperwork Reduction Act (Act). The Office of Management and Budget, citing 5 CFR 1320.7(c)(2), has determined that the notice is not subject to the Act.

Three commenters requested that the rule be amended to permit the notice of cosigner to be incorporated into the document evidencing the cosigner's obligation. The Board believes that the notice to cosigner provides cosigners with adequate notice of their potential liability on the consumer credit obligation, and that the notice need not be contained in a separate document. FCU's may, at their option, continue to provide the notice in a separate document.

Two commenters asked whether FCU's would be permitted to include in the notice of cosigner information identifying the loan and a line for acknowledging the cosigner's receipt of the notice. Section 706.3(b) of NCUA's interim rule provides that "* * * a disclosure, consisting of a separate document that shall contain the following statement and no other, shall be given to the cosigner prior to becoming obligated * * *." This language is identical to the language contained in the FTC's Credit Practices Rule. The FTC has interpreted this language to permit creditors to include in the notice to cosigner loan identifying information such as the creditor's name, address, a loan identification number, the date and amount of the loan, and a line for acknowledging the notice's receipt, provided that this information is presented in summary form and is not part of the narrative portion of the notice. The NCUA Board agrees with this result, but believes that, for purposes of clarity, this information should be contained in the rule. Therefore, § 706.3 is being amended in a manner consistent with this interpretation.

A further concern raised by one of the commenters was whether the Notice of Cosigner could be modified when state law does not permit one of the remedies, e.g., garnishment, referred to in the notice, or the notice is otherwise inconsistent with state law. In a Staff Advisory Letter, the FTC determined that, if a state law forbids wage

garnishment, the cosigner notice may be amended to delete wage garnishment as a collection remedy because the notice should accurately reflect state law. The NCUA Board agrees with this opinion. If state law does not permit a remedy or action referred to in the notice to cosigner, reference to such remedy or action may be deleted. Section 706.3 is being amended to clarify this point. It is further being clarified to provide that, unless state law forbids it, a cosigner notice required by state law may appear on the same document as the notice required by § 706.3. States having cosigner notice requirements that afford a level of protection to consumers that is substantially equivalent to, or greater than, the protection afforded by § 706.3, may apply for an exemption pursuant to § 706.5.

One commenter requested that the prohibition against wage assignments contained in the rule be deleted, thereby providing FCU's with an additional remedy to satisfy loan delinquencies. The FTC prohibited the use of certain wage assignments in its rule based on a determination that consumers suffer substantial injury when such wage assignments are used as a collection device. The FTC stated that wage assignments, which occur without the procedural safeguards of a hearing and an opportunity to be heard, result in interference with employment relationships, pressure from threats to file wage assignments with employers, and disruption of family finances. (See 49 FR 7757, March 1, 1984.) The NCUA Board believes that these harms outweigh any benefit that FCU's may receive from a deletion of the prohibition. The Board's position on this issue is in accord with similar rules issued by the Federal Reserve Board and the Federal Home Loan Bank Board. (See 12 CFR Part 227 and 12 CFR Part 535, respectively.)

Another commenter asked whether a consumer credit obligation that is secured by a purchase money security interest in household goods, as defined by § 706.1(f) of the rule, that contains a cross-collateral clause that attempts to make the household goods serve as security for all prior, current and future loans the creditor would make to the debtor, violates the § 706.2(a)(4) prohibition against nonpurchase money security interests in household goods. The FTC, by Staff Advisory Letter, determined that this type of cross-collateral clause violates its prohibition against nonpurchase money security interests in household goods. The NCUA Board agrees with this opinion. The Board has determined that it is not necessary to include this interpretation in its rule.

Lastly, one commenter requested that NCUA adopt Official Staff Guidelines interpreting the rule rather than issuing informal staff opinions. As the need arises to clarify or interpret the rule, The NCUA Board will determine whether regulatory amendments, a formal Board interpretive ruling, or staff opinions are appropriate.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board has determined and certifies that this rule will not have a significiant economic impact on a substantial number of small credit unions (primarily those under one million in assets) as the rule does not impose any additional requirements on any FCU, but merely maintains rules that FCU's have been subject to since March 1, 1985 (the date FCU's became subject to the FTC's Credit Practices Rule). Accordingly, the NCUA Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

The Office of Management and Budget (OMB) has determined that the disclosure requirement contained in § 706.3 of the rule is not a collection of information requirement subject to the Paperwork Reduction Act. OMB cited 5 CFR 1320.7(c)(2) in support of this determination.

List of Subjects in 12 CFR Part 706

Credit unions, Credit practices, Unfair or deceptive acts.

By the National Credit Union Administration Board on December 3, 1987.

Becky Baker,

Secretary, NCUA Board.

Accordingly, NCUA amends its regulations as follows:

1. Part 706 is revised to read as follows:

PART 706—CREDIT PRACTICES

Sec.

Authority: 15 U.S.C. 57a(f).

§ 706.1 Definitions.

(a) *Person.* An individual, corporation, or other business organization.

(b) *Consumer.* A natural person member who seeks or acquires goods, services, or money for personal, family, or household use.

(c) *Obligation.* An agreement between a consumer and a Federal credit union.

(d) *Debt.* Money that is due or alleged to be due from one to another.

(e) *Earnings.* Compensation paid or payable to an individual or for his or her account for personal services rendered or to be rendered by him or her, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, retirement, or disability program.

(f) *Household goods.* Clothing, furniture, appliances, one radio and one television, linens, china, crockery, kitchenware, and personal effects (including wedding rings) of the consumer and his or her dependents, provided that the following are not included within the scope of the term "household goods":

(1) Works of art;

(2) Electronic entertainment equipment (except one television and one radio);

(3) Items acquired as antiques; and

(4) Jewelry (except wedding rings).

(g) *Antique.* Any item over one hundred years of age, including such items that have been repaired or renovated without changing their original form or character.

(h) *Cosigner.* A natural person who renders himself or herself liable for the obligation of another person without receiving goods, services, or money in return for the credit obligation, or, in the case of an open-end credit obligation, without receiving the contractual right to obtain extensions of credit under the obligation. The term includes any person whose signature is requested as a condition to granting credit to a consumer, or as a condition for forbearance on collection of a consumer's obligation that is in default. The term does not include a spouse whose signature is required on a credit obligation to perfect a security interest pursuant to state law. A person is a cosigner within the meaning of this definition whether or not he or she is designated as such on a credit obligation.

§ 706.2 Unfair credit practices.

(a) In connection with the extension of credit to consumers, it is an unfair act or practice for a Federal credit union, directly or indirectly, to take or receive from a consumer an obligation that:

(1) Constitutes or contains a cognovit or confession of judgment (for purposes other than executory process in the State of Louisiana), warrant of attorney, or other waiver of the right to notice and

the opportunity to be heard in the event of suit or process thereon.

(2) Constitutes or contains an executory waiver or a limitation of exemption from attachment, execution, or other process on real or personal property held, owned by, or due to the consumer, unless the waiver applies solely to property subject to a security interest executed in connection with the obligation.

(3) Constitutes or contains an assignment of wages or other earnings unless:

(i) The assignment by its terms is revocable at the will of the debtor, or

(ii) The assignment is a payroll deduction plan or preauthorized payment plan, commencing at the time of the transaction, in which the consumer authorizes a series of wage deductions as a method of making each payment, or

(iii) The assignment applies only to wages or other earnings already earned at the time of the assignment.

(4) Constitutes or contains a nonpossessory security interest in household goods other than a purchase money security interest.

§ 706.3 Unfair or deceptive cosigner practices.

(a) Prohibited practices. In connection with the extension of credit to consumers, it is:

(1) A deceptive act or practice for a Federal credit union, directly or indirectly, to mispresent the nature or extent of cosigner liability to any person.

(2) An unfair act or practice for a Federal credit union, directly or indirectly, to obligate a cosigner unless the cosigner is informed prior to becoming obligated, which in the case of open-end credit means prior to the time that the agreement creating the cosigner's liability for future charges is executed, of the nature of his or her liability as cosigner.

(b) Disclosure requirement.

(1) To comply with the cosigner information requirement of paragraph (a)(2) of this section, a clear and conspicuous disclosure statement shall be given in writing to the cosigner prior to becoming obligated. The disclosure statement will contain only the following statement, or one which is substantially equivalent, and shall either be a separate document or included in the documents evidencing the consumer credit obligation.

Notice to Cosigner

You are being asked to guarantee this debt. Think carefully before you do. If the borrower doesn't pay the debt, you will have to. Be sure you can afford to pay if you have to, and that you want to accept this responsibility.

You may have to pay up to the full amount of the debt if the borrower does not pay. You may also have to pay late fees or collection costs, which increase this amount.

The creditor can collect this debt from you without first trying to collect from the borrower. The creditor can use the same collection methods against you that can be used against the borrower, such as suing you, garnishing your wages, etc. If this debt is ever in default, that fact may become a part of your credit record.

This notice is not the contract that makes you liable for the debt.

(2) If the notice to cosigner is a separate document, nothing other than the following items may appear with the notice. Items (i) through (v) may not be part of the narrative portion of the notice to cosigner.

(i) The name and address of the Federal credit union;

(ii) An identification of the debt to be consigned (e.g., a loan identification number);

(iii) The amount of the loan;

(iv) The date of the loan;

(v) A signature line for a cosigner to acknowledge receipt of the notice; and

(vi) To the extent permitted by state law, a cosigner notice required by state law may be included in the paragraph (b)(1) notice.

(3) To the extent the notice to cosigner specified in paragraph (b)(1) of this section refers to an action against a cosigner that is not permitted by state law, the notice to cosigner may be modified.

§ 706.4 Late charges

(a) In connection with collecting a debt arising out of an extension of credit to a consumer, it is an unfair act or practice for a Federal credit union, directly or indirectly, to levy or collect any delinquency charge on a payment, which payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period, when the only delinquency is attributable to late fee(s) or delinquency charge(s) assessed on earlier installment(s).

(b) For purposes of this section, "collecting a debt" means any activity other than the use of judicial process that is intended to bring about or does bring about repayment of all or part of a consumer debt.

§ 706.5 State exemptions.

(a) If, upon application to the NCUA by an appropriate state agency, the NCUA determines that:

(1) There is a state requirement or prohibition in effect that applies to any transaction to which a provision of this rule applies; and

(2) The state requirement or prohibition affords a level of protection to consumers that is substantially equivalent to, or greater than, the protection afforded by this rule; then that provision of this rule will not be in effect in the state to the extent specified by the NCUA in its determination, for as long as the state administers and enforces the state requirement or prohibition effectively.

(b) States that received an exemption from the Federal Trade Commission's Credit Practices Rule prior to September 17, 1987, are not required to reapply to NCUA for an exemption under subparagraph (a) of this section provided that the state forwards a copy of its exemption determination to the appropriate Regional Office. NCUA will honor the exemption for as long as the state administers and enforces the state requirement or prohibition effectively. Any state seeking a greater exemption than that granted to it by the Federal Trade Commission must apply to NCUA for the exemption.

[FR Doc. 87-28212 Filed 12-8-87; 8:45 am]
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DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 801

[Docket No. 70865-7255]

U.S. Trade in Services; Revisions in Reporting Requirements for the BE-47, BE-48, and BE-93 Surveys of Services Transactions With Foreign Persons

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Final rule.

SUMMARY: These final rules amend 15 CFR Part 801 to change the titles and reporting requirements for three annual surveys of U.S. services transactions with foreign persons, conducted by the Bureau of Economic Analysis (BEA), U.S. Department of Commerce. The three surveys are the BE-47 (on construction, engineering, architectural, and mining services), the BE-48 (on insurance), and the BE-93 (on royalties, license fees, and other receipts and payments for intangible rights). These surveys are mandatory and are conducted pursuant to the International Investment and Trade in Services Survey Act.

These final rules implement changes in the three surveys that were proposed for them when they were to have been included in the original draft of BEA's BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. That draft, which was to have covered 1985, was disapproved by the Office of Management and Budget (OMB). In preparing the revised version, which was approved and covers 1986, it was decided to keep these three surveys separate, but to revise them along the lines proposed in the BE–20.

EFFECTIVE DATE: These rules will be effective January 8, 1988, commencing with the reports covering fiscal year 1987, which will be mailed to respondents in January 1988 and will be due March 31, 1988.

FOR FURTHER INFORMATION CONTACT: Betty L. Barker, Acting Chief, International Investment Division (BE–50), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 523–0659.

SUPPLEMENTARY INFORMATION: In the September 30, 1987 **Federal Register**, Volume 52, No. 189, 52 FR 36587, BEA published a notice of proposed rulemaking to change the titles and reporting requirements for the BE–47, BE–48, and BE–93 surveys of U.S. services transactions with foreign persons. No comments on the proposed rulemaking were received. Thus, the final rule changes are the same as the proposed rule changes.

These final rules implement changes in the three surveys that were proposed when they were to have been included in the original draft of the BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons. That draft was disapproved by OMB in October 1985. Following the disapproval, BEA and a task force composed of members of the Business Council on the Reduction of Paperwork (formerly the Business Advisory Council on Federal Reports) agreed that the BE–47, –48, and –93 surveys should remain separate forms. Thus, they were omitted from the BE–20 for 1986 as finally approved by OMB and will be kept separate from the annual follow-on survey to the BE–20 planned for subsequent years. It was understood, however, that, despite being kept separate, the BE–47, –48, and –93 would be revised to incorporate changes proposed earlier in the BE–20. These rules implement the proposed changes. No changes in the exemption levels for the three surveys are being made. However, because of changes in some of the information to be reported, the exemption levels may be applied to additional items.

The title of the BE–47 has been changed to "Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons." (The former title was "Foreign Contract Operations of U.S. Construction, Engineering, Architectural, and Related Consulting and Technical Services Firms.") The addition of "mining services" in the title clarifies that such services are covered by the form. (They were covered previously as well, but the title did not so indicate.) The deletion of "related consulting and technical services" in the title is intended to avoid erroneous inclusion of all consulting and technical services on this form. Consulting and technical services are to be included on the BE–47 only if they are integral parts of a reportable construction, engineering, architectural, or mining services project; if they are not integral parts of such projects, they are to be reported in the BE–20 benchmark (or its planned annual follow-on) survey instead.

The revised description of "Who must report" in the BE–47 survey is primarily for clarification purposes; no substantive changes are intended.

The $1,000,000 exemption level for the BE–47 survey is applied to a new item being added to the form. Thus, it is applied not only to gross operating revenues, as before, but also to the new item, gross value of new contracts received.

These rules change the title of the BE–48 survey to "Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies With Foreign Persons." (Its former title was "Reinsurance Transactions With Insurance Companies Resident Abroad.") The change in title reflects an expansion in survey coverage. Formerly, the BE–48 covered only *re*insurance transactions with foreign persons (whether affiliated or unaffiliated). It now also covers *sales* of insurance by primary insurers directly to foreign persons and losses paid on such insurance. The rules on "Who must report" have been revised to indicate that sales of primary insurance are now reportable. Also, the $1,000,000 exemption level for the form is now applied to primary insurance premiums received and primary insurance losses paid, as well as to reinsurance premiums received, premiums paid, losses paid, and losses recovered. It should be noted that only *sales* of direct insurance are covered; purchases of such insurance are reportable on the BE–20 benchmark (or its planned annual follow-on) survey.

These rules change the title of the BE–93 survey to "Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons." (The former title was "International Transactions in Royalties, Licensing Fees, Film Rentals, Management Fees, Etc., With Unaffiliated Foreign Residents.") The change in title, and also in the reporting requirements for this survey, mainly reflect the exclusion of management and administrative fees from the form; such fees are now covered on the BE–20 benchmark (or its planned annual follow-on) survey. Also, on the form itself, a disaggregation by type of intangible right has been added; this disaggregation, however, does not require a rule change to implement.

It should be noted that the due date for each survey, as approved by OMB, is "90 days after the end of the U.S. Reporter's fiscal year." (The Reporter's fiscal year is defined as the financial reporting year that has an ending date in a given calendar year.) However, because revised survey forms covering fiscal year 1987 will not be ready for mailout until early January 1988, the due date for the 1987 reports will be March 31, 1988 for all Reporters. Thereafter, reports will be due 90 days after the end of the Reporter's fiscal year. Executive Order 12291.

BEA has determined that this rule is not "major" as defined in E.O. 12291 because it is not likely to result in:

(1) An annual effect on the economy of $100.0 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 the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The collection of information requirements in these final rules have been approved by OMB (OMB Nos. 0608–0015, 0608–0016, and 0608–0017).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to preparation of an initial regulatory flexibility analysis are not applicable to these final rules because they will not have a significant economic impact on a substantial

number of small entities. The exemption levels of $1,000,000 for the BE–47 and –48 surveys and $500,000 for the BE–93 survey, below which reporting of foreign transactions of the types covered is not required, exclude small businesses from being reported.

Accordingly, the General Counsel, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that these rules will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 15 CFR Part 801

Economic statistics, Foreign trade, Reporting and recordkeeping requirements, Services.

Dated: November 16, 1987.

Allan H. Young,

Director, Bureau of Economic Analysis.

For the reasons set forth in the preamble, 15 CFR Part 801 is amended as follows:

PART 801—[AMENDED]

1. The authority citation for 15 CFR Part 801 continues to read as follows:

Authority: 5 U.S.C. 301, 22 U.S.C. 3101–3108, and E.O. 11961, as amended.

2. Section 801.9(b) (3), (4), and (5) is revised to read as follows:

§ 801.9 [Amended]

* * * * *

(b) * * *

(3) BE–47, Annual Survey of Construction, Engineering, Architectural, and Mining Services Provided by U.S. Firms to Unaffiliated Foreign Persons:

(i) *Who must report.* Form BE–47 must be filed by each U.S. person (other than U.S. Government agencies) providing the following types of services on a contract, fee, or similar basis to unaffiliated persons on foreign projects: The services of general contractors in the fields of building construction and heavy construction; construction work by special trade contractors, such as the erection of structural steel for bridges and buildings and on-site electrical work; services of a professional nature in the fields of engineering, architecture, and land surveying; and mining services in the development and operation of mineral properties, including oil and gas field services.

(ii) *Exemption.* Any U.S. person otherwise required to report is exempted from reporting if, for all countries and all projects combined, the gross value of new contracts received and gross operating revenues are both less than $1,000,000. If *either* the gross value of new contracts received or gross operating revenues is $1,000,000 or more, then a report is required.

(4) BE–48, Annual Survey of Reinsurance and other Insurance Transactions by U.S. Insurance Companies with Foreign Persons:

(i) *Who must report.* Reports on Form BE–48 are required from U.S. persons who have engaged in reinsurance transactions with foreign persons, or who have received premiums from, or paid losses to, foreign persons in the capacity of primary insurers.

(ii) *Exemption.* A U.S. person otherwise required to report is exempted from reporting if, with respect to transactions with foreign persons, each of the following six items was less than $1,000,000 in the reporting period: Reinsurance premiums received, reinsurance premiums paid, reinsurance losses paid, reinsurance losses recovered, primary insurance premiums received, and primary insurance losses paid. If *any one* of these items is $1,000,000 or more in the reporting period, a report must be filed.

(5) BE–93, Annual Survey of Royalties, License Fees, and Other Receipts and Payments for Intangible Rights Between U.S. and Unaffiliated Foreign Persons:

(i) *Who must report.* Reports on Form BE–93 are required from U.S. persons who have entered into agreements with unaffiliated foreign persons to buy, sell, or use intangible assets or proprietary rights, excluding those copyrights and other intellectual property rights that are related to computer software, and excluding oil royalties and other natural resources (mining) royalties.

(ii) *Exemption.* A U.S. person otherwise required to report is exempt if total receipts and total payments of the types covered by the form are each less than $500,000 in the reporting year. If the total of *either* covered receipts or payments is $500,000 or more in the reporting year, a report must be filed.

[FR Doc. 87–28252 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–06–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF–264; Re: Notice No. 629]

Ben Lomond Mountain Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area known as Ben Lomond Mountain, located in Santa Cruz County, California. The petition was submitted by Mr. Michael R. Holland. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: January 8, 1988.

FOR FURTHER INFORMATION CONTACT: Robert L. White, FAA, Wine and Beer Branch, Ariel Rios Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Petition

Mr. Michael R. Holland petitioned ATF to establish a viticultural area in Santa Cruz County, California, to be known as "Ben Lomond Mountain." This viticultural area is located entirely within Santa Cruz County in the central part of the State near the coast. The viticultural area consists of approximately 38,400 acres. There are nine separate vineyard operations established in the area totaling approximately 69.5 acres of grapes. In addition, two other vineyards are in the

development stages with a proposed planting of 330 acres. In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 629, in the **Federal Register** on April 27, 1987 (52 FR 13844), proposing the establishment of the Ben Lomond Mountain viticultural area.

Comments

No comments were received during the comment period. ATF has received no information from any source indicating opposition to the petition.

Evidence of Name

The name "Ben Lomond Mountain" can be found on all current U.S.G.S. maps of the mountain area northwest of the city of Santa Cruz, California (Santa Cruz and Davenport Quadrangles).

Historical/Current Evidence of Boundaries

Ben Lomond Mountain was first pioneered by Scotsman John Burns who gave the area its name in the 1860's. Burns was also the first grape grower in the area and made wine with little commercial success until the 1880's, setting the example for several other families.

Commercial winegrowing began in the Ben Lomond Mountain region in 1883 with the foundation of the Ben Lomond Wine Company by F.W. Billings. The Ben Lomond Wine Company, under the management of Billings' son-in-law, J.F. Coope, brought the Ben Lomond Mountain wines out of the obscurity of the remote mountain area to stand with other quality wines in the State.

In 1887, Coope wrote "Ben Lomond (Mountain) as a wine district is yet in its infancy and is struggling to establish a name for itself in that industry. The wine yield of 1886 (for the Ben Lomond Wine Company) was 28,000 gallons, chiefly Riesling, part of which was grown (by the Ben Lomond Wine Company), while a part was purchased (from neighboring vineyards)." By 1891, approximately 400 acres of vineyards were devoted to wine production on Ben Lomond Mountain.

Frona Eunice Waite Colburn, in her treatise "Wines and Vines of California" (1889), proclaimed the Ben Lomond Mountain region as a "future Chablis district * * * here the Ben Lomond Company makes a wine of the (Chablis) type which is unrivaled by any other product in the State, and is the only wine in California which has the thin, delicate, flinty dryness of a true Chablis * * * It is a superior table wine; not heady or earthy in flavor and has the fine bouquet and exquisite flavor of a high-type mountain wine. It is sold under the classical name of Ben Lomond."

The Ben Lomond Mountain wine industry declined after the turn of the century. By the end of World War II, only the 75 acre Locatelli Ranch vineyard and the 40 acre Quistorff vineyard remained. Both had been abandoned by the mid-1960's.

During the 1970's Ben Lomond Mountain experienced a viticultural renaissance in and around the town of Bonny Doon. In 1972, the University of California Agricultural Extension Service released a study of climatologically prime growing areas for several commercial crops, including wine grapes. This study, entitled "California's Central Coast: Its Terrain, Climate, and Agro-Climate Implications," established Ben Lomond Mountain as being a prime growing region for wine grape production. This report stirred the interest of several individuals in the region. Since then, nine separate vineyard operations have been established within the Ben Lomond Mountain viticultural area.

Geographical/Climatological Features

The Ben Lomond Mountain viticultural area is distinguished from surrounding areas by differences in topography, soils, and climate. These differences are based on the following:

(a) *Topography.* Ben Lomond Mountain rises directly from the California coastline to an altitude of 2,630 feet above sea level. This mountain region is bordered by the Pacific Ocean to the west, the San Lorenzo River Basin to the east, the city of Santa Cruz (and river mouth of the San Lorenzo) to the south, and Scott Creek and Jamison Creek on the northwest and northeast sides, respectively. The Ben Lomond Mountain viticultural area is approximately 15 miles long and an average of four miles wide, defined by its borders which generally coincide with the 800-foot elevation level.

(b) *Soils.* The geophysical boundaries of the Ben Lomond Mountain region become apparent when examining the geologic stratigraphy of the area. Ben Lomond Mountain is comprised of a large geologic structure known as a pluton, composed primarily of granitic rocks (quartz diorite), with some intrusions of metamorphic rocks (quartzite and pelitic schists). This plutonic structure distinguishes Ben Lomond Mountain from surrounding areas and is unique within viticulturally viable growing areas in the Santa Cruz Mountains. The bedrock formations are covered at the lower elevations and isolated tablelands by depositions of sandstone, primarily Santa Margarita sandstone and to a lesser extent Santa Cruz Mudstone. The combination of the granitic quartz diorite and metasedimentary rock structures with the sandstone deposits and forest detritus forms a variety of soil complexes which are generally described as slightly acidic, sandy loams. The resultant topsoil complexes are well-drained and deep, lending themselves readily to successful viticulture as demonstrated by past and present vineyards in the area.

(c) *Climate.* (1) The Ben Lomond Mountain area is particularly distinguishable by climatological evidence. Ben Lomond Mountain presents the first major obstruction to marine weather patterns. Winter storms lose much of their moisture on the western slope of coastal hills and mountains where the warm, moisture—laden marine air is lifted and cools, precipitating in fogs or rainfall. As a result, Ben Lomond Mountain draws much of the precipitation from marine air that moves onshore between the city of Santa Cruz and Ano Nuevo point. Consequently, Ben Lomond Mountain receives the highest average amount of precipitation in Santa Cruz County at 60 inches.

(2) During the summer, the mountain forms a barrier against the low-lying fogs that inundate the shore and coastal valleys. This fogbelt generally rests between the 400 and 800-foot elevations along the western slope of Ben Lomond Mountain. Above this level, the marine air climate tends to give way to a low mountain climate where abundant sunshine is characteristic of the summer months.

(3) The 1972 University of California climatological study of prime growing areas for commercial crops demonstrates the suitability of the climate afforded by Ben Lomond Mountain for wine grape production. Of special interest is the delineation of a "premium wine grape production thermal" existing along the ridgeline of the mountain above 1,500 feet.

Boundaries

The boundaries proposed by the petitioner are adopted. An exact description of these boundaries is discussed in the regulations portion of this document. ATF believes that these boundaries delineate an area with distinguishable geographic and climatic features.

Miscellaneous

ATF does not wish to give the impression by approving the Ben

Lomond Mountain viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Ben Lomond Mountain wines.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (February 17, 1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have 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.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this final rule because the final rule will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition, along with the appropriate maps with boundaries marked, is available for inspection during normal business hours at the following location: ATF Reading Room, Room 4412, Office of Public Affairs and Disclosure, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

Drafting Information

The principal author of this document is Robert L. White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

PART 9—[AMENDED]

27 CFR Part 9 is amended as follows:

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of sections in 27 CFR Part 9, Subpart C, is amended to add § 9.118 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.118 Ben Lomond Mountain.

* * * * *

Par. 3. Subpart C of 27 CFR Part 9 is amended by adding § 9.118 to read as follows:

§ 9.118 Ben Lomond Mountain.

(a) *Name.* The name of the viticultural area described in this section is "Ben Lomond Mountain."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Ben Lomond Mountain viticultural area are four 7.5 minute series U.S.G.S. maps. They are titled:

(1) Davenport Quadrangle (1955, photorevised 1968);

(2) Big Basin Quadrangle (1955, photorevised 1973);

(3) Felton Quadrangle (1955, photorevised 1980); and

(4) Santa Cruz Quadrangle (1954, photorevised 1981).

(c) *Boundaries.* The Ben Lomond Mountain viticultural area is located entirely within Santa Cruz County, California, which is in the central part of the State near the coast. The beginning point is the intersection of sections 25, 26, 35 and 36 (Davenport Quadrangle, T. 10S., R. 3W.) which coincides with the 800-foot contour line and is approximately .6 mile northwest of the top of Bald Mountain.

(1) From the beginning point, the boundary follows the 800-foot contour line in a meandering manner in a generally northwesterly direction across section 26 into section 27 (T. 10S., R. 3W.).

(2) Thence along the 800-foot contour line in an easterly and then generally a northeasterly direction through section 27 and then back across the northwest corner of section 26 and thence in a generally northwesterly direction along the 800-foot contour line across sections 23, 22 and into section 15.

(3) Thence along the 800-foot contour line in a northerly and then a southerly direction across section 22 and eventually in a generally northwesterly direction into section 20.

(4) Thence continuing along the 800-foot contour line in a generally northwesterly direction through sections 20, 17, 16, 17, 16, 9, 8, 5, 8, 7 and 6 (T. 10S., R. 3W.).

(5) Thence continuing in a northerly direction across sections 5 and 32 and thence in a southwesterly direction across sections 31 and 6.

(6) Thence continuing in a generally northerly direction across sections 1, 6, 31, 36, 31, 36 and 30 (T. 9S., R. 3W.) to the intersection of the 800-foot contour line and Scott Creek in section 19 (T. 9S., R. 3W.).

(7) Thence in a northeasterly direction along the south bank of Scott Creek through sections 19, 20 and 17 to the intersection of Scott Creek with the 1600-foot contour line in section 16 (T. 9S., R. 3W.).

(8) Thence in a generally northeasterly and then southerly direction along the 1600-foot contour line through section 16 and then through the southeast and southwest corners of sections 9 and 10 respectively to the intersection of the 1600-foot contour line with Jamison Creek in section 16 (T. 9S., R. 3W.).

(9) Thence in an easterly direction along the south bank of Jamison Creek across sections 15 and 14 (T. 9S., R. 3W.) to the intersection of Jamison Creek and the 800-foot contour line in the southeast corner of section 14 (T. 9S., R. 3W.).

(10) Thence in a southeasterly direction in a meandering manner along the 800-foot contour line across sections 14, 23, 24, 25 (T. 9S., R. 3W.), sections 30 and 31 (T. 9S., R. 2W.), and sections 32, 5, 8, 9, 16, 17 and 21 (T. 10S., R. 2W.).

(11) Thence in a southwesterly, then generally a southeasterly and then a northwesterly direction along the 800-foot contour line in a meandering manner to section 31 and then continuing on through sections 31 and 30 (T. 10S., R. 2W.).

(12) Thence continuing along the 800-foot contour line in a generally southerly and then a generally northwesterly direction through sections 25, 36, 31 and 36 to the point of beginning at the

intersection of sections 25, 26, 35 and 36 (T. 10S., R. 3W.).

Signed: November 9, 1987.

Stephen E. Higgins,

Director.

Approved: November 20, 1987.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Trade and Tariff Enforcement).

[FR Doc. 87-28083 Filed 12-8-87; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 250

[T.D. ATF-263; re. Notice No. 649]

Drawback of Distilled Spirits Taxes for Certain Nonbeverage Products From Puerto Rico and the Virgin Islands

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Temporary rule (Treasury decision).

SUMMARY: This temporary rule implements section 1879(i) of the Tax Reform Act of 1986 (Pub. L. 99-514), which provides for the drawback of the Federal excise taxes paid on the distilled spirits contained in certain nonbeverage products (medicines, medicinal preparations, food products, flavors and flavor extracts) which are manufactured in Puerto Rico or the Virgin Islands and are brought into the United States. This temporary rule provides procedures for claiming drawback on such products. It will remain in effect until superseded by permanent regulations on the subject.

EFFECTIVE DATE: December 9, 1987.

FOR FURTHER INFORMATION CONTACT: Jackie White or Dick Langford, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 ((202) 566-7531).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 26 U.S.C. 7652, distilled spirits products of Puerto Rican or Virgin Islands manufacture brought into the United States are subject to a tax equal to the tax imposed in the United States upon the like articles of merchandise of domestic manufacture.

Additionally, all taxes collected on distilled spirits produced in Puerto Rico and transported to the United States or consumed in the island are covered into the Treasury of Puerto Rico. The Government of the Virgin Islands is paid from the taxes collected on distilled spirits produced in the Virgin Islands and brought into the United States a sum not to exceed the total amount of other revenue collected by the Government of the Virgin Islands. Section 1879(i) of the Tax Reform Act of 1986 amended 26 U.S.C. 7652 by adding a new subsection (g). Subsection (g) provides that, in the case of medicines, medicinal preparations, food products, flavors, or flavoring extracts containing distilled spirits, which are unfit for beverage purposes and which are brought into the United States from Puerto Rico or the Virgin Islands, sections 5131-5134 of the Internal Revenue Code shall be applied as if the use and tax determination of the spirits occurred in the United States at the time the article is brought into the United States. Thus, section 7652(g) makes the provisions of sections 5131-5134, relating to drawback of tax for domestic nonbeverage products, applicable to such products brought into the United States from Puerto Rico and the Virgin Islands. The penalty provisions of section 5134(c)(2) will also be applicable to drawback claims for nonbeverage products brought into the United States from Puerto Rico and the Virgin Islands.

Accordingly, under section 7652(g), the person who brings the eligible nonbeverage products into the United States may file a claim with the Bureau of Alcohol, Tobacco and Firearms as if the use of the spirits had occurred upon entry into the United States and as if the rate of tax were no greater than $10.50 per proof gallon. Drawback will be allowed at the rate of one dollar less than the rate prescribed by section 7652(f) ($10.50-$1.00=$9.50).

Changes to Regulations

This temporary rule amends 27 CFR Part 250 by implementing the procedures and specific requirements needed for a person to file claims for drawback on excise taxes paid on distilled spirits contained in eligible articles brought into the United States from Puerto Rico or the Virgin Islands.

Regulations for the drawback of taxes for the manufacture of nonbeverage products in the United States are codified in Part 197 of Title 27, Code of Federal Regulations. To provide a comparable treatment for nonbeverage products manufactured in Puerto Rico or the Virgin Islands, this rule specifically incorporates by reference various provisions of Part 197 into Part 250. However, Part 197 is presently being revised and recodified as Part 17 of the same title. ATF published Notice No. 634 in the **Federal Register** of July 29, 1987 (52 FR 28286) and provided a comment period of 90 days, which closes on October 27, 1987. To the extent that the proposed Part 17, if it becomes a final rule, will be incorporated into Part 250, ATF will continue to accept comments on Notice No. 634 until January 8, 1988.

Persons filing claims for drawback shall be required to pay special tax, for each location where entry of eligible articles into the United States is caused or effected, in accordance with 27 CFR Part 197, Subpart C. The special tax stamp shall be maintained at the place of business in accordance with 27 CFR Part 197, Subpart D. For each business location located within the United States, the amount of special tax liability is determined by the total proof gallons of distilled spirits used annually in the manufacture of nonbeverage products at that location plus the number of proof gallons contained in eligible articles brought into the United States under 26 U.S.C. 7652(g) from Puerto Rico and the Virgin Islands. For each business location located in Puerto Rico or the Virgin Islands, the amount of special tax liability is determined by the total proof gallons of distilled spirits contained in eligible articles brought into the United States. Claims for drawback shall be filed on a quarterly basis with the regional director (compliance) for the region in which the business premises are located. Claims must be filed within six months after the end of the calendar quarter in which the articles are brought into the United States. Supporting data to be submitted for each claim shall substantiate the tax payment and receipt in the United States of the articles. Separate claims must be filed for nonbeverage products manufactured in the United States and eligible articles brought into the United States from Puerto Rico and the Virgin Islands. Persons intending to submit claims on a monthly basis shall be required to obtain a bond covering the amount of drawback which will, during any quarterly period, constitute a charge against the bond.

Persons in Puerto Rico or the Virgin Islands who manufacture eligible articles for which drawback will be claimed shall be required to submit formulas for approval by the Bureau of Alcohol, Tobacco and Firearms laboratory in accordance with Subpart F of Part 197 prior to shipment of the articles to the United States. To the extent provided in Part 197, formulas in which alcohol is a prescribed ingredient, which are stated in the current revisions or editions of the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States shall be considered as approved formulas and may be used as formulas for drawback. Drawback of

taxes will not be allowed for any product not manufactured in accordance with an approved formula. A person who claims drawback for an eligible article is required to maintain records to substantiate the identity of the eligible article, its manufacturer, the taxpayment of the article, and the date of entry into the United States. No particular form of record is prescribed, but the data required to be shown shall be readily ascertainable from the records kept by the drawback claimant. Required records and approved formulas shall be retained for a period of not less than three years and shall be readily available during regular business hours for examination by ATF officers.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this temporary rule because it will not have a significant economic impact on a substantial number of small entities. The temporary rule will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The temporary rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this temporary rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this temporary rule is not a "major rule" since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or

(c) 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.

Paperwork Reduction Act

The requirements to collect information proposed in this temporary rule were submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35 and were approved under control number 1512-0494. Comments relating to ATF's compliance with 5 CFR Part 1320—Controlling Paperwork Burdens on the Public, should be submitted to: Office of Information and Regulatory Affairs, Attention: ATF Desk Officer, Office of Management and Budget, Washington, DC 20503.

Public Procedure; Effective Date

There is a need for immediate guidance by the distilled spirits industry to implement certain provisions of the Tax Reform Act of 1986. The statute applies to eligible articles brought into the United States after October 22, 1986. Consequently, it is found that it would be impracticable and unnecessary within the meaning of 5 U.S.C. 553(b), to provide a notice of proposed rulemaking prior to the issuance of any regulations. For the same reason it is found that these regulations are exempt from compliance with the 30-day effective date limitation of 5 U.S.C. 553(d). Accordingly, these temporary regulations shall become effective on the date of their publication in the **Federal Register.**

Drafting Information

The principal authors of this document are Jackie White, Raymond Figueroa and Dick Langford, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 250

Administrative practice and procedure, Alcohol and alcoholic beverages, Authority delegations, Beer, Claims, Customs duties and inspection, Drugs, Electronic funds transfers, Excise taxes, Foods, Liquors, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Spices and flavorings, Surety bonds, Transportation, Virgin Islands, Warehouses, Wine.

Issuance

Title 27 CFR Part 250 is amended as follows:

PART 250—[AMENDED]

Paragraph 1. The Authority citation for Part 250 is revised to read as follows:

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c; 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5061, 5111, 5112, 5114, 5121, 5122, 5124, 5131-5134, 5141, 5205, 5207, 5232, 5301, 5314, 5555, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 27 U.S.C. 203, 205; 31 U.S.C. 9301, 9303, 9304, 9306.

Par. 2. The Table of Sections is amended to revise the titles of §§ 250.51 and 250.221, to add Subpart I—Claims for Drawback on Eligible Articles from Puerto Rico with §§ 250.170 through 250.174, and to add Subpart Ob—Claims for Drawback on Eligible Articles from the Virgin Islands with §§ 250.306 through 250.310 to read as follows:

* * * * *

Sec.

250.51 Formulas for articles, eligible articles, and products manufactured with denatured spirits.

* * * * *

Subpart I—Claims for Drawback on Eligible Articles from Puerto Rico

250.170 Drawback of tax.
250.171 Special tax.
250.172 Bonds.
250.173 Claims for drawback.
250.174 Records.

* * * * *

250.221 Formulas for articles, eligible articles, and products manufactured with denatured spirits.

* * * * *

Subpart Ob—Claims for Drawback on Eligible Articles from the Virgin Islands

250.306 Drawback of tax.
250.307 Special tax.
250.308 Bonds.
250.309 Claims for drawback.
250.310 Records.

* * * * *

Par. 3. Section 250.11 is amended by adding, in alphabetical order, the meaning of the term *Eligible article* to read as follows:

§ 250.11 Meaning of terms.

* * * * *

Eligible article. Any medicine, medicinal preparation, food product, flavor or flavoring extract which contains distilled spirits, is unfit for beverage purposes, and has been or will be brought into the United States from Puerto Rico or the Virgin Islands under the provisions of 26 U.S.C. 7652(g).

* * * * *

§ 250.35 [Amended]

Par. 4. Section 250.35(b) is amended by inserting after the word "articles", a comma and the phrase "other than eligible articles," each time it appears.

Par. 5. Section 250.51 is amended to revise the section heading and to revise paragraphs (a) and (c) to read as follows:

§ 250.51 Formulas for articles, eligible articles and products manufactured with denatured spirits.

(a) *Formulas for articles and eligible articles.* Formulas for articles made with distilled spirits must show the quantity and proof of the distilled spirits used, and the percentage of alcohol by volume contained in the finished product.

Formulas for articles made with beer or wine must show the kind and quantity thereof (liquid measure), and the percent of alcohol by volume of such beer or wine. Formulas and samples for eligible articles are required in accordance with Subpart F of Part 197 of this chapter.

* * * * *

(c) *Formulas required.* Formulas required by this section shall be submitted on Form 5150.19, except that formulas for eligible articles shall be submitted on Form 5530.5 (1678). Formulas shall be submitted in accordance with § 250.54. Any formula for an eligible article approved on Form 5150.19 prior to October 23, 1986 shall continue to be valid until revoked or voluntarily surrendered. Any person holding such a formula is not required to submit a new formula.

(Approved by the Office of Management and Budget under control number 1512-0494)

* * * * *

Par. 6. Subpart I consisting of §§ 250.170 through 250.174 is added immediately following § 250.164a to read as follows:

Subpart I—Claims for Drawback on Eligible Articles From Puerto Rico

§ 250.170 Drawback of tax.

Any person who brings eligible articles into the United States from Puerto Rico may claim drawback of the distilled spirits excise taxes paid on such articles as provided in this subpart.

§ 250.171 Special tax.

Any person filing claim for drawback of tax on eligible articles brought into the United States from Puerto Rico shall pay special tax as required by 26 U.S.C. 5131. For purposes of special tax, Subparts C and D of Part 197 of this chapter shall apply as if the use and tax determination occurred in the United States at the time the article was brought into the United States and, each business location from which entry of eligible articles is caused or effected shall be treated as a place of manufacture. For each such business location within the United States, the amount of special tax liability is determined by the total proof gallons of distilled spirits used annually in the manufacture of nonbeverage products at that location plus the number of proof gallons contained in eligible articles brought into the United States under 26 U.S.C. 7652(g) from Puerto Rico or the Virgin Islands. For each such business location in Puerto Rico the amount of special tax liability is determined by the total proof gallons of distilled spirits contained in eligible articles brought into the United States.

§ 250.172 Bonds.

(a) *General.* Persons bringing eligible articles into the United States from Puerto Rico and intending to file monthly claims for drawback under the provisions of this subpart shall obtain a bond on Form 1730 (5530.3). When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further drawback on monthly claims will be allowed unless prior charges against the bond have been decreased, or a new, or additional, bond in sufficient penal sum is furnished. For provisions relating to bonding requirements, Subpart E of Part 197 of this chapter is incorporated in this part.

(b) *Approval Required.* No person bringing eligible articles into the United States from Puerto Rico may file monthly claims for drawback under the provisions of this subpart until bond on Form 1730 (5530.3) has been approved by the regional director (compliance), for the region in which is located such person's business premises from which entry of eligible articles is caused or effected.

§ 250.173 Claims for drawback.

(a) *General.* Persons bringing eligible articles into the United States from Puerto Rico shall file claim for drawback on Form 2635 (5620.8) with the regional director (compliance) of the region in which is located the person's business premises from which the entry of the articles into the United States is caused or effected. Upon finding that the claimant has satisfied the requirements of this subpart, the regional director (compliance) shall allow the drawback of taxes at a rate of $1 less than the lesser of $10.50 a proof gallon or the rate specified in 26 U.S.C. 5001(a).

(b) *Information on claims.* The claim must set forth the following:

(1) That the special tax has been paid;

(2) That the eligible articles brought into the United States on which drawback is claimed are fully tax paid or tax-determined;

(3) That the eligible articles on which drawback is claimed are nonbeverage products; and

(4) That the eligible articles were manufactured in Puerto Rico in compliance with an approved formula in accordance with § 250.51.

(c) *Supporting data.* Each claim will be accompanied by statements of supporting data as follows:

(1) The control number and denomination of the Special Tax Stamp and the tax year for which issued;

(2) A description of each eligible article as follows:

(i) Name and type of each product;

(ii) Name and address of the manufacturer of each product;

(iii) Formula number;

(iv) Alcohol content of each product;

(v) Quantity of each product;

(vi) Proof gallons of distilled spirits contained in each product;

(vii) Date of entry of the eligible product into the United States, and

(viii) The serial number of each ATF Form 487-B (5170.7) covering such articles shipped to the United States.

(d) *Date of filing claim.* Quarterly claims for drawback shall be filed with the regional director (compliance) within the 6 months next succeeding the quarter in which the eligible products covered by the claim were brought into the United States. Monthly claims for drawback may be filed at any time after the end of the month in which the eligible products covered by the claim were brought into the United States, but must be filed not later than the close of the sixth month succeeding the quarter in which the eligible products were brought into the United States.

(Approved by the Office of Management and Budget under control number 1512-0494)

§ 250.174 Records.

(a) *General.* Every person intending to file claim for drawback on eligible articles brought into the United States from Puerto Rico shall keep permanent records of the data elements required by this section. Such records shall be maintained at the business premises for which the claim is filed and shall be available for inspection by any ATF officer during business hours.

(b) *Details of records.* Each person intending to claim drawback on eligible articles brought into the United States shall maintain permanent records showing the following data:

(1) The name, description, quantity, and formula number of each such article.

(2) The alcohol content of each such article.

(3) Name and address of the manufacturer and shipper, and date of entry into the United States.

(4) Evidence of taxpayment of distilled spirits in accordance with paragraph (c) of this section.

(c) *Evidence of taxpayment of distilled spirits.* All shipments of eligible articles from Puerto Rico to the United States shall be supported by the vendor's commercial invoice which must bear a certification as to taxpayment by the person who determined or paid the tax, and include the following information:

(1) The name and address of vendor;

(2) The number of the applicable invoice;

(3) The serial or package identification number of the container;

(4) Name, type, and formula number of the product;

(5) The kind of spirits, proof, and proof gallons in the container; and

(6) The serial number of each Form 487–B (5170.7) covering such articles shipped to the United States.

(d) *Form of record.* No particular form of record is prescribed, but the data required to be shown shall be readily ascertainable from the records kept by the drawback claimant.

(e) *Retention of records.* Each drawback claimant shall retain for a period of not less than three years all records required by this subpart, all commercial invoices or shipping documents, and all bills of lading received evidencing receipt and tax determination of the spirits. In addition, a copy of each approved formula returned to the manufacturer of eligible articles shall be retained for not less than three years from the date he files his last claim for drawback under the formula. The records, forms, and formulas shall be readily available during regular business hours for examination by ATF officers.

(Approved by the Office of Management and Budget under control number 1512–0494)

* * * * *

Par. 7. Section 250.221 is amended to revise the section heading and to revise paragraphs (a) and (c) to read as follows:

§ 250.221 Formulas for articles, eligible articles and products manufactured with denatured spirits.

(a) *Formulas for articles and eligible articles.* Formulas for articles made with distilled spirits must show the quantity and proof of the distilled spirits used, and the percentage of alcohol by volume contained in the finished product. Formulas for articles made with beer or wine must show the kind and quantity thereof (liquid measure), and the percent of alcohol by volume of such beer or wine. Formulas and samples for eligible articles are required in accordance with Subpart F of Part 197 of this chapter.

* * * * *

(c) *Formulas required.* Formulas required by this section shall be submitted on Form 5150.19, except that formulas for eligible articles shall be submitted on Form 5530.5 (1678). Formulas shall be submitted in accordance with § 250.224. Any formula for an eligible article approved on Form 5150.19 prior to October 23, 1986, shall continue to be valid until revoked or voluntarily surrendered. Any person holding such a formula is not required to submit a new formula.

(Approved by the Office of Mangement and Budget under control number 1512–0494)

* * * * *

Par. 8. Subpart Ob consisting of §§ 250.306 through 250.310 is added immediately following § 250.305 to read as follows:

Subpart Ob—Claims for Drawback on Eligible Articles from the Virgin Islands

§ 250.306 Drawback of tax.

Any person who brings eligible articles into the United States from the Virgin Islands may claim drawback of the distilled spirits excise taxes paid on such articles as provided in this subpart.

§ 250.307 Special tax.

Any person filing claim for drawback of tax on eligible articles brought into the United States from the Virgin Islands shall pay special tax as required by 26 U.S.C. 5131. For purposes of special tax, Subparts C and D of Part 197 of this chapter shall apply as if the use and tax determination occurred in the United States at the time the article was brought into the United States, and each business location from which entry of eligible articles is caused or effected shall be treated as a place of manufacture. For each such business location within the United States, the amount of special tax liability is determined by the total proof gallons of distilled spirits used annually in the manufacture of nonbeverage products at that location plus the number of proof gallons contained in eligible articles brought into the United States under 26 U.S.C. 7652(g) from Puerto Rico or the Virgin Islands. For each business location in the Virgin Islands, the amount of special tax liability is determined by the total proof gallons of distilled spirits contained in eligible articles brought into the United States.

§ 250.308 Bonds.

(a) *General.* Persons bringing eligible articles into the United States from the Virgin Islands and intending to file monthly claims for drawback under the provisions of this subpart shall obtain a bond on Form 1730 (5530.3). When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further drawback on monthly claims will be allowed unless prior charges against the bond have been decreased, or a new, or additional, bond in sufficient penal sum is furnished. For provisions relating to bonding requirements, Subpart E of Part 197 of this chapter is incorporated in this part.

(b) *Approval Required.* No person bringing eligible articles into the United States from the Virgin Islands may file monthly claims for drawback under the provisions of this subpart until bond on Form 1730 (5530.3) has been approved by the regional director (compliance), for the region in which is located such person's business premises from which entry of eligible articles is caused or effected.

§ 250.309 Claims for drawback.

(a) *General.* Persons bringing eligible articles into the United States from the Virgin Islands shall file claim for drawback, Form 2635 (5620.5), with the regional director (compliance) of the region in which is located the person's business premises from which the entry of the articles into the United States is caused or effected. Upon finding that the claimant has satisfied the requirements of this subpart, the regional director (compliance) shall allow the drawback of taxes at a rate of $1 less than the lesser of $10.50 a proof gallon or the rate specified in 26 U.S.C. 5001(a).

(b) *Information on claims.* The claim must set forth the following:

(1) That the special tax has been paid;

(2) That the eligible articles brought into the United States on which drawback is claimed are fully taxpaid or tax-determined;

(3) That the eligible articles on which drawback is claimed are nonbeverage products; and

(4) That the eligible articles were manufactured in the Virgin Islands in compliance with approved formulas in accordance with § 250.221.

(c) *Supporting data.* Each claim will be accompanied by statements of supporting data as follows:

(1) The serial number and denomination of the Special Tax Stamp and the tax year for which issued;

(2) A description of each eligible article as follows:

(i) Name and type of each product;

(ii) Name and address of the manufacturer of each product;

(iii) Formula number under which each product was manufactured;

(iv) Alcohol content of each product;

(v) Quantity of each product;

(vi) Proof gallons of distilled spirits contained in each product;

(vii) Date of entry of the eligible product into the United States; and

(viii) Evidence of taxpayment of distilled spirits in accordance with § 250.266.

(d) *Date of filing claim.* Quarterly claims for drawback shall be filed with

the regional director (compliance) within the 6 months next succeeding the quarter in which the eligible products covered by the claim were brought into the United States. Monthly claims for drawback may be filed at any time after the end of the month in which the eligible products covered by the claim were brought into the United States, but must be filed not later than the close of the sixth month succeeding the quarter in which the eligible products were brought into the United States.

(Approved by the Office of Management and Budget under control number 1512-0494)

§ 250.310 Records.

(a) *General.* Every person intending to file claim for drawback on eligible articles brought into the United States from the Virgin Islands shall keep permanent records of the data elements required by this section. Such records shall be maintained at the business premises for which the claim is filed and shall be available for inspection by any ATF officer during business hours.

(b) *Details of records.* Each person intending to claim drawback on eligible articles brought into the United States shall maintain permanent records showing the following data:

(1) The name, description, quantity, and formula number of each such article.

(2) The alcohol content of each such article.

(3) Name and address of the manufacturer and shipper, and date of entry into the United States.

(4) Evidence of taxpayment of distilled spirits in accordance with paragraph (e) of this section.

(c) *Form of record.* No particular form of record is prescribed, but the data required to be shown shall be readily ascertainable from the records kept by the drawback claimant.

(d) *Evidence of taxpayment of distilled spirits.* Evidence of taxpayment of eligible articles (such as Customs Forms 7501 and 7505 receipted to indicate payment of tax) shall be maintained as evidence of taxpayment to support information required to be furnished in the supporting data filed with a claim.

(e) *Retention of records.* Each drawback claimant shall retain for a period of not less than three years all records required by this subpart, all commercial invoices or shipping documents, and all bills of lading received evidencing receipt and tax determination of the spirits. In addition, a copy of each approved formula returned to the manufacturer of eligible articles shall be retained for not less than three years from the date he files his last claim for drawback under the formula. The records, forms, and formulas shall be readily available during regular business hours for examination by ATF officers.

(Approved by the Office of Management and Budget under control number 1512-0494)

Signed: October 21, 1987.

Stephen E. Higgins,

Director.

Approved: October 26, 1987.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 87-28017 Filed 12-8-87; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Paroling, Recommitting and Supervising Federal Prisoners; Revision of Provision Relating to Category Eight Offenses

AGENCY: United States Parole Commission, DOJ.

ACTION: Final rule.

SUMMARY: The Parole Commission is revising a provision in its paroling policy guidelines that requires the Commission to give a special explanation whenever a prisoner who is placed in the highest possible offense category is continued for more than 48 months beyond the minimum guideline that is applicable to that category. The purpose of the revision is to make it clear that this requirement is not intended to establish a presumption in favor of parole between that guideline and the 48-month point.

EFFECTIVE DATE: December 9, 1987.

FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Attorney, Office of General Counsel, United States Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: The provision in question is the note to Category Eight on the Guidelines for Decision-Making at 28 CFR 2.20. The Commission is concerned that the present provision may be misinterpreted as establishing a guideline range for offenders placed in that offense severity rating. The Category Eight offense severity rating traditionally has carried a minimum guideline, but no upper limit due to the extreme variability of cases within this category. These cases include murder, espionage, treason, extremely large-scale heroin cases, and certain other crimes. The requirement for a special explanation is intended only to ensure that a prisoner who is not paroled within 48 months of the minimum guideline be given evidence of individualized consideration for parole.

It was not the Commission's intent to create the upper limit of a guideline range at the 48-month point, so as to preclude itself from making a more severe decision in the absence of "aggravating case factors" such as would be required by 18 U.S.C. 4206(c) (1976) for decisions above the guideline ranges applicable to lesser categories of offenses. Certain Category Eight offenses may be of such inherent gravity as to warrant a continuance more than 48 months above the minimum guideline, without the presence of any other circumstance that could be indentified as an "aggravating factor." To the extent that there is a range of time prescribed by the guidelines for Category Eight cases, the upper limit of the range is the expiration of the sentence imposed by the court.

Accordingly, the Commission has revised its rule to delete the requirement to state "aggravating case factors" and to specify instead that the requirement is to state "the pertinent case factors" that were considered. Because this is an interpretative revision concerning an agency procedural requirement, no public comment is being solicited, pursuant to 5 U.S.C. 553(b)(A).

The rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, prisoners, probation and parole.

28 CFR Part 2 is amended as follows:

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

§ 2.20 [Amended]

2. Section 2.20 is amended by revising the note appearing at the end of the table entitled "Guidelines for Decision-Making" to read as follows:

" [1] **Note.**—For Category Eight, no upper limits are specified due to the extreme variability of the cases within this category. For decisions exceeding the lower limit of the applicable guideline category by more than 48 months, the Commission will specify the pertinent case factors upon which it relied in

reaching its decision, which may include the absence of any factors mitigating the offense. This procedure is intended to ensure that the prisoner understands that individualized consideration has been given to the facts of the case, and not to suggest that a grant of parole is to be presumed for any class of Category Eight offenders."

Dated: November 30, 1987.

Benjamin F. Baer,

Chairman, United States Parole Commission.

[FR Doc. 87-28173 Filed 12-8-87; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Approval of Amendment to the Ohio Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval of a proposed amendment submitted by the State of Ohio as a modification to its permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment adds to the Ohio program a definition of the phrase "higher or better uses."

OSMRE found that the definition is needed to clarify Ohio's responsibility regarding postmining land use changes and to ensure that postmining land use is equal to or better than premining land use.

EFFECTIVE DATE: December 9, 1987.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rosa Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, OHIO 43232; Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Ohio program was made effective by the conditional approval of the Secretary of the Interior. Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Submission of Proposed Amendment

By letter dated June 26, 1987, the Ohio Department of Natural Resources, Division of Reclamation, submitted a proposed amendment to Ohio Administrative Code (OAC) Section 1501:13-1-02. The proposed amendment was submitted to satisfy an OSMRE requirement that the Ohio program include a definition of the phrase "Higher or better uses" no less effective than the Federal regulations at 30 CFR 701.5.

The July 28, 1987 **Federal Register** announced receipt of the proposed amendment and invited public comment on its adequacy (52 FR 28165).

III. Description of Proposed Amendment

Ohio has proposed to amend OAC Section 1501:13-1-02 to add a new paragraph (DD) in which "higher or better uses" is defined to mean postmining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses. This definition is consistent with the Federal definition at 30 CFR 701.5. Susequent paragraphs are relettered and paragraph (ZZ) is revised to delete reference to paragraph (EE).

This amendment was required by OSMRE in accordance with the provisions of 30 CFR 732.17. OSMRE found that this definition is needed to clarify Ohio's responsibility regarding postmining land use changes and to ensure that postmining land use is equal to or better than premining land use.

IV. Public Comments

The public comment period announced in the July 28, 1987 **Federal Register** ended August 27, 1987. No comments were received. The public hearing scheduled for August 24, 1987 was not held since no person requested an opportunity to testify at the hearing. Pursuant to Section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i), comments were also solicited from various Federal agencies with an actual or potential interest in the Ohio program. Only acknowledgements with no comments were received.

V. Director's Findings

After a thorough review pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, the Director finds that the proposed amendment, as submitted on June 26, 1987, is no less stringent than SMCRA and no less effective than the Federal regulations. As discussed above, the modifications to Section 1501:13-1-02 of the Ohio regulations are substantively identical to the corresponding Federal regulations at 30 CFR 701.5.

VI. Director's Decision

Based upon the findings, the Director is approving the amendment as submitted on June 26, 1987 and is amending Part 935 of 30 CFR Chapter VII to implement this decision.

This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VII. Procedural Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C., 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with Executive Order No. 12291:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSMRE an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

3. *Compliance with the Regulatory Flexibility Act:* The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

4. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Date: December 2, 1987.

James W. Workman,

Deputy Director, Operations and Technical Services, Office of Surface Mining Reclamation and Enforcement.

30 CFR Part 935 is amended as follows:

PART 935—OHIO

1. The authority citation for Part 935 continues to read as follows:

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).

2. Paragraph (dd) is added to § 935.15 to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(dd) The following amendment submitted to OSMRE on June 26, 1987 is approved effective December 9, 1987: Addition of the definition of "higher or better uses" to Ohio Administrative Code Section 1501:13–1–02.

[FR Doc. 87–28086 Filed 12–8–87; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 7E3466/R917; FRL–3298–5]

Pesticide Tolerance for Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide chlorpyrifos and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity blueberries. The Interregional Research Project No. 4 (IR–4) petitioned for this tolerance.

EFFECTIVE DATE: Effective on December 9, 1987.

ADDRESS: Written objections, identified by the document control number [PP 7E3466/R917], may be submitted to: Hearing Clerk (A–110), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response and Minor Use Section (TS–767C), Registration Division, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Office location and telephone number: Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)–557–1806.

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the **Federal Register** of August 5, 1987 (52 FR 29050), which announced that the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 7E3466 to EPA on behalf of Dr. Robert H. Kupelian, National Director, IR–4 Project and the Agricultural Experiment Station of New Jersey.

The petitioner requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the pesticide chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl)-phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol (TCP) in or on the raw agricultural commodity blueberries at 2 parts per million (of which no more than 1 part per million is chlorpyrifos).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and all other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(d), 68 Stat. 512 (21 U.S.C. 346a(d)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 19, 1987.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, Part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

2. Section 180.342 is amended by adding and alphabetically inserting the raw agricultural commodity blueberries to paragraph (a), to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

(a) * * *

Commodities	Parts per million
* * * * *	
Blueberries	2 ppm (of which no more than 1 ppm is chlorpyrifos)
* * * * *	

[FR Doc. 87–27866 Filed 12–8–87; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87–199; RM–5696]

Radio Broadcasting Services; Lake Luzerne, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Brian Dodge, allocates Channel 234A to Lake Luzerne, New York, as the community's first local FM service. Channel 234A can be allocated to Lake Luzerne in compliance with the Commission's minimum distance separation requirements without a site restriction. Canadian concurrence has been received since the community is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective January 19, 1988. The window period for filing applications will open on January 20, 1988, and close on February 19, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–199, adopted November 12, 1987, and released December 2, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC. 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for New York is amended by adding the entry for Lake Luzerne, Channel 234A.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28195 Filed 12–8–87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87–175; RM–5579]

Radio Broadcasting Services; Boalsburg, PA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document, at the request of Mrs. Davies Bahr, allocates Channel 225A to Boalsburg, Pennsylvania, as the community's first local FM service. Channel 225A can be allocated to Boalsburg in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.7 kilometers (1.6 miles) south to avoid a short-spacing to unused and unapplied for Channel 226A at Renovo, Pennsylvania. Canadian concurrence has been received since Boalsburg is located within 320 kilometers of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective January 19, 1988. The window period for filing applications will open on January 20, 1988, and close on Feburary 19, 1988.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 87–175, adopted November 12, 1987, and released December 2, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments for Pennsylvania, is amended by adding the entry of Boalsburg, Channel 225A.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87–28196 Filed 12–8–87; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 52, No. 236
Wednesday, December 9, 1987

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1988–89 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would establish the quantity of spearmint oil produced in the Far West, by class, that may be purchased from or handled for producers, by handlers during the 1988–89 marketing year which begins June 1, 1988. This action is recommended under the marketing order for spearmint oil produced in the Far West in order to avoid extreme fluctuations in supplies and prices and thus stabilize the market for spearmint oil.

DATES: Comments due January 8, 1988.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, Room 2085, South Building, P.O. Box 96456, Washington, DC. 20090–6456. Comments should reference the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular working hours.

FOR FURTHER INFORMATION CONTACT: Jackie Schlatter, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has considered the economic impact of this proposed action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601–674), as amended, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

The Far West spearmint oil industry is characterized by primarily small producers whose farming operations generally involve more than one commodity and whose income from farming operations is not exclusively dependent on the production of spearmint oil. The production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (the area covered under the marketing order). Spearmint oil is also produced in the Midwest and Great Plains. The production area covered by the marketing order usually accounts for over 75 percent of U.S. production of spearmint oil.

The Spearmint Oil Administrative Committee reports that there are 9 handlers and 253 producers of spearmint oil under the marketing order for spearmint oil produced in the Far West. Of the 253 producers, 170 producers hold Class I oil (Scotch) allotment base and 143 producers hold Class III oil (Native) allotment base. As of June 1, 1987, the producers' allotment bases ranged from 667 to 181,902 pounds for Class I oil and from 308 to 82,267 pounds for Class III oil. The average total allotment base held is 10,008 pounds and 13,264 pounds for Class I and Class III oil, respectively.

Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.1) as those having average annual gross revenues for the last three years of less than $100,000 and small agricultural service firms, which would include handlers, are defined as those having gross annual revenues of less than $3,500,000. The majority of Far West spearmint oil producers and handlers may be characterized as small entities.

The regulatory action in this instance is a proposal to establish salable quantities and allotment percentages for Class I and Class III spearmint oil produced in the Far West. The proposed action would limit the amount of spearmint oil that may be purchased from or handled for producers, by handlers, during the 1988–89 marketing year, which begins June 1, 1988. Such salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980. The establishment of salable quantities and allotment percentages, as proposed, would likely result in the production of less than half of the total allotment base available for production of spearmint oil. However, the amounts recommended for sale are based on the average sales over the past five years, and are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market needs which may develop can be more than satisfied by current reserve stocks which are equal to more than 50 percent of the volume of spearmint oil utilized by the market on a yearly basis. In addition, those producers who produce more than their annual percentage of allotment may transfer such excess spearmint oil to a producer with a deficiency in spearmint oil production, or such excess spearmint oil may be placed into reserve stocks.

This proposed regulation, if adopted, would be similar to that which has been issued in prior seasons. Costs to producers and handlers resulting from this proposed action are expected to be offset by the benefits derived from improved returns.

Based on available information, the Administrator of the Agricultural Marketing Service has determined that the issuance of this proposed rule would not have a significant economic impact on a substantial number of small entities.

The proposed salable quantity and allotment percentage for each class of spearmint oil would be established in

accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Act. The salable quantity and allotment percentages were recommended by the Spearmint Oil Administrative Committee, at its August 12, 1987, meeting.

The proposed salable quantity and allotment percentage for each class of spearmint oil for the 1988–89 marketing year, which begins June 1, 1988, is based upon recommendations of the committee and the following data and estimates:

(1) Class I Oil (Scotch Spearmint)

(A) Estimated carryin on June 1, 1988—15,703 pounds.

(B) Estimated trade demand (domestic and export) for the 1988–89 marketing year, based on an average of producer sales for the past five marketing years, beginning with the 1981–82 marketing year through the 1985–86 marketing year, (the estimated trade demand reflects 100,000 pounds of oil expected to be available from outside the production area)—761,063 pounds.

(C) Recommended desirable carryout on May 31, 1989—0 pounds.

(D) Salable quantity required from 1988 regulated production only—645,360 pounds.

(E) Total allotment bases for Class I oil—1,667,002 pounds.

(F) Computed allotment percentage—38.7 percent.

(G) The committee's recommended salable quantity—650,131 pounds.

(H) Recommended allotment percentage—39 percent.

(2) Class III Oil (Native Spearmint)

(A) Estimated carryin on June 1, 1988—50,000 pounds.

(B) Estimated trade demand (domestic and export) for the 1988–89 marketing year—750,000 pounds.

(C) Recommended desirable carryout on May 31, 1989—0 pounds.

(D) Salable quantity required from 1988 production—700,000 pounds.

(E) Total allotment bases for Class III oil—1,844,940 pounds.

(F) Computed allotment percentage—37.9 percent.

(G) The committee's recommended salable quantity—701,077 pounds.

(H) Recommended allotment percentage—38 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class. Pursuant to the order, the committee may issue additional allotment base to both new and existing producers for each marketing year.

The establishment of these salable quantities and allotment percentages would allow for anticipated market needs based on historical sales and provide spearmint oil producers with information on the amount of oil which should be produced for next season. Spearmint oil has an extremely inelastic demand and excess production normally is placed into the industry's reserves. Current reserves are equal to more than 50 percent of the volume of spearmint oil utilized by the market on a yearly basis. These reserve stocks would be sufficient to meet any unanticipated marketing opportunities in the coming season.

List of Subjects in 7 CFR Part 985: Agricultural Marketing Service, Marketing Agreements and Orders, Far West, and Spearmint Oil.

For the reasons set forth in the preamble, 7 CFR Part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

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

2. It is proposed to add a new § 985.208 under Subpart—Salable Quantities and Allotment Percentages to read as follows: (The following provisions will not be published in the Code of Federal Regulations).

Subpart—Salable Quantities and Allotment Percentages

§ 985.208 Salable quantities and allotment percentages—1988–89 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1988, shall be as follows:

(a) Class I oil—a salable quantity of 650,131 pounds and an allotment percentage of 39 percent.

(b) Class III oil—a salable quantity of 701,077 pounds and an allotment percentage of 38 percent.

Dated: December 3, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87–28248 Filed 12–8–87; 8:45 am]

BILLING CODE 3410–02–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Refund of Interest

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: The NCUA Board is proposing to revise § 701.24 (Refund of Interest) of its Rules and Regulations. The proposal, which is intended to clarify and simplify the regulation, results from NCUA's policy to periodically review each of its regulations.

DATE: Comments must be received on or before February 8, 1988.

ADDRESS: Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1776 G Street, NW., Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Hattie M. Ulan, Staff Attorney, Office of General Counsel, NCUA, at the above address, or telephone: (202) 357–1030.

SUPPLEMENTARY INFORMATION:

Background

Section 113(9) of the Federal Credit Union Act (12 U.S.C. 1761b(9)) authorizes the board of directors of a Federal credit union (FCU) to

authorize interest refunds to members of record at the close of business on the last day of any dividend period from income earned and received in proportion to the interest paid by them during that dividend period.

Section 701.24 of the NCUA Rules and Regulations implements this authority. This regulation has not been substantively amended since 1979. The NCUA Board, in its recent review of the regulation, has determined that some minor amendments to the regulation may be appropriate. The following section-by-section analysis describes the proposed changes to the regulation. The NCUA Board requests comment on the proposed changes and any other suggested modifications to the regulation.

Section-By-Section Analysis

Proposed § 701.24(a)

This paragraph restates the statutory authority of an FCU board of directors to authorize an interest refund. This is carried over from the present regulation. It states further that interest refunds can only be made if dividends on share accounts have been declared and paid for the same period. This requirement is found in § 701.24(f) of the current

regulation. It has been the longstanding policy of NCUA that FCU's declare and pay dividends before any interest refunds are made.

Proposed § 701.24(b)

This paragraph states that interest refunds shall be determined as a percentage of the interest paid by the credit union member. This is required by section 113(9) of the FCU act. This section updates current § 701.24(b) by deleting a reference to a regulation no longer in existence (§ 701.21–1(d)) and allowing interest refunds to vary according to the interest rate on the extension of credit as well as the type of extension of credit.

Proposed § 701.24(c)

This paragraph states that an FCU may exclude interest refunds on particular types of extensions of credit, extensions of credit at a particular interest rate, and any extensions of credit that are presently delinquent or have been delinquent during the period for which the interest refund is made. This paragraph simplifies current § 701.24(c) and expands an FCU's flexibility in declaring an interest refund. The present regulation does not allow for exclusion based on rate of interest and requires that loans be at least two months delinquent before being excludable from an interest refund.

Proposed Deletions from the Current Regulation

Section 701.24(d) of the current regulation requires that the FCU board meeting minutes document varying interest refunds or exclusion of certain loans from refunds. The NCUA Board believes that such documentation is a good business decision, but is not something that must be required by regulation. This paragraph is deleted in the proposed regulation. Section 701.24(e) allows an FCU to authorize interest refunds during a dividend period when it may declare a dividend and for prior dividend periods within the same calendar year if interest refunds had not been previously made for those dividend periods. This paragraph is deleted in the proposed regulation. Proposed § 701.24(a) requires that interest refunds can only be made for a dividend period after a dividend has been declared and paid for the period. The NCUA Board believes that whether or not to grant interest refunds on past dividend periods is a decision to be made by each FCU, as long as dividends have been paid for the past periods. Current § 701.24(g) requires that interest refunds be recorded on an FCU's books as a reduction of interest income. This paragraph is deleted in the proposed regulation as it is an accounting requirement that is covered by generally accepted accounting principles and the Accounting Manual for FCU's.

Regulatory Procedures

Regulatory Flexibility Act

The NCUA Board certifies that the proposed rule, if made final, will not have a significant impact on a substantial number of small credit unions. Accordingly, the Board has determined that a Regulatory Flexibility Analysis is not required.

Paperwork Reduction Act

This proposed rule eliminates the collection of information requirement found in the present rule (documentation in FCU board meeting minutes of loans excluded from interest refunds). Since the proposed rule, if made final, will eliminate the collection requirement, the rule need not be sent to the Office of Management and Budget for approval.

List of Subjects in 12 CFR Part 701

Credit unions, Interest refund.

By the National Credit Union Administration Board on December 3, 1987.

Becky Baker,

Secretary of the Board.

Accordingly, NCUA proposes to amend its regulations as follows:

PART 701—[AMENDED]

1. The authority citation for Part 701 continues to read as follows:

Authority: 12 U.S.C. 1755, 12 U.S.C. 1756, 12 U.S.C. 1757, 12 U.S.C. 1759, 12 U.S.C. 1761a, 12 U.S.C. 1761b, 12 U.S.C. 1766, 12 U.S.C. 1767, 12 U.S.C. 1782, 12 U.S.C. 1784, 12 U.S.C. 1787, 12 U.S.C. 1789, and 12 U.S.C. 1798.

In addition, § 701.31 is also authorized by 15 U.S.C. 1601 *et seq.*, 42 U.S.C. 1781 and 42 U.S.C. 3601–3610.

2. It is proposed that § 701.24 be revised to read as follows:

§ 701.24 Refund of interest

(a) The board of directors of a Federal credit union may authorize an interest refund to members who paid interest to the credit union during any dividend period and who are members of record at the close of business on the last day of such dividend period. Interest refunds may be made for a dividend period only if dividends on share accounts have been declared and paid for that period.

(b) The amount of interest refund to each member shall be determined as a percentage of the interest paid by the member. Such percentage may vary according to the type of extension of credit and/or the interest rate charged.

(c) The board of directors may exclude from an interest refund (1) a particular type of extension of credit; (2) extensions of credit made at a particular interest rate; and (3) any extensions of credit that are presently delinquent or have been delinquent within the period for which the refund is being made.

[FR Doc. 87–28213 Filed 12–8–87; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 4

Unique Bill of Lading Identifier

AGENCY: U.S. Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to require that each bill of lading which accompanies a shipment of imported cargo carried by vessel possess a unique 12 character identifier. This identifier will serve to distinguish the particular bill of lading from other bills of lading issued by that carrier or issuer and from bills issued by others.

The identifier is designed to enable Customs Automated Commercial System to more accurately track the progress of cargo from its arrival to its release. This will eventually enable Customs to automate all phases of the processing of merchandise from its arrival to its entry into the commerce of the U.S. The unique identifier on the bill of lading will greatly facilitate the automated tracking of the merchandise covered by the bill of lading.

DATE: Comments must be received on or before February 8, 1988.

ADDRESSES: Comments (preferably in triplicate) may be addressed to the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2324, Washington, DC 20229. Comments relating to the information collection aspects of the proposal should be addressed to Customs as noted above and also to the Office of Regulatory Affairs, Attention: Desk Officer for U.S. Customs Service, Office of Management and Budget, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Robin Landis, Office of Cargo Enforcement and Facilitation (202) 566–8151.

SUPPLEMENTARY INFORMATION:

Background

Section 431, Tariff Act of 1930, as amended (19 U.S.C. 1431), requires that the master of every vessel arriving in the U.S. have on board a manifest which contains, among other things, information with respect to the nature of the merchandise on board the vessel. While the information to be provided in the manifest is set forth in section 431, the form of the manifest is to be prescribed by the Secretary of the Treasury. This authority has been delegated to the Commissioner of Customs.

Section 4.7, Customs Regulations (19 CFR 4.7), provides that the manifest shall consist of several documents. Although a bill of lading is not one of the required documents, information from the bill of lading is necessary to complete documentation such as the Cargo Declaration (Customs Form 1302) which forms part of the manifest.

The Cargo Declaration contains a column headed "B/L Nr." When inward foreign cargo is being shipped by container, each bill of lading is to be listed in numerical sequence under that column according to the bill of lading number. At present, the bill of lading number is assigned by the carrier or issuer according to its particular system of internal controls. These systems differ in complexity and sophistication. Accordingly, there is no uniform method by which bills of lading are numbered. In addition, each issuer has a different system with respect to the period of time before which a bill of lading number will be used again.

For more than 3 years, Customs has had under development a system known as the Automated Commercial System (ACS). The ultimate goal of the ACS is to automate all phases of the entry processing of imported merchandise into a single automated system.

Customs is developing an Automated Manifest System (AMS) as an integral module of the ACS. The manifest module is, in essence, both an imported merchandise inventory control system and a cargo release notification system. By comparing information provided in the manifest with automated Customs entry data, Customs will be able to make informed decisions with respect to the allocation of resources for the inspection of merchandise.

The AMS provides benefits to both carriers and Customs by reducing cost, speeding the movement of cargo and enhancing productivity. For example, faster notice of cargo discrepancies can be given. This quicker communication can reduce transit times and ultimately transportation costs to the consumer. Long-term benefits are expected to include better utilization of equipment and better staging of cargo for delivery to consignees or their agents.

Carriers may participate directly in the AMS by transmitting manifest data directly to Customs with their own compatible automated system. Alternatively, carriers may use the computer facilities of port authorities, or other service centers which have establish interface capability with Customs. These users would enter and transmit the inward cargo manifest data. Customs would thus have inventory files for these manifests. After analyzing the data, Customs would make its decision with respect to inspection and release of the merchandise. The AMS electronically informs the carrier, service center or port authority when the merchandise is authorized for release. This electronic release notification speeds the flow of cargo.

AMS was designed to use the bill of lading number as an identifier for the processing of this data. By focusing on the bill of lading number, Customs can track and make decisions with respect to the disposition of cargo. In order for the bill of lading identifier to function, however, it is obviously essential that each bill of lading number refer uniquely to an individual shipment by a particular carrier or issuer.

The proposed regulation would establish a uniform method by which carriers and other bill issuers would be required to number their bills of lading. The proposed identifier is to be 12 characters in length. It is proposed that the first four of these characters consist of the 4 character Standard Carrier Alpha Code (SCAC) asigned to that carrier or isuer in the National Motor Freight Traffic Association, Inc., Directory of Standard Multi-Modal Carrier and Tariff Agent Codes. The SCAC code is considered to be the simplest and most easily utilized method of recognizing the identity of the carrier or other issuer. The next 7 characters may be either numerals or letters, or a combination of the two. The last character is to be what is called a 'check digit", a numeral which is designed to be used to verify the validity of the preceding digits. The method by which the check digit is determined is set out in the Appendix to this document.

To make certain that the identifier remains unique, the proposed regulation provides that the number assigned to the bill of lading shall not be used by the issuer for another bill of lading for a period of 10 years after issuance.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2324, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

Regulatory Flexibility Act

The proposal will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)

Executive Order 12291

The document does not meet the criteria for a "major rule" as specified by E.O. 12291. Accordingly, no regulatory impact analysis is required.

Paperwork Reduction Act

This document is subject to the Paperwork Reduction Act f 1980 (44 U.S.C. 3501 *et seq.*). Accordingly, a copy has been submitted to the Office of Management and Budget for review and comment pursuant to 44 U.S.C. 3504(h). Public comments relating to the information collection aspects of the proposal should be addressed to Customs and to the Office of Management and Budget at the address set forth in the **ADDRESS** portion of this document.

Drafting Information

The principal author of this document was Myles B. Harmon, Regulations Control Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 4

Carriers, Manifest, Vessels, Bill of lading.

Proposed Amendments

It is proposed to amend Part 4, Customs Regulations (19 CFR Part 4), as set forth below.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. The general authority citation for Part 4, would continue to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624; 46 U.S.C. 3, 91, 2103. There would be no changes to the specific authority citations.

2. Section 4.7a would be amended by adding a new paragraph (c)(2)(iii) to read as follows:

§ 4.7a Inward manifest; information required; alternative forms.

* * * * *

(c) *Cargo Declaration.* * * *

(2) * * *

(iii) All bills of lading, whether issued by a carrier, freight forwarder, or other issuer, shall contain a 12 character identifier. The first 4 characters shall be the carrier or issuer's 4 digit Standard Carrier Alpha Code (SCAC) assigned to that carrier in the National Motor Freight Traffic Association, Inc., Directory of Standard Multi-Modal Carrier and Tariff Agent Codes, applicable supplements thereto and reissues thereof. The next 7 characters may be either numerals or letters, or a combination thereof. The last character shall be a check digit, a uniquely assigned numeral which, to insure validity, corresponds with the preceding 11 characters. The bill of lading number shall not be used by carrier, freight forwarder or issuer for another bill of lading for a period of 10 years after issuance.

Michael H. Lane,

Acting Commissioner of Customs.

Approved: October 23, 1987.

Francis A. Keating, II,

Assistant Secretary of the Treasury.

Note: This appendix will not appear in the code of Federal Regulations.

Appendix

Check Digit Computation Formula: Bill of lading reference number containing alphabetic characters must be transformed to a numeric equivalent prior to computing the check digit. The numeric equivalent for each alphabetic character is as follows:

A = 1	J = 1	S = 2
B = 2	K = 2	T = 3
C = 3	L = 3	U = 4
D = 4	M = 4	V = 5
E = 5	N = 5	W = 6
F = 6	O = 6	X = 7
G = 7	P = 7	Y = 8
H = 8	Q = 8	Z = 9
I = 9	R = 9	

Example: Bill of lading number containing carrier WHKA would transform to 6821 for check digit computation purposes.

a. Using bill of lading filer code WHKA which transforms to 6821 and a transaction number 0324527 as an example, the check digit is computed as follows:

Number for which Check Digit will be computed is 68210324527.

b. Start with the units position and multiply every other position by 2. Essentially all odd positions will be multiplied by 2.

Note: High order zeros are a significant element in the computation process and must be included in the transaction number.

If the result of the multiplication is greater than 9, add 1 to the units digit of the result and disregard the tens digit.

7	5	2	0	2	6
× 2	× 2	× 2	× 2	× 2	× 2
14	10	4	0	4	12
+ 1	+ 1	+ 0	+ 0	+ 0	+ 1

5 + 1 + 4 + 0 + 4 + 3

c. Add the results.

5+1+4+0+4+3=17

d. Total all even positions starting with the position adjacent to the unit's position.

2+4+3+1+8=18

e. Add the sums from steps c and d.

17+18=35

f. Subtract the unit's digit from 10. The result is the check digit.

10−5=5

g. Normally, the result of the arithmetic will be a single digit. In instances when the unit's digit from the sum in step e is a 0, the check digit will be 0.

The resulting bill of lading number from the example would be shown as follows: WHKA–0324527–5

Note that the example shows dashes "-" for clarity; however, the dashes are not part of the bill reference number and would not be transmitted to Customs.

[FR Doc. 87–28126 Filed 12–8–87; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 614

Unemployment Compensation for Ex-servicemembers

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Employment and Training Administration of the Department of Labor proposes to amend the regulations for implementing the program of Unemployment Compensation for Ex-servicemembers (UCX). Changes to the regulations incorporate statutory amendments, which change the criteria for determining Federal service for UCX purposes, require a 4-week waiting period prior to receipt of benefits, and limit to 13 weeks in a single benefit year the aggregate amount of benefits payable to former uniformed personnel who completed their initial term of service or who were separated for specified reasons prior to completing their initial term of service and were separated under honorable conditions. Two new provisions provide for: (1) The non-reimbursement of UCX benefits improperly paid in cases where a State fails to use the crossmatch mechanism at the claims control center designated by the Department; and (2) States to send notices of nonmonetary determinations after making any determinations with respect for UCX benefits, to the appropriate branches of the Armed Forces in the same manner that State unemployment insurance private sector employers are given such notices. The amendments are applicable to weeks of unemployment beginning after October 25, 1982, and apply to terminations of service on or after July 1, 1982, with the exception that a revised departmental interpretation with respect to (1) the 4-week waiting period as including a State's 1-week waiting period and (2) the applicability of the 13-week benefit limitation to a single benefit year takes effect with the

issuance of a program letter announcing such revised interpretations. The amendments also apply to individuals separated from the Commissioner Corps of the National Oceanic and Atmospheric Administration (NOAA) on or after July 1, 1981.

DATE: Written comments must be received by close of business on January 8, 1988.

ADDRESS: Submit comments to Carolyn M. Golding, Director, Unemployment Insurance Service, U. S. Department of Labor, Room S–4231, Frances Perkins Building, 200 Constitution Ave., NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Lorenzo Roberts, Group Chief, Division of Program Development and Implementation, Office of Program Management, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Ave; NW. Washington, DC 20210, telephone (202) 535–0309 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The UCX program is financed by Federal funds to furnish unemployment benefits to eligible individuals who are separated from the Armed Forces and are unable to obtain work. The program created by Pub. L. 85–848, approved on August 28, 1958, has been codified at 5 U.S.C. 8521–8525.

This document proposes to amend 20 CFR Part 614 to implement statutory amendments to the Unemployment Compensation for Ex-servicemembers program.

Section 201 of the Miscellaneous Revenue Act of 1982 (Pub. L. 97–362, 96 State. 1726, 1732) amended 5 U.S.C. 8521, which affects entitlement to unemployment compensation for ex-servicemembers (UCX) in that: (1) The eligibility requirements for determining qualifying "Federal service" were revised; (2) an individual shall not be entitled to compensation for any week before the fifth week beginning after the week in which the individual was discharged or released: and (3) the aggregate amount of compensation payable on the basis of Federal military service to any individual with respect to any benefit year shall not exceed 13 times the individual's weekly benefit amount for total unemployment. The amendments to 5 U.S.C. 8521 apply to individuals separated from the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA) on or after July 1, 1981, but only with respect to weeks of unemployment beginning after October 25, 1982. These amendments require implementing changes in the UCX regulations, and supercede the amendments to section 8521 in 1981 (sec. 2405 of Pub. L. 97–35) which were effective from August 14, 1981, through October 25, 1982.

1. Section 614.2, paragraph (g), is amended to reflect the new "Federal service" criteria which affect entitlement for UCX. To meet these criteria, an ex-servicemember separated from service on or after July 1, 1981, must have completed a full of active service in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration and must have been discharged or released under honorable conditions. And, if an officer, the individual must not have resigned for the good of the service. Ex-servicemembers discharged or released before completing their first full term of active service will nevertheless have a qualifying period of "Federal military service" if separated:

—For the convenience of the Government under an early release program,

—Because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability,

—Because of hardship, or

—Because of personality disorders or inaptitude but only if the service was continuous for 365 days or more.

Active duty in reserve status may qualify as Federal military service only if such active duty is continuous for 180 days or longer.

2. New paragraph (e) is added to § 614.3 to provide for the period for which UCX benefits will be payable under the new Act and the effective date of these payments. An individual is not entitled to UCX benefits for any week, as defined by State law for the payment of benefits, before the fifth week beginning after the week in which the individual was discharged or released from service.

3. Section 614.4, paragraph (c), is amended to reflect the new maximum amount of UCX which shall be payable to an individual with respect to any benefit year. The maximum amount of UCX which shall be payable to an individual with respect to a benefit year shall not exceed 13 times the individual's weekly benefit amount (13 × WBA) for total unemployment.

5 U.S.C. 8521(c)(2) provides that the aggregate amount of compensation payable based on Federal service to any individual with respect to any benefit year shall not exceed 13 times the individual's weekly benefit amount (13 × WBA) for total unemployment. Compensation does not have to be paid to be considered payable.

The same aggregate limitation (13 × WBA) is interpreted to include regular and Extended Benefits (EB), additional compensation, and Federal Supplemental Compensation (FSC) or other emergency compensation. Therefore, an individual is not eligible for more than an aggregate amount of 13 × WBA, which includes all compensable weeks payable since the beginning of the benefit year including regular, EB, additional, and FSC benefits.

4. Section 614.4, paragraph (d), is amended to reflect that the maximum amount of UCX which shall be payable to an individual is changed as provided in paragraph (c) (as amended in this document). However, the determination of the weekly amount of UCX payable to an individual under the UCX program is not changed, and will continue to be determined under the applicable State law, using the applicable Schedule of Remuneration, to be in the same amount, on the same terms, and subject to the same conditions as the State unemployment compensation which would be payable to the individual under the applicable State law if the individual's Federal military service and Federal military wages assigned or transferred under Part 614 to the State had been included as employment and wages covered by the State law.

5. The heading of § 614.6 is revised and paragraphs (a), (d) and (e) of that same section are revised to delete references to the Veterans Administration since that agency is no longer required to make findings under the amendments in Pub. L. 97–362. Paragraph (d) is also revised to provide for States to send notices of nonmonetary determinations after making any determination with respect for UCX benefits to the appropriate branches of the Armed Forces in the same manner that State unemployment insurance private sector employers are given such notices. Paragraph (g) is also revised to add new text and add a reference to Appendix B of this Part.

6. Section 614.15 is amended to add a new paragraph (e) to provide for the non-reimbursement of UCX benefit payments improperly paid by any State which advertently fails to use the crossmatch mechanism at the claims control center designated by the Department.

7. Section 614.21, paragraph (a), is amended to add a new paragraph (5) to include the narrative reason or other reason given for separation on the appropriate military document as a final and conclusive finding for all purposes of the UCX Program.

8. Section 614.21, paragraph (b), is amended to reflect that under the amendments a separation must be under honorable conditions to qualify as Federal military service, since under the provisions of amended section 8521 a separation under other than honorable conditions is now a bar to UCX eligibility. The heading is also changed to reflect the changes in the law.

9. Part 614 is amended by removing §§ 614.23 and 614.24 because the amendments in Pub. L. 97–362 eliminate the need for Veterans Administration adjudications.

10. Section 614.25 is amended to delete any reference to the Veterans Administration since that agency is no longer required to make adjudications as a result of the amendments in Pub. L. 97–362. It is redesignated § 614.23.

11. Section 614.26 is amended to delete the reference to the Veterans Administration and is redesignated § 614.24.

12. Section 614.27 is amended to delete the reference to the Veterans Administration and is redesignated § 614.25.

13. Other technical and conforming changes are made in Part 614.

(Note: The provisions in this document relating to the 4-week waiting period and the maximum benefits payable in any benefit year differ from guidance previously furnished to the States in other issuances.)

Classification—Executive Order 12291

This proposed rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is 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 the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Paperwork Reduction

The proposed rule in this document will not increase the Federal paperwork burden on the private or public sectors under the Paperwork Reduction Act and Executive Order 12291. The reason for such certification is that this proposed rule only implements amendments to an individual entitlement program and will only affect individuals applying for benefits under the Unemployment Compensation for Ex-servicemembers program.

Regulatory Flexibility Act

The proposed rule will have no "significant economic impact on a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Pub. L. 96–354, 91 Stat. 1164 (5 U.S.C. 605(b)). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. This conclusion is reached because this rule only implements amendments to an individual entitlement program. The rule guides States in the administration of the UCX Program and neither individuals nor the States are small entities as defined in the Act. Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 20 CFR Part 614

Unemployment compensation for ex-servicemembers (UCX), Unemployment compensation.

Words of Issuance

For the reasons set out in the preamble, Part 614 of Chapter V of Title 20 of the Code of Federal Regulations is proposed to be amended as follows:

PART 614—UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS

1. The authority citation for Part 614 is revised to read as follows:

Authority: 5 U.S.C. 8508; Secretary's Order No. 4–75 (40 FR 18515).

2. The table of contents for 20 CFR Part 614 is amended by revising § 614.6, Subpart C (§§ 614.20 through 614.25) and adding Appendicies A, B, and C to read as follows:

Subpart B—Administration of UCX Program

Sec.

* * * * *

614.6 Determinations of entitlement; notices to individual and Federal military agency.

* * * * *

Subpart C—Responsibilities of Federal Military Agencies and State Agencies

Sec.

614.20 Information to ex-servicemembers.
614.21 Findings of Federal military agency.
614.22 Correcting Federal findings.
614.23 Finality of findings.
614.24 Furnishing other information.
614.25 Liaison with Department.
Appendix A to Part 614—Standard for Claim Filing, Claimant Reporting, Job Finding, and Employment Services.
Appendix B to Part 614—Standard for Claim Determinations—Separation Information.
Appendix C to Part 614—Standard for Fraud and Overpayment Detection.

3. Paragraph (a) of § 614.1 is revised to read as follows:

§ 614.1 Purpose and application.

(a) *Purpose.* Subchapter II of chapter 85, title 5 of the United States Code (5 U.S.C. 8521–8525), as amended by sec. 201 of Pub. L. 97–362, 96 Stat. 1732, provides for a permanent program of unemployment compensation for unemployed individuals separated from the Armed Forces. The unemployment compensation provided for in Subchapter II is hereinafter referred to as Unemployment Compensation for Ex-servicemembers, or UCX. The regulations in this part are issued to implement the UCX Program.

4. Section 614.1 is amended by adding at the end of paragraph (d)(6) the reference to OMB control number 1205–0163 to read as follows:

* * * * *

(d) * * *

(6) * * *

(Approved by the Office of Management and Budget under control number 1205–0163).

5. Paragraph (g) of § 614.2 is revised to read as follows:

§ 614.2 Definitions of terms.

* * * * *

(g)(1) "Federal military service" means active service (not including active duty in a reserve status unless for a continuous period of 180 days or more) in the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration if with respect to that service—

(i) The individual was discharged or released under honorable conditions (and, if an officer, did not resign for the good of the service); and

(ii)(A) The individual was discharged or released after completing his first full term of active service which the individual initially agreed to serve, or

(B) The individual was discharged or released before completing such term of active service—

(*1*) For the convenience of the Government under an early release program,

(*2*) Because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability,

(*3*) Because of hardship, or

(*4*) Because of personality disorders or inaptitude but only if the service was continuous for 365 days or more.

(2) This amendment to 5 U.S.C. 8521 applies to individuals separated from the Armed Forces and the Commissioned Corps of the National

Oceanic and Atmospheric Administration (NOAA) on or after July 1, 1981, but only with respect to weeks of unemployment beginning after October 25, 1982. The 1981 amendment to 5 U.S.C. 8521 (sec. 2405 of Pub. L. 97–35) applied for the period from August 14, 1981 to October 25, 1982.

* * * * *

6. Section 614.3 is amended by striking the word "and" at the end of paragraph (c) of such section, by inserting "; and " in lieu of the period at the end of paragraph (d) of such section, and by adding new paragraph (e) to such section to read as follows:

§ 614.3 Eligibility requirements for UCX.

* * * * *

(e) The first week of unemployment for which a payment of UCX is claimed is not a week earlier than the fifth week beginning after the week in which the individual was discharged or released from service.

7. Paragraphs (c) and (d) of § 614.4 are revised to read as follows:

§ 614.4 Weekly and maximum benefit amounts.

* * * * *

(c) *Maximum amount.* The maximum amount of compensation which shall be payable under the Act and this Part 614 to an individual with respect to any benefit year established after separation from Federal military service shall not exceed 13 times the individual's weekly benefit amount (13 x WBA) for total unemployment, and the term "compensation" as used in this paragraph includes all regular, additional, emergency, and extended compensation (as defined in § 614.2(q)) payable to the individual with respect to such benefit year.

(d) *Computation rule.* The weekly and maximum amounts of UCX payable to an individual under the UCX Program shall be determined under the applicable State law to be in the same amount, on the same terms, and subject to the same conditions as the State unemployment compensation which would be payable to the individual under the applicable State law if the individual's Federal military service and Federal military wages assigned or transferred under this part to the State had been included as employment and wages covered by that State law, subject to the use of the applicable Schedule of Remuneration and the limitation on the maximum UCX payable as set forth in paragraph (c) of this section.

8. Paragraph (c) of § 614.5 is revised to read as follows:

§ 614.5 Claims for UCX.

* * * * *

(c) *Secretary's standard.* The procedures for reporting and filing claims for UCX and waiting period credit shall be consistent with this Part 614 and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" in the *Employment Security Manual,* Part V, sections 5000–5004 (Appendix A of this part).

9. The heading of § 614.6 is revised and paragraphs (a), (d), (e)(1) and (g) of that same section are revised to read as follows:

§ 614.6 Determinations of entitlement; notices to individual and Federal military agency.

(a) *Determinations of first claim.* Except for findings of a Federal military agency and the applicable Schedule of Remuneration which are final and conclusive under § 614.23, the State agency whose State law applies to an individual under § 614.8 shall, promptly upon the filing of a first claim for UCX, determine whether the individual is otherwise eligible, and, if the individual is found to be eligible, the individual's benefit year and the weekly and maximum amounts of UCX payable to the individual.

* * * * *

(d) *Notices to individual and Federal military agency.* (1) The State agency promptly shall give notice in writing to the individual of any determination or redetermination of a first claim, and, except as may be authorized under paragraph (g) of this section, of any determination or redetermination of any weekly claim which denies UCX or waiting period credit or reduces the weekly amount or maximum amount initially determined to be payable. Each notice of determination or redetermination shall include such information regarding the determination or redetermination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations and redeterminations with respect to claims for State unemployment compensation. Such notice shall include the findings of any Federal military agency utilized in making the determination or redetermination, and shall inform the individual of the finality of Federal findings and the individual's right to request correction of such findings as is provided in § 614.22.

(2) A copy of any notice furnished to an individual under paragraph (d)(1) of this section shall also be sent to each Federal military agency for which the individual performed Federal military service during the appropriate base period, together with notice of appeal rights of the Federal military agency under the State law provisions applicable to chargeable employers.

(e) *Obtaining information for claim determinations.* (1) Information required for the determination of claims for UCX shall be obtained by the State agency from claimants, employers, and others, in the same manner as information is obtained for claim purposes under the applicable State law, but Federal military findings shall be obtained from military documents, the applicable Schedule of Remuneration, and from Federal military agencies as prescribed in §§ 614.21 through 614.24.

* * * * *

(g) *Secretary's standard.* The procedures for making determinations and redeterminations, and furnishing written notices of determinations, redeterminations, and rights of appeal to individuals applying for UCX and to appropriate Federal military agencies shall be consistent with this Part 614 and the Secretary's "Standard for Claim Determinations—Separation Information" in the *Employment Security Manual,* Part V, sections 6010–6015 (Appendix B of this part).

10. Paragraph (i) of § 614.11 is revised to read as follows:

§ 614.11 Overpayments; penalties for fraud.

* * * * *

(i) *Fraud detection and prevention.* Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of UCX shall be, as a minimum, commensurate with the procedures adopted by the State with respect to State unemployment compensation and consistent with this Part 614 and the Secretary's "Standard for Fraud and Overpayment Detection" in the *Employment Security Manual,* Part V, sections 7510–7151 (Appendix C of this part).

* * * * *

11. Section 614.15 is amended by adding at the end thereof a new paragraph (e) to read as follows:

§ 614.15 Payments to States.

* * * * *

(e) *Non-reimbursement of benefits.* Notwithstanding any other provision in these regulations, the Federal Government shall not be obligated to reimburse a State for UCX benefits improperly paid if that State, without the Department's prior approval, fails to use the crossmatch mechanism at the claims

control center designated by the Department.

12. Section 614.21 is amended by revising paragraphs (a) introductory text, (a) (1), (3), (4) and (b), and by adding paragraph (a)(5) to read as follows:

§ 614.21 Findings of Federal military agency.

(a) *Findings of Federal military agency.* Information contained in a military document furnished to an ex-servicemember shall constitute findings to which § 614.23 applies as to:

(1) Whether the individual has performed Federal military service as defined in § 614.2(g);

* * * * *

(2) * * *

(3) The type of discharge or release terminating the period of Federal military service;

(4) The individual's pay grade at the time of discharge or release from Federal military service; and

(5) The narrative reason or other reason for separation from Federal military service.

(b) *Discharges not under honorable conditions.* A military document which shows that an individual's discharge or release was not "honorable" or "under honorable conditions" shall also be a finding to which § 614.23 applies.

§§ 614.23 and 614.24 [Removed]

13. Part 614 is amended by removing §§ 614.23 and 614.24.

§ 614.25 [Redesignated as § 614.23 and Revised]

14. Section 614.25 is redesignated § 614.23, and is revised to read as follows:

§ 614.23 Finality of findings.

The findings of a Fedeal military agency referred to in §§ 614.21 and 614.22, and the Schedules of Remuneration issued by the Department pursuant to the Act and § 614.12, shall be final and conclusive for all purposes of the UCX Program, including appeal and review pursuant to § 614.7 or § 614.17.

§ 614.26 [Redesignation as § 614.24 and Amended]

15. Section 614.26 is redesignated § 614.24, and paragraph (a) of such section is revised to read as follows:

§ 614.24 Furnishing other information.

(a) *Additional information.* In addition to the information required by §§ 614.21 and 614.22, a Federal militiary agency shall furnish to a State agency or the Department, within the time requested, any information which it is not otherwise prohibited from releasing by law, which the Department determines is necessary for the administration of the UCX Program.

* * * * *

§ 614.27 [Redesignated as § 614.25 and Revised]

16. Section 614.27 is redesignated § 614.25 and is revised to read as follows:

§ 614.25 Liaison with Department.

To facilitate the Department's administration of the UCX program, each Federal military agency shall designate one or more of its officials to be the liaison with the Department. Each Federal military agency will inform the Department of its designation(s) and of any change in a designation.

17. Appendices A, B, and C to Part 614 are added to read as follows:

Appendix A To Part 614—Standard for Claim Filing, Claimant Reporting, Job Finding, and Employment Services

Employment Security Manual (Part V, Sections 5000–5004)

5000–5099 Claims Filing

5000 *Standard for Claim Filing, Claimant Reporting, Job Finding, and Employment Services*

A. *Federal law requirements.* Section 3304(a)(1) of the Federal Unemployment Tax Act and section 303(a)(2) of the Social Security Act require that a State law provide for:

> Payment of unemployment compensation solely through public employment offices or such other agencies as the Secretary may approve.

Section 3304(a)(4) of the Federal Unemployment Tax Act and section 303(a)(5) of the Social Security Act require that a State law provide for:

> Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation * * *.

Section 303(a)(1) of the Social Security Act requires that the State law provide for:

> Such methods of administration * * * as are found by the Secretary to be reasonably calculated to insure full payment of unemployment compensation when due.

B. *Secretary's interpretation of federal law requirements*

1. The Secretary interprets section 3304(a)(1) of the Federal Unemployment Tax Act and section 303(a)(2) of the Social Security Act to require that a State law provide for payment of unemployment compensation solely through public employment offices or claims offices administered by the State employment security agency if such agency provides for such coordination in the operations of its public employment offices and claims offices as will insure (a) the payment of benefits only to individuals who are unemployed and who are able to work and available for work, and (b) that individuals claiming unemployment compensation (claimants) are afforded such placement and other employment services as are necessary and appropriate to return them to suitable work as soon as possible.

2. The Secretary interprets all the above sections to require that a State law provide for:

a. Such contact by claimants with public employment offices or claims offices or both, (1) as will reasonably insure the payment of unemployment compensation only to individuals who are unemployed and who are able to work and available for work, and (2) that claimants are afforded such placement and other employment services as are necessary and appropriate to facilitate their return to suitable work as soon as possible; and

b. Methods of administration which do not unreasonably limit the opportunity of individuals to establish their right to unemployment compensation due under such State law.

5001 *Claim Filing and Claimant Reporting Requirements Designed to Satisfy Secretary's Interpretation*

A. *Claim filing—total or part-total unemployment*

1. Individuals claiming unemployment compensation for total or part-total unemployment are required to file a claim weekly or biweekly, in person or by mail, at a public employment office or a clams office (these terms include offices at itinerant points) as set forth below.

2. Except as provided in paragraph 3, a claimant is required to file in person:

a. His new claim with respect to a benefit year, or his continued claim for a waiting week or for his first compensable week unemployment in such year; and

b. Any other claim, when requested to do so by the claims personnel at the office at which he files his claims(s) because questions about his right to benefits are raised by circumstances such as the following:

(1) The conditions or circumstances of his separation from employment;

(2) The claimant's answers to questions on mail claim(s) indicated that he may be unable to work or that there

may be undue restrictions on his availability for work or that his search for work may be inadequate or that he may be disqualified;

(3) The claimant's answers to questions on mail claims create uncertainty about his credibility or indicate a lack of understanding of the applicable requirements; or

(4) The claimant's record shows that he has previously filed a fraudulent claim.

In such circumstances, the claimant is required to continue to file claims in person each week (or biweekly) until the State agency determines that filing claims in person is no longer required for the resolution of such questions.

3. A claimant must be permitted to file a claim by mail in any of the following circumstances:

a. He is located in an area requiring the expenditure of an unreasonable amount of time or money in traveling to the nearest facility established by the State agency for filing claims in person;

b. Conditions make it impracticable for the agency to take claims in person;

c. He has returned to full-time work on or before the scheduled date for his filing a claim, unless the agency makes provision for in-person filing at a time and place that does not interfere with his employment;

d. The agency finds that he has good cause for failing to file a claim in person.

4. A claimant who has been receiving benefits for partial unemployment may continue to file claims as if he were a partially unemployed worker for the first four consecutive weeks of total or part-total unemployment immediately following his period of partial unemployment so long as he remains attached to his regular employer.

B. *Claim filing—partial unemployment.* Each individual claiming unemployment compensation for a week (or other claim period) during which, because of lack of work, he is working less than his normal customary full-time hours for his regular employer and is earning less than the earnings limit provided in the State law, shall not be required to file a claim for such week or other claim period earlier than 2 weeks from the date that wages are paid for such claim period or, if a low earnings report is required by the State law, from the date the employer furnished such report to the individual. State agencies may permit claims for partial unemployment to be filed either in person or by mail, except that in the circumstances set forth in section A 3, filing by mail must be permitted, and in the circumstances set forth in section A 2 by, filing in person may be required.

5002 *Requirement for Job Finding, Placement, and other Employment Services Designed to Satisfy Secretary's Interpretation*

A. Claims personnel are required to assure that each claimant is doing what a reasonable individual in his circumstances would do to obtain suitable work.

B. In the discretion of the State agency:

1. The claims personnel are required to give each claimant such necessary and appropriate assistance as they reasonably can in finding suitable work and at their discretion determine when more complete placement and employment services are necessary and appropriate for a claimant; and if they determine more complete services are necessary and appropriate, the claims personnel are to refer him to employment service personnel in the public employment office in which he has been filing claim(s), or, if he has been filing in a claims office, in the public employment office most accessible to him; *or*

2. All placement and employment services are required to be afforded to each claimant by employment service personnel in the public employment office most accessible to him, in which case the claims personnel in the office in which the claimant files his claim are to refer him to the employment service personnel when placement or other employment services are necessary and appropriate for him.

C. The personnel to whom the State agency assigns the responsibilities outlined in paragraph B above are required to give claimants such job-finding assistance, placement, and other employment services as are necessary and appropriate to facilitate their return to suitable work as soon as possible.

In some circumstances, no such services or only limited services may be required. For example, if a claimant is on a short-term temporary layoff with a fixed return date, the only service necessary and appropriate to be given to him during the period of the layoff is a referral to suitable temporary work if such work is being performed in the labor market area.

Similarly, claimants whose unemployment is caused by a labor dispute presumably will return to work with their employer as soon as the labor dispute is settled. They generally do not need services, nor do individuals in occupations where placement customarily is made by other nonfee charging placement facilities such as unions and professional associations.

Claimants who fall within the classes which ordinarily would require limited services or no services shall, if they request placement and employment services, be afforded such services as are necessary and appropriate for them to obtain suitable work or to achieve their reasonable employment goals.

On the other hand, a claimant who is permanently separated from his job is likely to require some services. He may need only some direction in how to get a job; he may need placement services if he is in an occupation for which there is some demand in the labor market area; if his occupation is outdated, he may require counseling and referral to a suitable training course. The extent and character of the services to be given any particular claimant may change with the length of his unemployment and depend not only on his own circumstances and conditions, but also on the condition of the labor market in the area.

D. Claimants are required to report to employment service personnel, as directed, but such personnel and the claims personnel are required to so arrange and coordinate the contacts required of a claimant as not to place an unreasonable burden on him or unreasonably limit his opportunity to establish his rights to compensation. As a general rule, a claimant is not required to contact in person claims personnel or employment service personnel more frequently than once a week, unless he is directed to report more frequently for a specific service such as referral to a job or a training course or counseling which cannot be completed in one visit.

E. Employment service personnel are required to report promptly to claims personnel in the office in which the claimant files his claim(s): (1) His failure to apply for or accept work to which he was referred by such personnel or when known, by any other nonfee-charging placement facility such as a union or a professional association; and (2) any information which becomes available to it that may have a bearing on the claimant's ability to work or availability for work, or on the suitability of work to which he was referred or which was offered to him.

5004 *Evaluation of Alternative State Provisions.* If the State law provisions do not conform to the "suggested State law requirements" set forth in sections 5001 and 5002, but the State law contains alternative provisions, the Manpower Administrator, in collaboration with the State agency, will study the actual or anticipated affect of the alternative provisions. If the Manpower Administrator concludes that the alternative provisions satisfy the

requirements of the Federal law as construed by the Secretary (see section 5000 B) he will so notify the State agency. If he does not so conclude, he will submit the matter to the Secretary. If the Secretary concludes that the alternative provisions satisfy such requirements, the State agency will be so notified. If the Secretary concludes that there is a question as to whether the alternative provisions satisfy such requirements, the State agency will be advised that unless the State law provisions are appropriately revised, a notice of hearing will be issued as required by the Code of Federal Regulations, title 20, § 601.3.

Appendix B to Part 614—Standard for Claim Determinations—Separation Information

Employment Security Manual (Part V, Sections 6010–6015)

6010–6019 *Standard for Claim Determinations—Separation Information*

6010 *Federal Law Requirements.* Section 303(a)(1) of the Social Security Act requires that a State law include provision for:

> Such methods of administration . . . as are found by the Secretary to be reasonably calculated to insure full payment of unemployment compensation when due.

Section 303(a)(3) of the Social Security Act requires that a State law include provision for:

> Opportunity for a fair hearing before an impartial tribunal, for all individuals whose claims for unemployment compensation are denied.

Section 3304(a)(4) of the Federal Unemployment Tax Act and section 303(a)(5) of the Social Security Act requires that a State law include provision for:

> Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation * * *

Section 3306(h) of the Federal Unemployment Tax Act defines "compensation" as "cash benefits payable to individuals with respect to their unemployment."

6011 *Secretary's Interpretation of Federal Law Requirements.* The Secretary interprets the above sections to require that a State law include provisions which will insure that:

A. Individuals who may be entitled to unemployment compensation are furnished such information as will reasonably afford them an opportunity to know, establish, and protect their rights under the unemployment compensation law of such State, and

B. The State agency obtains and records in time for the prompt determination and review of benefit claims such information as will reasonably insure the payment of benefits to individuals to whom benefits are due.

6012 *Criteria for Review of State Law Conformity with Federal Requirements*

In determining the conformity of a State law with the above requirements of the Federal Unemployment Tax Act and the Social Security Act as interpreted by the Secretary, the following criteria will be applied:

A. Is it required that individuals who may be entitled to unemployment compensation be furnished such information of their potential rights to benefits, including the manner and places of filing claims, the reasons for determinations, and their rights of appeal, as will insure them a reasonable opportunity to know, establish, and protect their rights under the law of the State?

B. Is the State agency required to obtain, in time for prompt determination of rights to benefits such information as will reasonably insure the payment of benefits to individuals to whom benefits are due?

C. Is the State agency required to keep records of the facts considered in reaching determinations of rights to benefits?

6013 *Claim Determinations Requirements Designed To Meet Department of Labor Criteria*

A. *Investigation of claims.* The State agency is required to obtain promptly and prior to a determination of an individual's right to benefits, such facts pertaining thereto as will be sufficient reasonably to insure the payment of benefits when due.

This requirement embraces five separate elements:

1. It is the responsibility of the agency to take the initiative in the discovery of information. This responsibility may not be passed on to the claimant or the employer. In addition to the agency's own records, this information may be obtained from the worker, the employer, or other sources. If the information obtained in the first instance discloses no essential disagreement and provides a sufficient basis for a fair determination, no further investigation is necessary. If the information obtained from other sources differs essentially from that furnished by the claimant, the agency, in order to meet its responsibility, is required to inform the claimant of such information from other sources and to afford the claimant an opportunity to furnish any further facts he may have.

2. Evidentiary facts must be obtained as distinguished from ultimate facts or conclusions. That a worker was discharged for misconduct is an ultimate fact or conclusion; that he destroyed a machine upon which he was working is a primary or evidentiary fact, and the sort of fact that the requirement refers to.

3. The information obtained must be sufficient reasonably to insure the payment of benefits when due. In general, the investigation made by the agency must be complete enough to provide information upon which the agency may act with reasonable assurance that its decision is consistent with the unemployment compensation law. On the other hand, the investigation should not be so exhaustive and time-consuming as unduly to delay the payment of benefits and to result in excessive costs.

4. Information must be obtained promptly so that the payment of beneifits is not unduly delayed.

5. If the State agency requires any particular evidence from the worker, it must give him a reasonable opportunity to obtain such evidence.

B. *Recording of facts.* The agency must keep a written record of the facts considered in reaching its determinations.

C. *Determination notices*

1. The agency must give each claimant a written notice of:

a. Any monetary determination with respect to his benefit year;

b. Any determination with respect to purging a disqualification if, under the State law, a condition or qualification must be satisfied with respect to each week of disqualification; but in lieu of giving written notice of each determination for each week in which it is determined that the claimant has met the requirements for purging, the agency may inform the claimant that he has purged the disqualification for a week by notation on his applicant identification car or otherwise in writing.

c. Any other determination which adversely affects [1] his rights to benefits,

[1] A determination "adversely affects" claimant's right to benefits if it (1) results in a denial to him of benefits (including a cancellation of benefits or wage credits or any reduction in whole or in part below the weekly or maximum amount established by his monetary determination) for any week or other period; or (2) denies credit for a waiting week; or (3) applies any disqualification or penalty; or (4) determines that he has not satisfied a condition of eligibility, requalification for benefits, or purging a disqualification; or (5) determines that an

Continued

except that written notice of determination need not be given with respect to:

(1) A week in a benefit year for which the claimant's weekly benefit amount is reduced in whole or in part by earnings if, the first time in the benefit year that there is such a reduction, he is required to be furnished a booklet or leaflet containing the information set forth below in paragraph 2f(1). However, a written notice of determination is required if: (1) There is a dispute concerning the reduction wth respect to any week (e.g., as to the amount computed as the appropriate reduction, etc.); or (b) there is a change in the State law (or in the application thereof) affecting the reduction; or

(2) Any week in a benefit year subsequent to the first week in such benefit year in which benefits were denied, or reduced in whole or in part for reasons other than earnings, if denial or reduction for such subsequent week is based on the same reason and the same facts as for the first week, and if written notice of determination is required to be given to the claimant with respect to such first week, and with such notice of determination, he is required to be given a booklet or pamphlet containing the information set forth below in paragraphs 2f (2) and 2h. However, a written notice of determination is required if: (a) There is a dispute concerning the denial or reduction of benefits with respect to such week; or (b) there is a change in the State law (or in the application thereof) affecting the denial or reduction; or (c) there is a change in the amount of the reduction except as to the balance covered by the last reduction in a series of reductions.

Note: This procedure may be applied to determinations made with respect to any subsequent weeks for the same reason and on the basis of the same facts: (a) that claimant is unable to work, unavailable for work, or is disqualified under the labor dispute provision; and (b) reducing claimant's weekly benefit amount because of income other then earnings or offset by reason of overpayment.

2. The agency must include in written notices of determinations furnished to claimants sufficient, information to enable them to understand the determinations, the reasons therefor, and their rights to protest, request reconsideration, or appeal.

The written notice of monetary determination must contain the information specified in the following items (except h) unless an item is specifically not applicable. A written notice of any other determination must contain the information specified in as many of the following items as are necessary to enable the claimant to understand the determination and to inform him of his appeal rights. Information specifically applicable to the individual claimant must be contained in the written notice of determination. Information of general application such as (but not limited to) the explanation of benefits for partial unemployment, information as to deductions, seasonality factors, and information as to the manner and place of taking an appeal, extension of the appeal period, and where to obtain information and assistance may be contained in a booklet or leaflet which is given the claimant with his monetary determination.

a. *Base period wages.* The statement concerning base-period wages must be in sufficient detail to show the basis of computation of eligiblity and weekly and maximum benefit amounts. (If maximum benefits are allowed, it may not be necessary to show details of earnings.)

b. *Employer name.* The name of the employer who reported the wages is necesary so that the worker may check the wage transcript and know whether it is correct. If the worker is given only the employer number, he may not be able to check the accuracy of the wage transcript.

c. *Explanation of benefit formula—weekly and maximum benefit amounts.* Sufficient information must be given the worker so that he will understand how his weekly benefit amount, including allowances for dependents, and his maximum benefit amount were figured. If benefits are computed by means of a table contained in the law, the table must be furnished with the notice of determination whether benefits are granted or denied.

The written notice of determination must show clearly the weekly benefit amount and the maximum potential benefits to which the claimant is entitled.

The notice to a claimant found ineligible by reason of insufficient earnings in the base period must inform him clearly of the reason for ineligibility. An explanation of the benefit formula contained in a booklet or pamphlet should be given to each claimant at or prior to the time he receives written notice of a monetary determination.

d. *Benefit year.* An explanation of what is meant by the benefit year and identification of the claimant's benefit year must be included in the notice of determination.

e. *Information as to benefits for partial unemployment.* There must be included either in the written notice of determination or in a booklet or pamphlet accompanying the notice an explanation of the claimant's rights to partial benefits for any week with respect to which he is working less than his normal customary full-time workweek because of lack of work and for which he earns less than his weekly benefit amont or weekly benefit amount plus earnings, whichever is provided by the State law. If the explanation is contained in the notice of determination, reference to the item in the notice in which his weekly benefit amount is entered should be made.

f. *Deductions from weekly benefits*

(1) *Earnings.* Although written notice of determinations deducting earnings from a claimant's weekly benefit amount is generally not required (see paragraph 1c(1) above), where written notice of determination is required (or given) it shall set forth the amount of earnings, the method of computing the deduction in sufficient detail to enable the claimant to verify the accuracy of the deduction, and his right to protest, request redetermination, and appeal. Where a written notice of determination is given to the claimant because there has been a change in the State law or in the application of the law, an explanation of the change shall be included.

Where claimant is not required to receive a written notice of determination, he must be given a booklet or pamphlet the first time in his benefit year that there is a deduction for earnings which shall include the following information:

(a) The method of computing deductions for earnings in sufficient detail to enable the claimant to verify the accuracy of the deduction;

(b) That he will not automatically be given a written notice of determination for a week with respect to which there is a deduction for earnings (unless there is a dispute concerning the reduction with respect to a week or there has been a change in the State law or in the application of the law affecting the deduction) but that he may obtain such a written notice upon request; and

(c) A clear statement of his right to protest, request a redetermination, and appeal from any determination

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overpayment has been made or orders repayment or recoupment of any sum paid to him; or (6) applies a previously determined overpayment, penalty, or order for repayment or recoupment; or (7) in any other way denies claimant a right to benefits under the State law.

deducting earnings from his weekly benefit amount even though he does not automatically receive a written notice of determination; and if the State law requires written notice of determination in order to effectuate a protest, redetermination, or appeal, he must be so advised and advised also that he must request a written notice of determination before he takes any such action.

(2) *Other deductions*

(a) A written notice of determination is required with respect to the first week in claimant's benefit year in which there is a reduction from his benefits for a reason other than earnings. This notice must describe the deduction made from claimant's weekly benefit amount, the reason for the deduction, the method of computing it in sufficient detail to enable him to verify the accuracy of such deduction, and his right to protest, request redetermination, or appeal.

(b) A written notice of determination is not required for subsequent weeks that a deduction is made for the same reason and on the basis of the same facts, if the notice of determination pursuant to (2)(a), or a booklet or pamphlet given him with such notice explains (i) the several kinds of deductions which may be made under the State law (e.g., retirement pensions, vacation pay, and overpayments); (ii) the method of computing each kind of deduction in sufficient detail that claimant will be able to verify the accuracy of deductions made from his weekly benefit payments; (iii) any limitation on the amount of any deduction or the time in which any deduction may be made; (iv) that he will not automatically be given a written notice of determination for subsequent weeks with respect to which there is a deduction for the same reason and on the basis of the same facts, but that he may obtain a written notice of determination upon request; (v) his right to protest, request redetermination, or appeal with respect to subsequent weeks for which there is a reduction from his benefits for the same reason, and on the basis of the same facts even though he does not automatically receive a written notice of determination; and (vi) that is the State law requires written notice of determination in order to effectuate a protest, redetermination, or appeal, he must be so advised and advised also that he must request a written notice of determination before he takes any such action.

g. *Seasonality factors.* If the individual's determination is affected by seasonality factors under the State law, an adequate explanation must be made. General explanations of seasonality factors which may affect determinations for subsequent weeks may be included in a booklet or pamphlet given claimant with his notice of monetary determination.

h. *Disqualification or ineligibility.* If a disqualification is imposed, or if the claimant is declared ineligible for one or more weeks, he must be given not only a statement of the period of disqualification or ineligibility and the amount of wage-credit reductions, if any, but also an explanation of the reason for the ineligibility or disqualification. This explanation must be sufficiently detailed so that he will understand why he is ineligible or why he has been disqualified, and what he must do in order to requalify for benefits or purge the disqualification. The statement must be individualized to indicate the facts upon which the determination was based, e.g., state, "It is found that you left your work with Blank Company because you were tired of working; the separation was voluntary, and the reason does not constitute good cause," rather than merely the phrase "voluntary quit." Checking a box as to the reason for the disqualification is not a sufficiently detailed explanation. However, this statement of the reason for the disqualification need not be a restatement of all facts considered in arriving at the determination.

i. *Appeal rights.* The claimant must be given information with respect to his appeal rights.

(1) The following information shall be included in the notice of determinations:

(a) A statement that he may appeal or, if the State law requires or permits a protest or redetermination before an appeal, that he may protest or request a redetermination.

(b) The period within which an appeal, protest, or request for redetermination must be filed. The number of days provided by statute must be shown as well as either the beginning date or ending date of the period. (It is recommended that the ending date of the appeal period be shown, as this is the more understandable of the alternatives.)

(2) The following information must be included either in the notice of determination or in separate informational material referred to in the notice:

(a) The manner in which the appeal, protest, or request for redetermination must be filed, e.g., by signed letter, written statement, or on a prescribed form, and the place or places to which the appeal, protest, or request for redetermination may be mailed or hand-delivered.

(b) An explanation of any circumstances (such as nonworkdays, good cause, etc.) which will extend the period for the appeal, protest, or request for redetermination beyond the date stated or identified in the notice of determination.

(c) That any further information claimant may need or desire can be obtained together with assistance in filing his appeal, protest, or request for redetermination from the local office.

If the information is given in separate material, the notice of determination would adequately refer to such material if it said, for example, "For other information about your (appeal), (protest), (redetermination) rights, see pages _____ to _____ of the _____ (name of pamphlet or booklet) heretofore furnished to you."

6014 *Separation Information Requirements Designed To Meet Department of Labor Criteria*

A. *Information to agency.* Where workers are separated, employers are required to furnish the agency promptly, either upon agency request or upon such separation, a notice describing the reasons for and the circumstances of the separation and any additional information which might affect a claimant's right to benefits. Where workers are working less than full time, employers are required to furnish the agency promptly, upon agency request, information concerning a claimant's hours of work and his wages during the claim periods involved, and other facts which might affect a claimant's eligibility for benefits during such periods.

When workers are separated and the notices are obtained on a request basis, or when workers are working less than full time and the agency requests information, it is essential to the prompt processing of claims that the request be sent out promptly after the claim is filed and the employer be given a specific period within which to return the notice, preferably within 2 working days.

When workers are separated and notices are obtained upon separation, it is essential that the employer be required to send the notice to the agency with sufficient promptness to insure that, if a claim is filed, it may be processed promptly. Normally, it is desirable that such a notice be sent to the central office of the agency, since the employer may not know in which local office the worker will file his claim. The usual procedure is for the employer to give the worker a copy of

the notice sent by the employer to the agency.

B. *Information to worker*

1. *Information required to be given.* Employers are required to give their employees information and instructions concerning the employees' potential rights to benefits and concerning registration for work and filing claims for benefits.

The information furnished to employees under such a requirement need not be elaborate; it need only be adequate to insure that the worker who is separated or who is working less than full time knows he is potentially eligible for benefits and is informed as to what he is to do or where he is to go to file his claim and register for work. When he files his claim, he can obtain more detailed information.

In States that do not require employers to furnish periodically to the State agency detailed reports of the wages paid to their employees, each employer is required to furnish to his employees information as to (a) the name under which he is registered by the State agency, (b) the address where he maintains his payroll records, and (c) the workers' need for this information if and when they file claims for benefits.

2. *Methods for giving information.* The information and instructions required above may be given in any of the following ways:

a. *Posters prominently displayed in the employer's establishment.* The State agency should supply employers with a sufficient number of posters for distribution throughout their places of business and should see that the posters are conspicuously displayed at all times.

b. *Leaflets.* Leaflets distributed either periodically or at the time of separation or reduction of hours. The State agency should supply employers with a sufficient numer of leaflets.

c. *Individual notices.* Individual notices given to each employee at the time of separation or reduction in hours.

It is recommended that the State agency's publicity program be used to supplement the employer-information requirements. Such a program should stress the availability and location of claim-filing offices and the importance of visiting those offices whenever the worker is unemployed, wishes to apply for benefits, and to seek a job.

6015 *Evaluation of Alternative State Provisions with Respect to Claim Determinations and Separation Information.* If the State law provisions do not conform to the suggested requirements set forth in sections 6013 and 6014, but the State law contains alternative provisions, the Bureau of Employment Security, in collaboration with the State agency, will study the actual or anticipated effects of the alternative provisions. If the Administrator of the Bureau concludes that the alternative provisions satisfy the criteria in section 6012, he will so notify the State agency. If the Administrator of the Bureau does not so conclude, he will submit the matter to the Secretary. If the Secretary concludes that the alternative provisions satisfy the criteria in section 6012, the State agency will be so notified. If the Secretary concludes that there is a question as to whether the alternative provisions satisfy the criteria, the State agency will be advised that unless the State law provisions are appropriately revised, a notice of hearing will be issued as required by the Code of Federal Regulations, title 20, § 601.5

Appendix C to Part 614—Standard for Fraud and Overpayment Detection

Employment Security Manual (Part V, Sections 7510–7515)

7510–7519 *Standard for Fraud and Overpayment Detection*

7510 *Federal Law Requirements.* Section 303(a)(1) of the Social Security Act requires that a State law include provision for:

> Such methods of administration * * * as are found by the Secretary to be reasonably calculated to insure full payment of unemployment compensation when due.

Section 1603(a)(4) of the Internal Revenue Code and section 3030(a)(5) of the Social Security Act require that a State law include provision for:

> Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation * * *

Section 1607(h) of the Internal Revenue Code defines "compensation" as "cash benefits payable to individuals with respect to their unemployment."

7511 *The Secretary's Interpretation of Federal Law Requirements.* The Secretary of Labor interprets the above sections to require that a State law include provision for such methods of administration as are, within reason, calculated (1) to detect benefits paid through error by the agency or through willful misrepresentation or error by the claimant or others, and (2) to deter claimants from obtaining benefits through willful misrepresentation.

7513 Criteria for Review of State Conformity With Federal Requirements. In determining State conformity with the above requirements of the Internal Revenue Code and the Social Security Act, as interpreted by the Secretary of Labor, the following criteria will be applied:

A. *Are investigations required to be made after the payment of benefits, (or, in the case of interstate claims, are investigations made by the agent State after the processing of claims) as to claimants' entitlement to benefits paid to them in a sufficient proportion of cases to test the effectiveness of the agency's procedures for the prevention of payments which are not due? To carry out investigations, has the agency assigned to some individual or unit, as a basic function, the responsibility of making or functionally directing such investigations?*

Explanation: It is not feasible to prescribe the extent to which the above activities are required; however, they should always be carried on to such an extent that they will show whether or not error or willful misrepresentation is increasing or decreasing, and will reveal problem areas. The extent and nature of the above activities should be varied according to the seriousness of the problem in the State. The responsible individual or unit should:

1. Check paid claims for overpayment and investigate for willful misrepresentation or, alternatively, advise and assist the operating units in the performance of such functions, or both;

2. Perform consultative services with respect to methods and procedures for the prevention and detection of fraud; and

3. Perform other services which are closely related to the above.

Although a State agency is expected to make a full-time assignment of responsibility to a unit or individual to carry on the functions described above, a small State agency might make these functions a part-time responsibility of one individual. In connection with the detection of overpayments, such a unit or individual might, for example:

(a) Investigate information on suspected benefit fraud received from any agency personnel, and from sources outside the agency, including anonymous complaints;

(b) Investigate information secured from comparisons of benefit payments with employment records to detect cases of concurrent working (whether in covered or noncovered work) and claiming of benefits (including benefit payments in which the agency acted as agent for another State).

The benefit fraud referred to herein may involve employers, agency employees, and witnesses, as well as claimants.

Comparisons of benefit payments with employment records are commonly made either by post-audit or by industry surveys. The so-called "post-audit" is a matching of central office wage-record files against benefit payments for the same period. "Industry surveys" or "mass audits" are done in some States by going directly to employers for payroll information to be checked against concurrent benefit lists. A plan of investigation based on a sample post-audit will be considered as partial fulfillment of the investigation program; it would need to be supplemented by other methods capable of detecting overpayments to persons who have moved into noncovered occupations or are claiming interstate benefits.

B. *Are adequate records maintained by which the results of investigations may be evaluated?*

Explanation. To meet this criterion, the State agency will be expected to maintain records of all its activities in the detection of overpayments, showing whether attributable to error or willful misrepresentation, measuring the results obtained through various methods, and noting the remedial action taken in each case. The adequacy and effectiveness of various methods of checking for willful misrepresentation can be evaluated only if records are kept of the results obtained. Internal reports on fraudulent and erroneous overpayments are needed by State agencies for self-evaluation. Detailed records should be maintained in order that the State agency may determine, for example, which of several methods of checking currently used are the most productive. Such records also will provide the basis for drawing a clear distinction between fraud and error.

C. *Does the agency take adequate action with respect to publicity concerning willful misrepresentation and its legal consequences to deter fraud by claimants?*

Explanation. To meet the criterion, the State agency must issue adequate material on claimant eligibility requirements and must take necessary action to obtain publicity on the legal consequences of willful misrepresentation or willful nondisclosure of facts.

Public announcements on convictions and resulting penalties for fraud are generally considered necessary as a deterrent to other persons, and to inform the public that the agency is carrying on an effective program to prevent fraud. This alone is not considered adequate publicity. It is important that information be circulated which will explain clearly and understandably the claimant's rights, and the obligations which he must fulfill to be eligible for benefits. Leaflets for distribution and posters placed in local offices are appropriate media for such information.

7515 *Evaluation of Alternative State Provisions with Respect to Erroneous and Illegal Payments.* If the methods of administration provided for by the State law do not conform to the suggested methods of meeting the requirements set forth in section 7511, but a State law does provide for alternative methods of administration desgined to accomplish the same results, the Bureau of Employment Security, in collaboration with the State agency, will study the actual or anticipated effect of the alternative methods of administration. If the Bureau concludes that the alternative methods satisfy the criteria in section 7513, it will so notify the State agency. If the Bureau does not so conclude, it will submit to the Secretary the results of the study for his determination of whether the State's alternative methods of administration meet the criteria.

Signed at Washington, DC, on December 2, 1987.

Roger D. Semerad,

Assistant Secretary of Labor.

[FR Doc. 87-28107 Filed 12-8-87; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 813 and 885

[Docket No. R-87-1346; FR-1761]

Loans for Housing for the Elderly or Handicapped—Housing Assistance Payments Contract and Project Management

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend 24 CFR Part 885, which governs projects that receive direct loans under section 202 of the Housing Act of 1959 and housing assistance under section 8 of the United States Housing Act of 1937. The proposed rule would add regulatory provisions to govern the housing assistance payments contract, project operations and project management. In addition, the rule proposes changes to Part 813 to reflect the addition of contract and management regulations in Part 885.

DATE: Comments must be submitted on or before February 8, 1988.

ADDRESS: Comments on proposal: Interested persons are invited to submit comments to the Rules Docket Clerk, Office of the General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment received will be available for public inspection during regular business hours at the above address. Comments on the information collection requirements contained in the proposal (which include docket number and title) should be submitted to both the HUD Rules Docket Clerk at the above address and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Attention: Desk Officer for HUD.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Planning and Procedures Division, Office of Multifamily Housing Management, Room 6182, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 426-3970. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: HUD's regulations at 24 CFR Part 885 govern projects that receive direct loans under section 202 of the Housing Act of 1959 and housing assistance payments under Section 8 of the United States Housing Act of 1937 (section 202/8 program).[1] This part contains provisions governing the development of section 202/8 projects, including the loan fund allocation process, application procedures, and loan financing procedures. Currently this part has no provisions governing the housing assistance payments contract (HAP contract) (except § 885.425 governing HAP contract execution) or project management and operation.

In a series of rulemakings over the past several years, the Department amended its other section 8 regulations governing HAP contracts and project management provisions. Most of these rulemakings implemented the Housing and Community Development Act of 1981 (HCD Amendments of 1981). While

[1] Part 885 does not apply to projects that received section 202 direct loans under regulations contained in Part 277. Section 202 projects that received rent supplement assistance under section 101 of the Housing and Urban Development Act of 1965 that were subsequently converted to section 8 housing assistance payments are covered under Part 886.

the provisions of this Act also covered the section 202/8 program, the Department did not propose revisions to Part 885. Rather, the Department stated that it was preparing a separate rule to add provisions to govern section 202/8 HAP contracts and project operations and explained that these provisions would incorporate the changes required by the statutory amendments. (*See* 49 FR 31281, August 6, 1984; 49 FR 31395, August 7, 1984; and 47 FR 54293, December 2, 1982.) This proposed rule would add the promised contract and management provisions.

Approach

The purpose of this proposed rule is to codify existing contract and management provisions imposes by HUD on section 202/8 projects (e.g., Section 202 Direct Loan Program for Housing for the Elderly or Handicapped-Processing Handbook, HUD Handbook 4571.1, REV–2, and Occupancy Requirements of Subsidized Multifamily Housing Programs, HUD Handbook 4350.3). While some minor revisions have been made, the requirements set forth in this rule are generally not new or more onerous than existing requirements.

The Department has used the contract and management regulations of Part 880-Section 8 Housing Assistance Payments Program for New Construction and Part 881-Section 8 Housing Assistance Payments Program for Substantial Rehabilitation as a guide in the development of this proposed rule. Appropriate revisions have been made to reflect the structure and requirements of the section 202/8 Program. The section-by-section discussion below addresses the major provisions of the proposal.

Contract Provisions (Subpart E)

1. HAP Contract (§ 885.500)

Section 885.500 would provide a general description of the HAP contract, including provisions governing contract execution, effective data, housing assistance payments, and utility allowance payments. Apart from deletions of references to the HAP contract administrator (HUD is responsible for the administration of the HAP contract), revisions necessary to reflect current contract execution procedures for section 202/8 projects, revisions regarding the payment of the utility reimbursement, and minor editorial revisions removing duplicative regulatory provisions, this section incorporates the substance of the contract provisions currently included in §§ 880.501 and 881.501. Existing contract execution provisions would be removed from § 885.425.

2. Term of HAP Contract (§ 885.505)

The term of the HAP contract for assisted units in section 202/8 projects is 20 years. If the project is completed in stages, the term of the HAP contract for all assisted units in all stages of a project may not exceed 22 years. These requirements would be incorporated at § 885.505. (See §§ 880.502 and 881.502.)

3. Maximum Annual Commitment and Project Account (§ 885.510)

Section 885.510 would govern the maximum annual commitment under the HAP contract and the establishment of the project account. This section would generally follow the provisions of §§ 880.503 and 881.503, with one clarifying change to reflect current HUD practices. The change deals with section 8(c)(6) of the United States Housing Act of 1937. Under this statute, the Secretary is directed to take such steps as may be necessary to assure that available funds will be adequate to cover increases in contract rents and decreases in tenant income, if applicable. Under §§ 880.503 and 881.503, HUD is required to act under section 8(c)(6) whenever the HUD-approved estimate of required annual payments exceeds the maximum annual commitment and would cause the amount in the project account to be less than 40 percent of the maximum annual commitment. In practice, this 40-percent limitation is too stringent and often requires HUD to act precipitously, particularly in the first few years of the HAP contract when the project account has not had an opportunity to accrue a significant balance. Accordingly, the proposed rule, in conformity with current practice, provides that HUD will act under section 8(c)(6) within reasonable time, "if the HUD-approved estimate of required annual payments under the contract for a fiscal year exceeds the maximum annual commitment for that fiscal year plus the current balance in the project account."

4. Leasing to Eligible Families (§ 885.515)

Section 325(l) of the HCD Amendments of 1981 requires that all contracts to make housing assistance payments for section 8 new construction and substantial rehabilitation projects must provide that, during the term of the HAP contract, the owner shall make available for occupancy by eligible families the number of units for which assistance is committed under the HAP contract. On August 7, 1984 (49 FR 31395), the Department amended several regulations including §§ 880.504 and 881.504 to incorporate this change. The amendments did not affect Part 885 and the Department indicated that it would prepare a regulation amending Part 885 to incorporate the change in the future. (Section 325(l) was repealed by Section 209 of the Housing and Urban-Rural Recovery Act, except for section 202/8 projects and for section 8 contracts with commitments issued before January 1, 1984.)

Section 885.515 would incorporate the section 325(l) requirements as adopted in §§ 880.504 and 881.504. This section would require the borrower to make available for occupancy by eligible families the total number of units for which assistance is provided under the HAP contract. If the borrower is temporarily unable to lease all assisted units to families that are eligible to occupy them, one or more units may, with the prior approval of HUD, be leased to "ineligible" families (*e.g.*, to families that meet the section 202 eligibility criteria (*i.e.*, elderly or handicapped) but cannot meet the income eligibility requirements under section 8 (see § 885.610(b)). In addition to other sanctions that may be imposed on the borrower for failure to lease to eligible families, the proposed rule would authorize HUD to reduce the number of assisted units if the borrower fails to comply with these requirements or if HUD determines that the inability to lease to eligible families is not a temporary problem. The proposed rule would permit the restoration of any reduction, under stated circumstances.

Section 371(b) of the HCD Amendments of 1981 states that section 325(l) is applicable only with respect to HAP contracts entered into on and after October 1, 1981. The proposed rule makes it clear that borrowers who executed agreements to enter into housing assistance payments contracts on or after October 1, 1981 are subject to these requirements, notwithstanding the fact that their HAP contracts may not contain such an express provision or may contain a contrary provision, since section 325(l) constituted law in effect when the agreements were executed. If a borrower leased a unit to an ineligible family before the effective date of this rule and the family's occupancy was consistent with then-applicable HUD requirements, the proposed rule permits the borrower to continue to lease the unit to that family. However, the borrower would be required to make the unit available to eligible families after the unit is vacated.

In addition to the income eligibility requirements applicable in section 202/8 projects, families occupying assisted or

unassisted units in projects must meet the definition of an elderly or handicapped family (see § 885.5). In recognition of situations where there may be an insufficient number of elderly or handicapped families requesting admission to the project to ensure the maintenance of solvent operations, the proposed regulation would permit HUD to relieve the borrower of the requirement that all units in the project must be leased to elderly or handicapped families if: (1) The borrower has made reasonable efforts to lease assisted and unassisted units to eligible families; (2) the borrower has been granted HUD approval under paragraph (a) of this section for assisted units; and (3) the borrower is temporarily unable to achieve or maintain a level of occupancy sufficient to prevent financial default and foreclosure under the section 202 loan documents. HUD approval under this paragraph would be of limited duration. HUD may impose terms and conditions on this approval that are consistent with the program's objectives or necessary to protect HUD's interest in the section 202 loan. These terms and conditions may include limiting the terms of leases to nonelderly/nonhandicapped families to one year or less and requiring the borrower to replace these families at the end of their lease term with elderly or handicapped applicants eligible for admission to the project.

Consistent with its past interpretations of section 202, HUD believes that a temporary suspension of this occupancy requirement is legally justified under the circumstances described above. Under section 202, HUD is required to limit occupancy in projects to elderly or handicapped families. While the statute provides various limitations on the making of loans (including eligible borrowers, loan amounts and interest rates), the statute contains little guidance on project operations once the loan is made. With regard to project occupancy by elderly or handicapped families, section 202(d)(4) states that the administrator is directed to prescribe such regulations as may be necessary to prevent abuses in determining the eligibility of families. The only reference in the legislative history bearing directly on this point is in the Report of the House Committee on Banking and Currency (H. Rep. 86, 86th Cong., 1st Sess. 15) which states: "A specific provision in the substitute would require the Administrator to prescribe regulations to prevent abuses in determining eligible families. For example, the provision would clearly authorize and direct the Administrator to issue regulations prohibiting such undesirable practices as the use of an elderly person as a "screen" in order to gain occupancy for a younger person whose economic circumstances are adequate to permit them to afford decent housing elsewhere."

The statute and the legislative history, however, are silent concerning the actions that HUD or the borrower may take if market conditions prevent the full occupancy of the project by elderly or handicapped families. We note that nothing in the statute demands that units must remain vacant under such circumstances.

The power of an administrative agency to administer a congressionally created program necessarily requires the formulation of policy and the making of rules to fill in any gap left explicitly or implicitly by Congress. In the absence of Congressional directives, the Department has concluded that it is free to formulate a policy with regard to this subject matter that is consistent with the goals and purposes of this program.

HUD believes that the provisions described above are consistent with the purposes of the section 202/8 program. Failure to achieve necessary occupancy would impair project operations to the detriment of existing tenants and ultimately would create a default situation. Default and foreclosure could result in the project being entirely disassociated from its original purposes if it is purchased by an outside bidder. If the Government should acquire the project at the foreclosure sale, it would have the administrative burden of operating the project under conditions that could be even less favorable to obtaining occupancy by elderly or handicapped families. This, permitting a suspension of the eligibility requirement might be essential to preserving the project for the benefit of the present eligibile tenants, as well as for occupancy by future eligible families.

To prevent abuses in the determination of eligibility of families and to ensure necessary supervision, HUD will handle each suspension on an individual basis, rather than by built-in exceptions to the project occupancy criteria as stated in the regulations. Similarly, HUD will limit the duration and scope of each suspension to the narrowest extent possible to achieve needed occupancy and will impose other terms and conditions that are consistent with the program objectives and necessary to protect HUD's interest in the loan.

5. HAP Contract Administration (§ 885.520)

Section 885.520 would provide that HUD is responsible for the administration of the HAP contract. (Compare §§ 880.505 and 881.505.)

6. Default (§ 885.525)

Section 885.525(a) would provide that if the borrower is in default under the HAP contract, HUD will notify the borrower of the actions necessary to cure the default and of the remedies to be applied by HUD. If the borrower fails to cure the default, HUD would have the right to terminate the HAP contract or take other corrective action. This provision is based on §§ 880.506 and 881.506. In addition, paragraph (b) of § 885.525 would notify borrowers that additional provisions governing default under the section 202 loan, rather than the HAP contract, are included in the regulatory agreement and other loan documents (e.g., the note and first mortgage or deed of trust).

7. Notice upon HAP Contract Expiration (§ 885.530)

Section 326(a) of the HCD Amendments of 1981 added section 8(c)(8) to the U.S. Housing Act of 1937. Section 8(c)(8) requires that each HAP contract provide that the owner will notify each family occupying an assisted unit at least 90 days before the expiration of the HAP contract of any rent increase which may occur as a result of the HAP contract's expiration.

This statutory requirement was incorporated in the section 8 regulations in Parts 880, 881, 883, 884, and 886 in FR-1677, published August 6, 1984 (49 FR 31281). At that time we stated "In addition to this rule, the Department is also preparing a regulation amending Part 885 which, among other matters, would incorporate this amendment and other statutory changes made by the 1981 Act to the Loans for Housing for the Elderly or Handicapped Program."

Section 885.530 would incorporate this statutory requirement for section 202/8 projects. It is based on the amendments contained in FR-1677 (e.g., §§ 880.507 and 881.507). The rule would require the borrower to notify each family occupying an assisted unit, at least 90 days before the end of the HAP contract term, of any increase in the amount the family would be required to pay as rent which may occur as a result of expiration of the HAP contract. (The other section 8 regulations also provide that if the HAP contract is to be renewed with a reduction of the number of units covered, the notice would be given to each family who will no longer

receive assistance. In light of proposed § 885.535 governing HAP contract renewals, discussed below, this provision has not been included in proposed § 885.530.)

Under the proposed rule, the notice would advise the family that, after the expiration date of the section 8 assistance, formerly assisted families choosing to remain would be required to bear the entire cost of the rent and that the borrower may alter the rent, subject to requirements and restrictions contained in the regulatory agreement, the lease and State or local law. (As long as any portion of the section 202 loan is outstanding, however, the regulatory agreement provides that the units are to be made available at charges established in accordance with a rent schedule approved by HUD.) The notice would also be required to set forth the actual (if known) or the estimated rent to be charged following the expiration of the HAP contract, the difference between that rent and the total tenant payment toward rent under the HAP contract, and the date on which the HAP contract will expire.

The manner of providing notice is specified in the proposed rule. Borrowers would be required to certify to HUD that families have been notified in accordance with the rule.

Consistent with section 371(b) of the HCD Amendment of 1981 Act, all borrowers who executed HAP contracts under an agreement to enter into housing assistance payments contracts executed on or after October 1, 1981 are subject to this statutory requirement, notwithstanding the fact that their HAP contracts may not contain such an express provision, since section 326(a) constituted law in effect at the time the agreements were executed. This rule would not affect the obligations of a borrower who entered into a HAP contract under an agreement executed before October 1, 1981, unless the HAP contract is renewed or amended on or after the effective date of a final rule in this proceeding. Some outstanding pre-1981 HAP contracts bind HUD for a full 20-year commitment, but grant the borrower an option to terminate the HAP contract, exercisable at five year intervals. A borrower's decision not to exercise this termination option (absent other contractual amendments) would not constitute a "renewal" or "amendment" that would subject the borrower to the notification provisions upon subsequent termination of the HAP contract.

8. HAP Contract Extension or Renewal (§ 885.535)

Section 885.535 would govern HAP contract extensions or renewals. This proposed section provides that upon expiration of the term of the HAP contract, HUD and the borrower may agree to extend the term of the contract or to renew the HAP contract. The number of assisted units under the extended or renewed HAP contract would equal the number of assisted units under the original HAP contract, except that HUD and the borrower may agree to reduce the number of assisted units to the extent that there are assisted units that are not occupied by eligible families at the time of the contract extension or renewal. The proposed rule would also permit the borrower and HUD to agree to reductions in the number of assisted units during the term of the extended or renewed HAP contract as assisted units are vacated by eligible families. (Nothing in § 885.535 would prohibit HUD from unilaterally reducing the number of units covered under the HAP contract in accordance with § 885.515(b)). This proposed provision has no corresponding section Part 880 or 881.

Management Provisions (Subpart F)

1. Responsibilities of Borrower (§ 885.600)

Section 885.600 would describe the borrower's marketing, management, maintenance, and fiscal responsibilities regarding the project. (See §§ 880.601 and 881.601) Under paragraph (a), the borrower's marketing activities would include: (1) The commencement of diligent marketing activities for 90 days before the date of availability for occupancy of the first unit in the project; (2) marketing in accordance with the HUD-approved affirmative fair housing marketing plan and all fair housing and equal opportunity requirements; and (3) the submission to HUD of a list of leased and unleased assisted units on the date of HAP contract execution.

Paragraph (b) would provide that the borrower is responsible for all management functions including tenant selection and the admission of tenants, reexamination of incomes of families occupying assisted units, collection of rents, termination of tenancy, eviction, and repair and maintenance functions.

Paragraph (c)(1) would permit the borrower to contract with a public or private entity for the performance of marketing, management and maintenance duties. The proposed rule would subject all such contracts to the provisions governing prohibited contractual relationships that were added in the interim rule amending § 885.5, published April 10, 1986 (51 FR 12308). These prohibitions do not extend to management contracts entered into by the borrower with the sponsor or its nonprofit affiliate. Paragraph (c)(2) would require the borrower to promote awareness and participation of minority and women business enterprises in contracting and procurement activities consistent with the objectives of Executive Orders 11625, 12432 and 12138.

Section 885.600(d) would provide for the submission of audited financial and operating statements by the borrower 60 days after the end of each fiscal year of project operations and other financial statements as HUD may require. These provisions are parallel to those found in §§ 880.601(d) and 881.601(d), except that the borrower is required to make submissions to HUD rather than to the contract administrator. Like Parts 880 and 881, these financial statements must be audited by an independent public accountant. (The proposed rule contains no reference to the Single Audit Act of 1984 because the Act applies only to State and local government recipients of Federal aid and thus is inapplicable to eligible borrowers or sponsors under Part 885.)

Under paragraph (e), the borrower would be required to maintain a project fund account in a HUD-approved depository and to deposit all rents, charges, income and revenue arising from project operation or ownership to this account. Project funds would be used for the operation of the project, to make required principal and interest payments on the section 202 loan, and to make required deposits on the replacement reserve account in accordance with a HUD-approved budget. (Unlike Parts 880 and 881, this section contains no provisions for distributions to the borrower, since nonprofit owners are not entitiled to such distributions.) All funds remaining in the account at the end of the fiscal year would be deposited in the replacement reserve account under § 885.605.

Paragraph (f) would require the borrower to submit such reports as HUD may prescribe to demonstrate conformance with applicable civil rights and equal opportunity requirements.

2. Replacement Reserve (§ 885.605)

Section 885.605 would require the borrower to establish and maintain a replacement reserve to aid in funding extraordinary repair and replacement of capital items. (See §§ 880.602 and

881.602.) The borrower would be required to make monthly deposits in the reserve. The amount of the deposits for the initial year of operations would be 0.6 percent of the cost of total structures (for new construction projects), 0.4 percent of the initial mortgage amount (for other projects), or such higher rates as may be required by HUD. The amount of the deposit would be adjusted each year by the appropriate annual adjustment factor under Part 888. All earnings on the account would be added to the balance of the account. Under existing HUD policies, the replacement reserve must be held in a HUD-approved depository in an interest-bearing account. The proposed rule would amend this practice to permit the borrower to deposit the funds with HUD or in a HUD-approved depository. Consistent with existing practice, replacement reserve funds would be used only with the approval of HUD and in accordance with HUD guidelines. The proposed rule would provide that HUD may reduce the rate of deposit to the account if it finds that the reserve is sufficient to meet project extraordinary maintenance and capital replacements.

3. Selection and Admission of Tenants (§ 885.610(a) and (b))

Requirements governing the selection and admission of tenants are described in the proposed rule at §§ 885.610(a) and (b). These provisions are derived from §§ 880.603(a) and (b) and 881.603(a) and (b), with modifications necessary to incorporate tenant eligibility requirements under the section 202/8 Program.

To initiate the tenant selection process, an applicant for admission would be required to complete and sign an application for admission. Applicants for an assisted unit would be required, as part of the application, to complete a certification of eligibility (*i.e.*, Owner's Certification of Compliance with HUD's Tenant Eligibililty and Rent Procedures—HUD-50059).

The proposed rule would provide that the borrower is responsible for determining whether an applicant is *eligible* for admission to the project.

The criteria for determining eligibility will depend upon the type of assistance the family will receive. As noted above, the section 202/8 Program involves Federal assistance in the form of direct loans under section 202 of the Housing Act of 1959 and rental assistance under section 8 of the United States Housing Act of 1937. While the direct loan involves all units of the project, it is possible to have less than 100 percent of the units in the project covered by the HAP contract under section 8. (See § 885.210(b)(3)(ii)). Accordingly, the proposed rule would provide that all residents must meet the section 202 eligibility requirements, but that only applicants for admission to units assisted under the HAP contract must meet the additional requirements of section 8. The eligibility requirements for these two programs are discussed below.

To demonstrate eligibility for admission under section 202, all applicants must meet the definition of elderly or handicapped family. (See section 202(d)(4) of the Housing Act of 1959, incorporated in the current regulations at § 885.5.) The fact that an applicant meets this definition, however, does not mean that the applicant is eligible for occupancy in every section 202 project. HUD may approve projects that limit occupancy to one or more specific subpopulations of the elderly or handicapped population based on the range of services offered and the project design. These subpopulations include the elderly, the chronically mentally ill, the developmentally disabled and/or the physically handicapped. Accordingly, § 885.610(b) of the proposed rule would provide that to be eligible for admission all applicants must be elderly or handicapped families under § 885.5 and must meet any HUD-approved project occupancy requirements. (In connection with these provisions, the proposed rule would also revise §§ 885.210(b)(5) and 885.225(a)(1) to provide for HUD approval of project occupancy requirements; would amend the definition of handicapped person to reflect a revised definiton of developmentally disabled required under a 1978 amendment to section 102(a)(8) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970; and would add a new definition of "chronically mentally ill".)

In addition to the section 202 eligibility criteria, applicants also must demonstrate their eligibility for section 8 assistance if the applicant will occupy a unit for which housing assistance payments under the HAP contract are to be made. The section 8 eligibility requirements are included in the regulations at Part 813. Section 885.610(b) of the proposed rule would cross-reference the eligibility requirements of Part 813. (Part 812 also contains section 8 eligibility requirements. These provisions, however, are not applicable to the section 202/8 Program.)

As discussed above, applicants for admission to a section 202/8 project must meet the eligibilty criteria applicable to them concerning age, income and handicap. In addition, borrowers under the section 202/8 program have discretion to develop and implement selection criteria that the applicant must meet before admission. For example, an owner could find an elderly applicant for section 202 housing for the elderly to be "unsuitable" if the applicant is unable to live independently in the project without support services that he or she needed but could not obtain. Accordingly, § 885.610(b) also provides that the borrower is responsible for the selection of families.

The proposed rule also addresses (1) local residency requirements and preferences, (2) procedures for assignment of available units and provisions for waiting lists, (3) priorities in the assignment of wheelchair accessible units to eligible physically handicapped applicants whose ability to live independently will be improved by the special design features in the unit, (4) procedures for rejection of applicants and for informal review of rejections, and (5) record maintenance.

4. Reexamination of Family Income and Composition (§ 885.610(c))

Provisons governing the reexamination of family income and composition are included at § 885.610(c). Under the proposed rule, which is based on §§ 880.603(c) and 881.603(c), if the borrower receives housing assistance payments for a family, the borrower would be required to examine and verify income and family composition at least once every 12 months; make appropriate adjustments to total tenant payment, tenant rent and the housing assistance payments; and make appropriate unit transfers. This provision also would require assisted families to comply with lease provisions governing interim reporting of income changes. (Currently, the model lease contains no provisions for interim income report requirements. However, the Department intends to revise its model lease to include such provisions.) When a borrower receives information between regularly scheduled reexaminations, the proposed rule requires the borrower to consult with the family, verify certain information and make appropriate adjustments, as discussed above.

The proposed rule also provides that a family's eligibility for housing assistance payments continues until the total tenant payment equals or exceeds gross rent. The termination of housing assistance payments, however, would not affect the family's rights under the lease or preclude the resumption of payments if, as a result of later changes,

the family again were to meet the income eligibility requirements of Part 813, and if housing assistance for the family's unit was available under the HAP contract. To be eligible for resumed payments, a family would not be required to reestablish its eligibility for occupancy under other tenant selection criteria. Termination of assistance in accordance with other HUD requirements, such as failure to submit requested verification information, is treated at proposed § 885.610(c)(3)(ii).

5. Obligations of the Family (§ 885.615)

To ensure that the major obligations of the families occupying section 202/8 projects are addressed, the proposed rule would add § 885.615. (Parts 880 and 881 do not contain a corresponding section.) This proposed rule was derived from the requirements contained in § 882.118.

Section 885.615 would require the family to (1) pay amounts due under the lease directly to the borrower; (2) provide necessary certifications, releases, information or documentation as HUD or the borrower determine to be necessary; (3) permit the borrower to conduct reasonable inspections; and (4) notify the borrower before vacating the dwelling unit. The section would also contain restrictions on the use of the unit, transfer of the unit and the assignment of the lease, and would prohibit the family from receiving assistance under any other Federal housing assistance program while occupying, or receiving assistance for the occupancy of, a unit governed by Part 885.

6. Overcrowded and Underoccupied Units (§ 885.620)

Section 885.620 would provide that the borrower is responsible for determining whether as assisted unit is overcrowded or underoccupied. If the borrower makes such a determination, the housing assistance payments would not be reduced or terminated until the family is relocated. (Vacancy payments for the vacated unit would be governed by § 885.650.) Section 885.620 is based on §§ 880.605 and 881.605.

7. Lease Requirements (§ 885.625)

The lease requirements of § 885.625 are based substantially on §§ 880.606 and 881.606. This proposed rule provides that the intial term of the lease must be for at least one year. Unless the lease has been terminated by appropriate action by the borrower or family, upon expiration of the lease term the family and the borrower may execute a new lease for a term of at least one year, or may take no action. If no action is taken, the lease would automatically be renewed for succesive terms of one month. Under this proposed section, all leases may contain (and in the case of a lease term for more than one year must contain) a provision permitting the family to terminate on 30 days notice. The form of the lease would be prescribed in a HUD handbook. In addition to the required provisions in the handbook, this section would permit the borrower to include a lease provision permitting the borrower to enter the leased premises at any time without advance notice where there is reasonable ground to believe that an emergency exists or that the health or safety of a family member is endangered.

8. Termination of Tenancy and Modification of Lease (§ 885.630)

Subpart A of Part 247—Evictions from Certain Subsidized and HUD-owned Projects, applies to all decisions by a landlord to terminate the occupancy of tenants in a subsidized project. This section also provides procedures for modification of leases. As defined in § 247.2(e), "subsidized project" includes a multifamily housing project which receives the benefit of a subsidy in the form of direct loans under section 202. Proposed § 885.630 would continue to apply the Part 247 provisions to section 202/8 projects.

9. Security Deposits (§ 885.635)

The security deposit provisions of § 885.635 are based on §§ 880.608 and 881.608, with some minor modifications necessary to reflect the section 202/8 Program. Under the proposed rule, the borrower, (1) must require each family occupying an assisted unit to pay a security deposit equal to the greater of $50 or one month's total tenant payment, and (2) may require each family occupying an unassisted unit to pay a security deposit equal to one month's rent payable by the family. The family would be expected to pay the security deposit from its own resources and other available public or private resources.

The borrower would be required to place all security deposits for assisted and unassisted units in a segregated interest-bearing account and would be required to maintain a record of the amount in this account that is attributable to each family in residence in the project. Interest accrued would be allocated to each family's balance annually and when the family vacates the unit. Unless prohibited under State or local law, the borrower would be permitted to deduct the administrative cost of computing each family's allocation up to the amount of the family's annual accrued interest. The amount in the segregated interest-bearing account must at all times be equal to the total amount collected from families in occupancy, plus accrued interest, less allowable administrative cost adjustments. The borrower would also be required to comply with applicable State and local law concerning interest payments on security deposits.

The borrower would be permitted to use the security deposit as reimbursement for any unpaid family contribution and other amounts that the family owes under the lease. If the family owes no amounts under the lease, the proposed rule would require the borrower to refund the security deposit balance to the family. If the family owes amounts under the lease and the amount is less than the security deposit balance, the excess balance would be remitted to the family. If the security deposit balance is not sufficient to reimburse the borrower for the amount owed under the lease of *an assisted unit*, § 885.635 would permit the borrower to claim reimbursement from HUD for the lesser of the amount owed, or one month's contract rent less the amount of the family's security deposit balance.

The proposed rule would require the borrower to provide itemized statements of security deposit disbursement and other documents; would require the family to provide forwarding addresses or to arrange for refund pick up; and would provide for informal meetings to resolve security deposit disagreements between the parties. Additionally, the proposed rule would provide that upon the death of a member of a family, the decedent's interest, if any, in the security deposit would be governed by State or local law.

As noted, the security deposit provisions would contain numerous references to State or local law. For example, the borrower would be required to comply with applicable State and local law governing the payment of interest on security deposits (§ 885.635(b)(1)). The intent of these provisions is to ensure that the law which is most protective of the family's interest will be applied.

10. Adjustment of Rents (§ 885.640)

Currently, contract rents for section 202/8 projects are computed under one of two methods.

Generally, pre-1981 contracts adjust contract rents by using an automatic annual adjustment factor and special

additional adjustments. For these projects, § 885.640(a)(2) would provide (1) consistent with the HAP contract, contract rents may be adjusted in accordance with Part 888 and (2) that special additional adjustments may be granted to the extent determined necessary by HUD to reflect increases in the actual and necessary expenses of owning and maintaining the assisted unit which result from increases in specified factors and which are not adequately compensated for by the annual adjustment. These automatic annual adjustment and special additional adjustment provisions are based on §§ 880.609 and 881.609.

Generally, contracts executed or amended after 1981 provide that contract rents will be adjusted based upon a HUD-approved budget. For such projects, the rule would provide that HUD will compute the contract rent adjustment based on the sum of the budgeted project operating costs and debt service, with adjustments for vacancies, for the project's non-rental income and for other factors HUD determines to be appropriate. There are no comparable provisions for adjustments based on an annual budget in Parts 880 and 881.

(It should be noted that one of the items used in the computation of the HUD-approved budget will be affected by the automatic annual adjustment factor. As provided in § 885.605, the amount of the annual deposit for the replacement reserve for all projects is adjusted based on the automatic annual adjustment factor.)

HUD's regulations governing other section 8 programs limit the contract rent adjustment based on comparability of rents in unassisted units. (See §§ 880.609(c) and 881.609(c)). HUD does not apply a comparability limitation when initially setting contract rents for a section 202/8 project (See HUD Handbook 4571.1 REV-2) nor does HUD adjust contract rents on this basis. Accordingly, the proposed rule does not contain a comparability limitation for contract rents.

Paragraph (b) would provide that during the term of the HAP contract the rent payable by families occupying units that are assisted under the contract will be equal to the contract rent computed under paragraph (a). This paragraph reflects HUD's existing policy with regard to rents for unassisted units and is necessary to prevent the subsidization of unassisted units by assisted units and vice versa.

11. Adjustment of Utility Allowances (§ 885.645)

Section 885.645 would provide for the adjustment of utility allowances for assisted units. This provision is based on an amendment to §§ 880.610 and 881.610 published September 27, 1985 (50 FR 39094). It would provide that, in connection with contract rent adjustments under § 885.640(a), the borrower must submit an analysis of the project's utility rate. If a change would result in a cumulative increase of 10 percent or more in the most recently approved utility allowance, the borrower would be required to advise HUD and request approval of new utility allowances for assisted units. The borrower would also be required to notify families of the adjustment and to make a corresponding adjustment of tenant rent and the housing assistance payment for the assisted unit.

12. Vacancy Payments (§ 885.650)

Section 885.650 would prescribe the conditions for the receipt of vacancy payments for units assisted under the HAP contract. This section, based substantially on §§ 880.611 and 881.611, generally would provide for vacancy payments in the amount of 80 percent of contract rents for the first 60 days of vacancy during or after rent-up. For vacancies longer than 60 days, the borrower would be permitted to receive additional vacancy payments in an amount equal to the principal and interest payments required to amortize the portion of the debt service attributable to the vacant unit for up to 12 months. Conditions governing the receipt of vacancy payments would vary depending on whether the vacancy began during or after rent-up and whether it continues for longer than 60 days.

13. Miscellaneous

Throughout this proposed rule, HUD has used the contract and management provisions of Part 880 and 881 as a guide. On November 21, 1986 (51 FR 42088) in FR-1588—Restriction of Use of Assisted Housing (Alien rule), the effective date of certain amendments to Part 880 and 881 was deferred at least until October 1, 1987. These amendments implement section 214 of the Housing and Community Development Act of 1980 (as amended by section 329(a) of the Housing and Community Development Amendments of 1981) (42 U.S.C. 1436(a)). HUD intends to address appropriate amendments to Part 885 contract and management regulations when it reconsiders FR-1588.

On September 26, 1984 (49 FR 37787), HUD published FR-1597—Preference in the Provision of Housing for Families Who Are Occupying Substandard Housing, Are Voluntarily Displaced, or Are Paying More Than Fifty Percent of Income for Rent (Preference Rule). The rule would implement Section 206 of the Housing and Community Development Amendments of 1979. HUD anticipates that it will publish a final preference rule before a final rule is published for Part 885. If this occurs, HUD will incorporate appropriate preference rule provisions in the final rule adding HAP contract and management provisions to Part 885.

This proposed rule would revise some existing definitions and would incorporate several new definitions related to the new contract and management provisions. Affected definitions include "Agreement to Enter into Housing Assistance Payments Contract", "Annual Income", "Application", "Assisted Unit", "Contract Rent", "Family", "Gross Rent", "HAP Contract", "Handicapped Person", "Housing Assistance Payment", "HUD", "Independent Public Accountant", "Project Account", "Rent", "Secretary", "Section 8 Program", "Tenant Rent", "Total Tenant Payment", "Utility Allowance", "Utility Reinbursement", and "Vacancy Payment". These definitions reflect those that are currently contained in Parts 880 and 881. Other Part 885 provisions would be amended to ensure that terminology is uniform throughout.

In addition to these changes, changes to Part 813 have been proposed to reflect the addition of contract and management regulations in Part 885.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the General Counsel, Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410-0500.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3)

have 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.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities. The contract and management provisions incorporated in this rulemaking generally reflect existing HUD policies already guiding operators of secton 202/8 projects. This proceeding does not change the goals toward which program activities are directed. The rule's effect both on small and large entities should be minor.

This rule was listed in the Department's Semiannual Agenda of Regulations published October 26, 1987 (52 FR 40358) as sequence item number 959 under Executive Order 12291 and the Regulatory Flexibility Act.

The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520.

The Catalog of Federal Domestic Assistance Program title and number is 14.157, Housing for the Elderly or Handicapped.

List of Subjects

24 CFR Part 813

Low and moderate income housing.

24 CFR Part 885

Aged, Grant programs, Housing and community development, Handicapped, Loan programs: housing and community development, Low- and moderate-income housing.

For the reasons set out in the preamble, Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 813—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS AND RELATED PROGRAMS

1. The authority citation for 24 CFR Part 813 continues to read as follows:

Authority: Secs. 3, 8, and 16, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f and 1437n); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. The definitions of "Owner" and "Utility allowance" contained in § 813.102 would be revised to read as follows:

§ 813.102 Definitions.

* * * * *

Owner. The meaning ascribed to such term in the pertinent program regulations. As used in this part, where appropriate, Owner shall also include a Borrower as defined in 24 CFR Part 885.

* * * * *

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Tenant Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD under applicable sections of these regulations (see 24 CFR Parts 880, 881, 882, 883, 884, 885, and 886) of the monthly costs of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

* * * * *

3. Section 813.109(a) would be revised to read as follows:

§ 813.109 Initial determination, verification, and reexamination of Family income and composition.

(a) *Responsibility for initial determination and reexamination.* The Owner or PHA shall be responsible for determination of eligibility for admission, for determination of Annual Income, Adjusted Income and Total Tenant Payment, and for reexamination of Family income and composition at least annually, as provided in pertinent program regulations and handbooks (see, e.g., Part 880, Subpart F; Part 881, Subpart F; Part 882, Subparts B and E; Part 883, Subpart G; Part 884, Subpart B; Part 885, Subpart F; Part 886, Subpart A; and Part 886, Subpart C). As used in this Part, the "effective date" of an examination or reexamination refers to (1) in the case of an examination for admission, the effective date of initial occupancy, and (2) in the case of a reexamination of an existing tenant, the effective date of the redetermined Total Tenant Payment.

* * * * *

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

4. The authority citation for 24 CFR Part 885 would be revised to read as follows:

Authority: Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 8, United States Housing Act of 1937 (42 U.S.C. 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

5. In § 885.5, the definitions of "Application", "Handicaped person", and "Section 8 Program", would be revised and definitions for "Agreement to enter into housing assistance payments contract", "Annual income", "Assisted Unit", "Contract rent", "Family (eligible family)", "Gross rent", "HAP contract (housing assistance payments contract)", "Housing assistance payment", "HUD", "Independent public accountant", "Project account", "Rent", "Secretary", "Tenant rent", "Total tenant payment", "Utility allowance", "Utility reimbursement", and "Vacancy payment", would be added, in alphabetical order, to read as follows:

§ 885.5 Definitions.

* * * * *

Agreement to enter into housing assistance payments contract means the agreement between the borrower and HUD which provides that, upon satisfactory completion of the project in accordance with the HUD-approved final proposal, HUD will enter into the HAP contract with the borrower.

Annual income is defined in Part 813 of this chapter.

Application, except as used in Subpart F, means the application for a section 202 fund reservation, including all required forms and exhibits submitted in response to an invitation for such applications. For purposes of Subpart F, application means a request by a family on a form prescribed by HUD, for admission to a project.

* * * * *

Assisted unit means a dwelling unit eligible for assistance under a HAP contract.

* * * * *

Contract rent means the total amount of rent specified in the HAP contract as payable by HUD and the tenant to the borrower for an assisted unit.

* * * * *

Family (eligible family) means an elderly or handicapped family (as defined in this section) that meets the project occupancy requirements approved by HUD under § 885.225(a)(1) and, if the family occupies an assisted unit, meets the requirements described in Part 813 of this chapter.

* * * * *

Gross rent is defined in Part 813 of this chapter.

Handicapped person means any adult having an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered handicapped if he or she is developmentally disabled, *i.e.*, if he or she has a severe chronic disability that (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age twenty-two; (c) is likely to continue indefinitely; (d) results in substantial functional limitations in three or more of the following areas of major life activity: (1) Self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and (e) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. A person shall also be considered to be handicapped if he or she is chronically mentally ill, *i.e.*, if he or she has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently (e.g., by limiting functional capacities relative to primary aspects of daily living such as personal relations, living arrangements, work, recreation, etc.), and whose impairment could be improved by more suitable housing conditions. Alcoholism and drug addiction are not included within the definition of chronically mentally ill.

HAP contract (housing assistance payments contract) means the contract entered into by the borrower and HUD setting forth the rights and duties of the parties with respect to the project and the payments under the HAP contract.

* * * * *

Housing assistant payment means the payment made by HUD to the borrower for assisted units as provided in the HAP contract. The payment is the difference between the contract rent and the tenant rent. An additional payment is made to a family occupying an assisted unit when the utility allowance is greater than the total tenant payment. A housing assistance payment, known as a "vacancy payment", may be made to the borrower when an assisted unit is vacant, in accordance with the terms of the HAP contract.

HUD means the Department of Housing and Urban Development.

Independent public accountant means a certified public accountant or a licensed or registered public accountant, having no business relationship with the borrower or sponsor except for the performance of audit, systems work and tax preparation. If not certified, the independent public accountant must have been licensed or registered by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. In States that do not regulate the use of the title "public accountant", only certified public accountants may be used.

Project account means a specifically identified and segregated account for each project which is established in accordance with § 885.510(b) out of the amounts by which the maximum annual commitment exceeds the amount actually paid out under the HAP contract each year.

* * * * *

Rent, in the case of a unit in a cooperative project, means the carrying charges payable to the cooperative with respect to occupancy of the unit.

Secretary means the Secretary of Housing and Urban Development (or his or her designee).

Section 8 Program means the housing assistance payments program which implements section 8 of the United States Housing Act of 1937.

* * * * *

Tenant rent means the monthly amount defined in, and determined in accordance with Part 813 of this chapter.

Total tenant payment means the monthly amount defined in, and determined in accordance with Part 813 of this chapter.

Utility allowance is defined in Part 813 of this chapter and is determined or approved by HUD.

Utility reimbursement is defined in Part 813 of this chapter.

Vacancy payment means the housing assistance payment made to the borrower by HUD for a vacant assisted unit if certain conditions are fulfilled, as provided in the HAP contract. The amount of the vacancy payment varies with the length of the vacancy period and is less after the first 60 days of any vacancy.

6. Section 885.210(b)(5) would be revised to read as follows:

§ 885.210 Contents of applications.

* * * * *

(b) * * *

(5) A narrative description of the anticipated occupancy of the project. The Borrower must propose project occupancy requirements that limit occupancy to the elderly and physically handicapped, the chronically mentally ill, the developmentally disabled, the physically handicapped or a combination of these groups. The Borrower must demonstrate a capacity to serve the proposed occupancy group. In evaluating project occupancy requirement requests, HUD will consider the training and expert knowledge of the Borrower, the range of support services available, and project design.

* * * * *

7. Section 885.225(a)(1) would be revised to read as follows:

§ 885.225 Approval of applications.

(a) * * *

(1) The amount of the section 202 fund reservation, the number and mix of units, the location (or locality, in the case of projects to serve the non-elderly handicapped) of the proposed project, and any project occupancy requirement requested under § 885.210(a)(5) that has been approved by HUD.

* * * * *

8. In § 885.425, paragraph (b) would be removed, paragraphs (c), (d), (e) and (f) and all references to these paragraphs in § 885.425 would be redesignated as paragraphs (b), (c), (d) and (e), respectively, and the section title would be revised to read as follows:

§ 885.425 Completion of project, cost certification and HUD approvals.

9. A new subpart E would be added to Part 885, to read as follows:

Subpart E—Housing Assistance Payments Contract

Sec.

Subpart E—Housing Assistance Payments Contract

§ 885.500 HAP contract.

(a) *HAP contract.* The housing assistance payments contract sets forth rights and duties of the borrower and HUD with respect to the project and the housing assistance payments.

(b) *HAP contract execution.* (1) Upon satisfactory completion of the project, the borrower and HUD shall execute the HAP contract on the form prescribed by HUD.

(2) The effective date of the HAP contract may be earlier than the date of execution, but no earlier than the date of

HUD's issuance of the permission to occupy.

(3) If the project is completed in stages, the procedures of this paragraph (b) shall apply to each stage.

(c) *Housing assistance payments to owners under the HAP contract.* The housing assistance payments made under the HAP contract are:

(1) Payments to the borrower to assist eligible families leasing assisted units. The amount of the housing assistance payment made to the borrower for an assisted unit leased to an eligible family is equal to the difference between the contract rent for the unit and the tenant rent payable by the family.

(2) Payments to the borrower for vacant assisted units ("vacancy payments"). The amount of and conditions for vacancy payments are described in § 885.650.

The housing assistance payments are made monthly by HUD upon proper requisition by the borrower, except payments for vacancies of more than 60 days, which are made semiannually by HUD upon requisition by the borrower.

(d) *Payment of utility reimbursement.* Where applicable, a utility reimbursement will be paid to a family occupying an assisted unit as an additional housing assistance payment. The HAP contract will provide that the borrower will make this payment on behalf of HUD. Funds will be paid to the borrower in trust solely for the purpose of making the additional payment. The borrower may pay the utility reimbursement jointly to the family and the utility company, or, if the family and utility company consent, directly to the utility company.

§ 885.505 Term of HAP contract.

The term of the HAP contract for assisted units shall be 20 years. If the project is completed in stages, the term of the HAP contract for assisted units in each stage shall be 20 years. The term of the HAP contract for all assisted units in all stages of a project shall not exceed 22 years.

§ 885.510 Maximum annual commitment and project account.

(a) *Maximum annual commitment.* The maximum annual amount that may be committed under the HAP contract is the total of the contract rents and utility allowances for all assisted units in the project.

(b) *Project account.* (1) HUD will establish and maintain a specifically identified and segregated project account for each project. The project account will be established out of the amounts by which the maximum annual commitment exceeds the amount actually paid out under the HAP contract each year. HUD will make payments from this account for housing assistance payments as needed to cover increases in contract rents or decreases in tenant income and other payments for cost specifically approved by the Secretary.

(2) If the HUD-approved estimate of required annual payments under the HAP contract for a fiscal year exceeds the maximum annual commitment for that fiscal year plus the current balance in the project account, HUD will, within a reasonable time, take such steps authorized by section 8(c)(6) of the United States Housing Act of 1937, as may be necessary, to assure that payments under the HAP contract will be adequate to cover increases in contract rents and decreases in tenant income.

§ 885.515 Leasing to eligible families.

(a) *Availability of assisted units for occupancy by eligible families.* During the term of the HAP contract, a borrower shall make available for occupancy by eligible families the total number of units for which assistance is committed under the HAP contract. For purposes of this section, making units available for occupancy by eligible families means that the borrower (1) is conducting marketing in accordance with § 885.600(a); (2) has leased or is making good faith efforts to lease the units to eligible and otherwise acceptable families, including taking all feasible actions to fill vacancies by renting to such families; (3) has not rejected any such applicant family except for reasons acceptable to HUD. If the borrower is temporarily unable to lease all units for which assistance is committed under the HAP contract to eligible families, one or more units may, with the prior approval of HUD, be leased to otherwise eligible families that do not meet the requirements of Part 813. Failure on the part of the borrower to comply with these requirements is a violation of the HAP contract and grounds for all available legal remedies, including an action for specific performance of the HAP contract, suspension or debarment from HUD programs, and reduction of the number of units under the HAP contract as set forth in paragraph (b) of this section.

(b) *Reduction of number of units covered by the HAP contract.* HUD may reduce the number of units covered by the HAP contract to the number of units available for occupancy by eligible families if:

(1) The borrower fails to comply with the requirements of paragraph (a) of this section; or

(2) Notwithstanding any prior approval by HUD, HUD determines that the inability to lease units to eligible families is not a temporary problem.

(c) *Restoration.* HUD will agree to an amendment of the HAP contract to provide for subsequent restoration of any reduction made under paragraph (b) of this section if:

(1) HUD determines that the restoration is justified by demand;

(2) The borrower otherwise has a record of compliance with the borrower's obligations under the HAP contract; and

(3) Contract and budget authority is available.

(d) *Applicability.* In accordance with section 8(b)(2) of the United States Housing Act of 1937 and section 371(b) of the Housing and Community Development Amendments of 1981, paragraphs (a) and (b) of this section apply only to HAP contracts executed under agreements to enter into a housing assistance payments contract executed on or after October 1, 1981. A borrower subject to paragraphs (a) and (b) of this section who before (insert effective date of this regulation) and consistent with regulations in effect at the time, leased an assisted unit to an ineligible family may continue to lease the unit to that family. The borrower must make the unit available for occupancy by an eligible family when the ineligibile family vacates the unit.

(e) *Occupancy by families that are not elderly or handicapped.* HUD may relieve the borrower of the requirement that all units in the project must be leased to elderly or handicapped families if: (1) The borrower has made reasonable efforts to lease assisted and unassisted units to eligible families; (2) the borrower has been granted HUD approval under paragraph (a) of this section; and (3) the borrower is temporarily unable to achieve or maintain a level of occupancy sufficient to prevent financial default and foreclosure under the section 202 loan documents. HUD approval under this paragraph will be of limited duration. HUD may impose terms and conditions to this approval that are consistent with program objectives and necessary to protect its interest in the section 202 loan.

§ 885.520 HAP contract administration.

HUD is responsible for the administration of the HAP Contract.

§ 885.525 Default by borrower.

(a) *HAP contract provisions.* The HAP contract will provide:

(1) That if HUD determines that the borrower is in default under the HAP contract, HUD will notify the borrower of the actions required to be taken to cure the default and of the remedies to be applied by HUD including an action for specific performance under the HAP contract, reduction or suspension of housing assistance payments and recovery of overpayments, where appropriate; and

(2) That if the borrower fails to cure the default, HUD has the right to terminate the HAP contract or to take other corrective action.

(b) *Loan provisions.* Additional provisions governing default under the section 202 loan are included in the regulatory agreement and other loan documents described in § 885.415.

§ 885.530 Notice upon HAP contract expiration.

(a) *Notice required.* The HAP contract will provide that the borrower will, at least 90 days before the end of the HAP contract term, notify each family leasing an assisted unit of any increase in the amount the family will be required to pay as rent as a result of the expiration.

(b) *Service requirements.* The notice under paragraph (a) of this section shall be accomplished by: (1) Sending a letter by first class mail, properly stamped and addressed, to the family at its address at the project, with a proper return address; and (2) serving a copy of the notice on any adult person answering the door at the leased dwelling unit, or if no adult responds, by placing the notice under or through the door, if possible, or else by affixing the notice to the door. Service shall not be considered to be effective until both required noitices have been accomplished. The date on which the notice shall be considered to be received by the family shall be the date on which the borrower mails the first class letter provided for in this paragraph, or the date on which the notice provided for in this paragraph is properly given, whichever is later.

(c) *Contents of notice.* The notice shall advise each affected family that, after the expiration date of the HAP contract, the family will be required to bear the entire cost of the rent and that the borrower may, subject to requirements and restrictions contained in the regulatory agreement, the lease, the State or local law, change the rent. The notice also shall state: (1) The actual (if known) or the estimated rent that will be charged following the expiration of the HAP contract; (2) the difference between the new rent and the total tenant payment toward rent under the HAP contract; and (3) the date the HAP contract will expire.

(d) *Certification to HUD.* The borrower shall give HUD a certification that families have been notified in accordance with this section and shall attach to the certification an example of the text of the notice.

(e) *Applicability.* This section applies to all HAP contracts entered into under an agreement to enter into a housing assistance payments contract executed on or after October 1, 1981, or entered into under such an agreement executed before October 1, 1981 but renewed or amended after (*effective date of rule*).

§ 885.535 HAP contract extension or renewal.

Upon expiration of the term of the HAP contract, HUD and the borrower may agree to extend the term of the HAP contract or to renew the HAP contract. The number of assisted units under the extended or renewed HAP contract shall equal the number of assisted units under the original HAP contract, except that (a) HUD and the borrower may agree to reduce the number of assisted units by the number of assisted units that are not occupied by eligible families at the time of the extension or renewal; and (b) HUD and the borrower may agree to permit reductions in the number of assisted units during the term of the extended or renewed HAP contract as assisted units are vacated by eligible families. Nothing in this section shall prohibit HUD from reducing the number of units covered under the extended or renewed HAP contract in accordance with § 885.515(b).

10. A new supart F would be added to Part 885, to read as follows:

Subpart F—Management

Sec.

Subpart F—Management

§ 885.600 Responsibilities of borrower.

(a) *Marketing.* (1) The borrower must commence and continue diligent marketing activities not later than 90 days before the anticipated date of availability for occupancy of the first unit of the project.

(2) Marketing must be done in accordance with the HUD-approved affirmative fair housing marketing plan and all fair housing and equal opportunity requirements. The purpose of the plan and requirements is to achieve a condition in which eligible families of similar income levels in the same housing market have a like range of housing choices available to them regardless of their race, color, religion, sex or national origin.

(3) At the time of HAP contract execution, the borrower must submit to HUD a list of leased and unleased assisted units with a justification for the unleased units, in order to qualify for vacancy payments for the unleased units.

(b) *Management and maintenance.* The borrower is responsible for all management functions. These functions include selection and admission of tenants, required reexaminations of incomes for families occupying assisted units, collection or rents, termination of tenancy and eviction, and all repair and maintenance functions (including ordinary and extraordinary maintenance and replacement of capital items). All functions must be performed in compliance with equal opportunity requirements.

(c) *Contracting for services.* (1) With HUD approval, the borrower may contract with a private or public entity for performance of the services or duties required in paragraphs (a) and (b) of this section. However, such an arrangement does not relieve the borrower of responsibility for these services and duties. All such contracts are subject to the restrictions governing prohibited contractual relationships described in § 885.5. (These prohibitions do not extend to management contracts entered into by the Borrower with the sponsor or its non-profit affiliate.)

(2) Consistent with the objectives of Executive Orders 11625, 12432 and 12138, the borrower will promote awareness and participation of minority and women's business enterprises in contracting and procurement activities.

(d) *Submission of financial and operating statements.* The borrower must submit to HUD:

(1) Within 60 days after the end of each fiscal year of project operations, financial statements for the project audited by an independent public accountant and in the form required by HUD, and

(2) Other statements regarding project operation, financial conditions and occupancy as HUD may require to administer the HAP contract and to monitor project operations.

(e) *Use of project funds.* The borrower shall maintain a project fund account in a HUD-approved depository and shall deposit all rents, charges, income and revenues arising from project operation or ownership to this account. Project funds must be used for the operation of the project, to make required principal and interest payments on the section 202 loan, and to make required deposits to the replacement reserve under § 885.605, in accordance with a HUD-approved budget. Any funds remaining in the project fund account following the expiration of the fiscal year shall be deposited in the replacement reserve account under § 885.605.

(f) *Reports.* The borrower shall submit such reports as HUD may prescribe to demonstrate compliance with applicable civil rights and equal opportunity requirements.

§ 885.605 Replacement reserve.

(a) *Establishment of reserve.* The borrower shall establish and maintain a replacement reserve to aid in funding extraordinary maintenance, and for repair and replacement of capital items.

(b) *Deposits to reserve.* The borrower shall make monthly deposits to the replacement reserve. The amount of the deposits for the initial year of operation shall be an amount equal to 0.6 percent of the cost of the total structures (for new construction projects), 0.4 percent of the cost of the initial mortgage amount (for all other projects), or such higher rate as required by HUD. For the purposes of this section, total structures include main buildings, accessory buildings, garages and other buildings. The amount of the deposits will be adjusted each year by the amount of the annual adjustment factor.

(c) *Level of reserve.* The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. Should the reserve reach that level, the amount of the deposit to the reserve may be reduced with the approval of HUD.

(d) *Administration of reserve.* Replacement reserve funds must be deposited with HUD or in a HUD-approved depository in an interest-bearing account. All earnings, including interest on the reserve, must be added to the reserve. The borrower shall maintain separate records indicating the amount of funds depositied to the replacement reserve under §§ 885.600(e) and 885.605(b). Funds may be drawn from the reserve and used only in accordance with HUD guidelines and with the approval of, or as directed by, HUD.

§ 885.610 Selection and admission of tenants.

(a) *Application for admission.* The borrower must accept applications for admission to the project in the form prescribed by HUD. Applicants applying for assisted units must complete a certification of eligibility as part of the application for admission. Both the borrower and the applicant must complete and sign the application for admission. On request, the borrower must furnish copies of all applications for admission to HUD.

(b) *Determination of eligibility and selection of tenants.* The borrower is responsible for determining whether applicants are eligible for admission and for the selection of families. To be eligible for admission, an applicant must be an elderly or handicapped family as defined in § 885.5, must meet any project occupancy requirements approved by HUD under § 885.225(a)(1), and must, if applying for an assisted unit, be eligible for admission under Part 813. Under certain circumstances, HUD may permit the leasing of units to ineligible families under § 885.515.

(1) Local residency requirements are prohibited. Local residency preferences may be applied in selecting tenants. Such preferences must be approved by HUD before they are implemented by the borrower. The preferences may be applied only to the extent that they are not inconsistent with affirmative fair housing marketing objectives and the borrower's HUD-approved affirmative fair housing marketing plan. Preferences may not be based on the length of time the applicant has resided in the jurisdiction. With respect to any residency preference, persons expected to reside in the community as a result of current or planned employment will be treated as residents.

(2) If the borrower determines that the family is eligible and is otherwise acceptable and units are available, the borrower will assign the family a unit. If the family is to occupy an assisted unit, the borrower will assign the family a unit of the appropriate size in accordance with HUD standards. If no suitable unit is available, the borrower will place the family on a waiting list for the project and notify the family of when a suitable unit may become available. If the waiting list is so long that the applicant would not be likely to be admitted for the next 12 months, the borrower may advise the applicant that no additional applications for admission are being considered for that reason.

(3) When assigning a unit that is designed for occupancy by wheelchair users, if the borrower determines that a physicially handicapped applicant's ability to live independently will be improved by the special design features of the unit, the borrower must give priority to the selection of that applicant if the applicant is otherwise eligible for occupancy in the project.

(4) If the borrower determines that an applicant is ineligible for admission or the borrower is not selecting the applicant for other reasons, the borrower will promptly notify the applicant in writing of the determination, the reasons for the determination, and that the applicant has a right to request a meeting to review the rejection. The review, if requested, must be conducted by a member of the borrower's staff who did not make the initial decision to reject the applicant. The applicant may also exercise other rights if the applicant believes the applicant is being discriminated against on the basis of race, color, creed, religion, sex, or national origin.

(5) Records on applicants and approved eligible families which provide racial, ethnic, gender and place of previous residency data required by HUD must be maintained and retained for three years.

(c) *Reexamination of family income and composition*—(1) *Regular reexaminations.* If the family occupies an assisted unit, the borrower must reexamine the income and composition of the family at least every 12 months. Upon verification of the information, the borrower shall make appropriate adjustments in the total tenant payment in accordance with Part 813 of this chapter and determine whether the family's unit size is still appropriate. The borrower must adjust tenant rent and the housing assistance payment and must carry out any unit transfer in accordance with HUD standards.

(2) *Interim reexaminations.* If the family occupies an assisted unit, the family must comply with provisions in the lease regarding interim reporting of changes in income. If the borrower receives information concerning a change in the family's income or other circumstances between regularly scheduled reexaminations, the borrower must consult with the family and make any adjustments determined to be appropriate. Any change in the family's income or other circumstances that results in an adjustment in the total tenant payment, tenant rent and housing assistance payment must be verified.

(3) *Continuation of housing assistance payments.* (i) A family occupying an assisted unit shall remain eligible for housing assistance payments until the total tenant payment equals or exceeds

the gross rent. The termination of subsidy eligibility will not affect the family's other rights under its lease. Housing assistance payments may be resumed if, as a result of changes in income, rent or other relevant circumstances during the term of the HAP contract, the family meets the income eligibility requirements of Part 813 and housing assistance is available for the unit under the terms of the HAP contract. The family will not be required to establish its eligibility for admission to the project under the remaining requirements of paragraph (b) of this section.

(ii) A family's eligibility for housing assistance payments also may be terminated in accordance with HUD requirements for such reasons as failure to submit requested verification information.

§ 885.615 Obligations of the family.

(a) *Requirements.* The family shall:

(1) Pay amounts due under the lease directly to the borrower.

(2) Supply such certification, release, information or documentation as the borrower or HUD determines to be necessary. (For families occupying assisted units, this will include submissions required for an annual or interim reexamination of family income and composition.)

(3) Allow the borrower to inspect the dwelling unit at reasonable times and after reasonable notice.

(4) Notify the borrower before vacating the dwelling unit.

(5) Use the dwelling unit soley for residence by the family, and as the family's principal place of residence.

(b) *Prohibitions.* The family shall not:

(1) Assign the lease or transfer the unit.

(2) Occupy, or receive assistance for the occupancy of, a unit governed under this part while occupying, or receiving assistance for occupancy of, another unit assisted under any Federal housing assistance program, including any section 8 program.

§ 885.620 Overcrowded and underoccupied units.

If the borrower determines that because of change in family size, an assisted unit is smaller than appropriate for the eligible family to which it is leased, or that the assisted unit is larger than appropriate, housing assistance payments with respect to the unit will not be reduced or terminated until the eligible family has been relocated to an appropriate alternate unit. If possible, the borrower will, as promptly as possible, offer the family an appropriate alternate unit. The borrower may receive vacancy payments for the vacated unit if the borrower complies with the requirements of § 885.650.

§ 885.625 Lease requirements.

(a) *Term of lease.* The term of the lease may not be less than one year. Unless the lease has been terminated by appropriate action, upon expiration of the lease term, the family and borrower may execute a new lease for a term not less than one year, or may take no action. If no action is taken, the lease will automatically be renewed for successive terms of one month.

(b) *Termination by the family.* All leases may contain a provision that permits the family to terminate the lease upon 30 days advance notice. A lease for a term that exceeds one year must contain such a provision.

(c) *Form.* The form of lease must contain all required provisions, and none of the prohibited provisions specified in HUD handbooks. In addition to required provisions in the handbook governing the borrower's entry onto the leased premises during tenancy, the borrower may include a provision in the lease permitting the borrower to enter the leased premises at any time, without advance notice, where there is reasonable cause to believe that an emergency exists or that the health or safety of a family member is endangered.

§ 885.630 Termination of tenancy and modification of lease.

The provisions of Part 247 of this title apply to all decisions by a borrower to terminate the tenancy or modify the lease of a family residing in a unit.

§ 885.635 Security deposits.

(a) *Collection of security deposit.* At the time of the initial execution of the lease, the borrower: (1) Will require each family occupying an assisted unit to pay a security deposit in an amount equal to one month's total tenant payment or $50, whichever is greater; and (2) may require each family occupying an unassisted unit to pay a security deposit equal to one month's rent payable by the family. The family is expected to pay the security deposit from its own resources and other available public or private resources. The borrower may collect the security deposit on an installment basis.

(b) *Security deposit provisions applicable to assisted and unassisted units.*—(1) *Administration of security deposit.* The borrower must place the security deposits in a segregated interest-bearing account. The borrower shall maintain a record of the amount in this account that is attributable to each family in residence in the project. Annually for all families, and when computing the amount available for disbursement under paragraph (b)(3) of this section, the borrower shall allocate, to the family's balance, the interest accrued on the balance during the year. Unless prohibited by State or local law, the borrower may deduct for the family, from the accrued interest for the year, the administrative cost of computing the allocation to the family's balance. The amount of the administrative cost adjustment shall not exceed the accrued interest allocated to the family's balance for the year. The amount of the segregated, interest-bearing account maintained by the borrower must at all times equal the total amount collected from the families then in occupancy plus any accrued interest and less allowable administrative cost adjustments. The borrower must comply with any applicable State and local laws concering interest payments on security deposits.

(2) *Family notification requirement.* In order to be considered for the refund of the security deposit, a family must provide the borrower with a forwarding address or arrange to pick up the refund.

(3) *Use of security deposit.* The borrower, subject to State and local law and the requirements of this paragraph, may use the family's security deposit balance as reimbursement for any unpaid family contribution or other amount which the family owes under the lease. Within 30 days (or a shorter time if required by State or local law) after receiving notification under paragraph (b)(2) of this section the security deposit must:

(i) Refund to a family owing no rent or other amount under the lease the full amount of the family's security deposit balance;

(ii) Provide to a family owing rent or other amount under the lease a list itemizing any unpaid rent, damages to the unit, and estimated costs for repair, along with a statement of the family's rights under State and local law. If the amount which the borrower claims is owed by the family is less than the amount of the family's security deposit balance, the borrower must refund the excess balance to the family. If the borrower fails to provide the list, the family will be entitled to the refund of the full amount of the family's security deposit balance.

(4) *Disagreements.* If a disagreement arises concerning reimbursement of the security deposit, the family will have the right to present objections to the borrower in an informal meeting. The borrower must keep a record of any

disagreements and meetings in a tenant file for inspection by HUD. The procedures set out in this paragraph do not preclude the family from exercising its right under State or local law.

(5) *Decedent's interest in security deposit.* Upon the death of a member of a family, the decedent's interest, if any, in the security deposit will be governed by State or local law.

(c) *Reimbursement by HUD for assisted units.* If the family's security deposit balance is insufficient to reimburse the borrower for any unpaid tenant rent or other amount which the family owes under the lease for an assisted unit and the borrower has provided the family with the list required by paragraph (b)(3)(ii) of this section, the borrower may claim reimbursement from HUD for an amount not to exceed the lesser of:

(1) The amount owned the borrower, or

(2) One month's contract rent, minus the amount of the family's security deposit balance. Any reimbursement under this section will be applied first toward any unpaid tenant rent due under the lease. No reimbursement may be claimed for unpaid rent for the period after termination of the tenancy. The borrower may be eligible for vacancy payments following a vacancy in accordance with the requirements of § 885.650.

§ 885.640 Adjustment of rents.

(a) *Contract rents.*—(1) *Adjustment based on approved budget.* If the HAP contract provides, or has been amended to provide, that contract rents will be adjusted based upon a HUD-approved budget, HUD will calculate contract rent adjustments based on the sum of the project's operating costs and debt service (as calculated by HUD), with adjustments for vacancies, the project's non-rental income, and other factors that HUD deems appropriate. The calculation will be made on the basis of information provided by the borrower on a form prescribed by HUD. The automatic annual adjustment factor described in Part 888 is not used to adjust contract rents under this paragraph (a)(1), except to the extent that the amount of the replacement reserve deposit is adjusted under § 885.605(b).

(2) *Annual and special adjustments.* If the HAP contract provides that contract rents will be adjusted based on the application of an automatic annual adjustment factor and by special additional adjustments:

(i) Consistent with the HAP contract, contract rents may be adjusted in accordance with 24 CFR Part 888;

(ii) Special additional adjustments will be granted, to the extent determined necessary by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the assisted units which have resulted from substantial general increases in real property taxes, assessments, utility rates, and utilities not covered by regulated rates, and which are not adequately compensated for by an annual adjustment. The borrower must submit to HUD required supporting data, financial statements and certifications for the special additional adjustment.

(b) *Rent for unassisted units.* The rent payable by families occupying units that are not assisted under the HAP contract shall be equal to the contract rent computed under paragraph (a) of this section.

§ 885.645 Adjustment of utility allowances.

In connection with adjustments of contract rents as provided in § 885.640(a), the borrower must submit an analysis of the project's utility allowances for assisted units. Such data as changes in utility rates and other facts affecting utility consumption should be provided as part of this analysis to permit appropriate adjustments in the utility allowances for assisted units. In addition, when approval of a utility rate change would result in a cumulative increase of 10 percent or more in the most recently approved utility allowances, the borrower must advise HUD and request approval of new utility allowances for assisted units. Whenever a utility allowance for an assisted unit is adjusted, the borrower will promptly notify affected family and make a corresponding adjustment of the tenant rent and the amount of the housing assistance payment for the assisted unit.

§ 885.650 Conditions for receipt of vacancy payments for assisted units.

(a) *General.* Vacancy payments under the HAP contract will not be made unless the conditions for receipt of these housing assistance payments set forth in this section are fulfilled.

(b) *Vacancies during rent-up.* For each assisted unit that is not leased as of the effective date of the HAP contract, the borrower is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 60 days of vacancy, if the borrower:

(1) Conducted marketing in accordance with § 885.600(a) and otherwise complied with § 885.600;

(2) Has taken and continues to take all feasible actions to fill the vacancy; and

(3) Has not rejected any eligible applicant except for good cause acceptable to HUD.

(c) *Vacancies after rent-up.* If an eligible family vacates an assisted unit, the borrower is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 60 days of vacancy if the borrower:

(1) Certifies that it did not cause the vacancy by violating the lease, the HAP contract, or any applicable law;

(2) Notified HUD of the vacancy or prospective vacancy and the reasons for the vacancy immediately upon learning of the vacancy or prospective vacancy;

(3) Has fulfilled and continues to fulfill the requirements specified in § 885.600(a)(2) and (3) and § 885.650(b)(2) and (3); and

(4) For any vacancy resulting from the borrower's eviction of an eligible family, certifies that it has complied with § 885.630.

(d) *Vacancies for longer than 60 days.* If an assisted unit continues to be vacant after the 60-day period specified in paragraph (b) or (c) of this section, the borrower may apply to receive additional vacancy payments in an amount equal to the principal and interest payments required to amortize that portion of the debt service attributable to the vacant unit for up to 12 additional months for the unit if:

(1) The unit was in decent, safe and sanitary condition during the vacancy period for which payment is claimed;

(2) The borrower has fulfilled and continues to fulfill the requirements specified in paragraph (b) or (c) of this section, as appropriate; and

(3) The borrower has demonstrated to the satisfaction of HUD that:

(i) For the period of vacancy, the project is not providing the borrower with revenues at least equal to project expenses (exclusive of depreciation) and the amount of payments requested is not more than the portion of the deficiency attributable to the vacant unit; and

(ii) The project can achieve financial soundness within a reasonable time.

(e) *Prohibition of double compensation for vacancies.* If the borrower collects payments for vacancies from other sources (tenant rent, security deposits, payments under § 885.635(c), or governmental payments under other programs), the borrower shall not be entitled to collect vacancy payments to the extent these collections from other sources plus the vacancy payment exceed contract rent.

Date: December 3, 1987.

Thomas T. Demery,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 87-28125 Filed 12-8-87; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 250

[Notice No. 649]

Drawback of Distilled Spirits Taxes for Certain Nonbeverage Products From Puerto Rico and the Virgin Islands

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Proposed rulemaking cross referenced to temporary regulations.

SUMMARY: In the rules and regulations portion of this **Federal Register**, the Bureau of Alcohol, Tobacco and Firearms is issuing temporary regulations regarding the implementation of Pub. L. 9-514, effective October 23, 1986. These regulations provide for the drawback of the Federal excise taxes paid on the distilled spirits contained in certain nonbeverage products which are manufactured in Puerto Rico or the Virgin Islands and are brought into the United States. The temporary regulations serve as the text of this notice of proposed rulemaking for final regulations.

DATE: Written comments must be received by January 8, 1988.

ADDRESSES: Send written comments to: Chief, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. box 385, Washington, DC 20044-0385. Copies of written comments received in response to this notice will be available during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4406, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jackie White or Dick Langford, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226, ((202) 566-7531).

SUPPLEMENTARY INFORMATION:

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal will not impose, or otherwise cause, a significant increase in reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a "major rule" since it will not result in:

(a) An annual effects on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or

(c) 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.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that his notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The requirements to collect information proposed in this notice have been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35. Comments relating to ATF's compliance with 5 CFR Part 1320—Controlling Paperwork Burdens on the Public, should be submitted to: Office of Information and Regulatory Affairs, Attention: ATF Desk Officer, Office of Management and Budget, Washington, DC 20503.

Drafting Information

The principal authors of this document are Jackie White, Raymond Figueroa and Dick Langford, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms.

Public Participation—Written Comments

ATF is issuing this document requesting comments concerning amendments to 27 CFR Part 250. ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure. Any person who desires an opportunity to comment orally at a public hearing on the temporary regulations should submit a written request to the Director within the comment period. However, the Director reserves the right to determine whether a public hearing should be held. The Temporary regulations in this part of the issue of the **Federal Register** revise and add new regulations in 27 CFR Part 250. For the text of the temporary regulations, see T.D. ATF-263 published in this issue of the **Federal Register**.

Signed October 21, 1987.

Stephen E. Higgins,

Director.

Approved: October 26, 1987.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 87-28018 Filed 12-8-87; 8:45 am]

BILLING CODE 4810-31-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 43

[CC Docket No. 87-503, FCC 87-349]

Common Carrier Reporting Requirements; Elimination of FCC Form 901; Telephone Reports

AGENCY: Federal Communication Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to eliminate Report Form 901, the monthly report filed by large local exchange carriers, AT&T and Comsat. The telephone company report will become obsolete when the new uniform system of accounts becomes effective January 1, 1988. Quarterly submissions can replace the current monthly reporting.

DATES: Comments must be received on or before January 25, 1988 and replies by February 9, 1988.

ADDRESS: Federal Communication Commission, 1919 M St., NW. Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Alan Feldman, Common Carrier Bureau.

Industry Analysis Division, (202) 632–0745.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's notice of proposed rulemaking, CC Docket 87–503, adopted November 2, 1987 and released December 2, 1987.

The full text of this Commission notice is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M St. NW., Washington, DC. The complete text of this proposal may be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M St., NW., Suite 140, Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

Sections 1.786 and 43.31 of the Commission's Rules, 47 CFR 1.786, 43.31, require each telephone common carrier which had operating revenues in excuess of $100 million for the preceding year to file monthly reports of financial, operating and statistical information. In this Notice of Proposed Rulemaking (Notice) the FCC proposes to eliminate these sections because the reporting requirement is no longer necessary. Specifically, the FCC proposes to eliminate the telephone company monthly FCC Form 901. Forty-one companies, AT&T plus the largest local exchange carriers, currently file Form 901. In addition, the Communications Satellite Corporation (Comsat) files a report that is designated as a modified Form 901.

Earlier this year the FCC adopted an automated reporting system for the largest telephone companies that will provide for easy, commission-wide access to reliable, consistent data. The new procedures require Tier 1 telephone companies (those with annual earnings of $100 million or more for five consecutive years) to submit in computer-readable form four new reports containing the financial and operating data that the FCC needs to administer the accounting, joint cost, jurisdictional separations, rate base disallowances and access charge rules. It also directed the staff to review existing reporting requirements to evaluate their relationship to automated filings and determine whether such requirements remain necessary for regulatory activities.

The FCC pointed out that the data contained in Form 901 have only been used on a limited basis. Furthermore, the new reporting requirements contain similar, yet far more comprehensive, information than in currently contained in Form 901. Accordingly, the FCC concluded that eliminating Form 901 would further its goals of reducing unncessary regulatory paperwork.

Since the new reporting system does not require information from AT&T, the FCC proposed developing a format for quarterly reports from AT&T that will replace the information now received from AT&T on Form 901. The FCC also proposed reducing Comsat's reporting burdens by requiring quarterly, rather than monthly reports.

Eliminating the Form 901 does not preclude the FCC from directing the affected carriers to file detailed information should the need arise. Most of the needs for data will be adequately met with the new automated reporting system. When necessary, special data requests can be tailored to specific needs. Since there is no ongoing need for monthly data, special studies will eliminate the need for telephone carriers to submit monthly reports. This will not only reduce the costs to the carriers, it will also reduce the Commission's costs.

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to reduce information collection requirements on the public.

In compliance with the provisions of section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), we certify that the elimination of the reporting of telephone carriers on monthly Form 901 will not have a significant economic impact and will ease the recordkeeping and reporting requirement of these carriers. The rationale for the proposed elimination is outlined in the above discussions.

All relevant and timely comments and reply comments will be considered by the Commission. In reaching its decision, the Commission may take into account information and ideas not contained in the comments, provided that such information or a writing containing the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Order.

This rulemaking proceeding is instituted pursuant to our authority under sections 4(i), 4(j), 201–205, and 403 of the Communications Act of 1934 as amended, 47 U.S.C. 154(i), 154(j), 201–205 and 403. Comments on the proposed rulemaking shall be due on January 4, 1988 with reply comments due on January 25, 1988.

In accordance with the provisions of § 1.419(b) of the Commission's Rules, 47 CFR 1.419(b), an original and five copies of all comments, replies, pleadings, briefs and other documents filed in the proceeding shall be furnished to the Commission. Members of the public who wish to express their views by participating informally may do so by submitting one or more copies of their comments without regard to form (as long as the docket number is clearly stated in the heading). Copies of all filings will be available for public inspection during regular business hours in the Commission's Docket Reference Room (Room 239) at its headquarters at 1919 M St., NW., Washington, DC.

List of Subjects

47 CFR Part 1

Communications Common carriers, Reporting and recordkeeping requirements, Telephone.

47 CFR Part 43

Communications Common carriers, Reporting and recordkeeping requirements, Telephone.

William J. Tricarico,

Secretary.

[FR Doc. 87–28197 Filed 12–8–87; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 87–527, RM–5953]

Radio Broadcasting Services; Cocoa, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by EZY Communications, Inc., licensee of Station WEZY–FM, Cocoa, Florida, which proposes to substitute Channel 257C2 for Channel 257A at Cocoa, and to modify its Class A license to specify the new channel. The proposal for Channel 257C2 requires a site restriction 22.8 kilometers (14.2 miles) northeast of the city.

DATES: Comments must be filed on or before January 25, 1988, and reply comments on or before February 9, 1988.

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: Harry F. Cole, Bechtel and Cole, Chartered, 2101 L Street NW., Suite 502, Washington, DC 20037 (counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyre, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of

Proposed Rule Making, MM Docket No. 87–527 adopted November 6, 1987, and released December 2, 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. 87–28198 Filed 12–8–87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87–529, RM–6001]

Radio Broadcasting Services; Traverse City, MI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Fabiano-Strickler Communications, Inc., proposing the substitution of FM Channel 298A for Channel 221A at Traverse City, Michigan, and modification of its license for Station WCCW–FM, to reflect the new channel. Concurrence of the Canadian government is required for this allocation.

DATES: Comments must be filed on or before January 25, 1988, and reply comments on or before February 9, 1988.

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: Jerrold Miller, Miller & Fields, P.C., P.O. Box 33003, Washington, DC 20033 (Counsel to the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–529, adopted November 4, 1987, and released December 2, 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. 87–28199 Filed 12–8–87; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 87–520, RM–5969]

Radio Broadcasting Services; Rochester, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Olmstead County Broadcasting Co., proposing the substitution of FM Channel 243C2 for 244A at Rochester, Minnesota, and modification of its license for Station KWWK, to reflect the new channel.

DATES: Comments must be filed on or before January 25, 1988, and reply comments on or before February 9, 1988.

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: James K. Edmundson, Kenkel, Barnard & Edmundson, 1220 Nineteenth Street NW., Suite 202, Washington, DC 20036 (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87–520, adopted November 4, 1987, and released December 2, 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. 87–28200 Filed 12–8–87; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-519, RM-6072]

Radio Broadcasting Services; Boulder City, NV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Rock 'N Roll, Inc. proposing the substitution of Channel 288C2 for Channel 288A at Boulder City, Nevada, and the modification of its license for Station KRRI to specify the higher powered channel. Channel 288C2 can be allocated to Boulder City in compliance with the Commission's minimum distance separation requirements. Since this request represents a co-channel upgrade, the Commission will not accept competing expressions of interest in use of the channel at Boulder City nor require the petitioner to demonstrate the availability of an additional equivalent channel.

DATES: Comments must be filed on or before January 25, 1988, and reply comments on or before February 9, 1988.

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: David Tillotson, Esq., Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue NW., Washington, DC 20036 (Counsel to the petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie 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. 87-519, adopted November 4, 1987, and released December 2, 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. 87-28201 Filed 12-8-87; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 52, No. 236
Wednesday, December 9, 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 the Office of Management and Budget

December 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 shuld 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

- Animal and Plant Health Inspection Service

U.S. Interstate and International Animal Health Certificate
VS 18–1 and VS 18–1A
Recordkeeping; On occasion
Individuals or households; Small businesses or organizations; 30,000 responses; 9,450 hours; not applicable under 3504(h)
R. L. Crawford (301) 436–8083

- Animal and Plant Health Inspection Service

Record of Disposition of Dogs or Cats
VS 18–6 and VS 18–6A
Recordkeeping
Small businesses or organizations; 19,000 hours; not applicable under 3504(h)
W.C. Stewart (301 436–7833

- Animal and Plant Health Inspection Service

9 CFR Part 85 Pseudorables
Recordkeeping; On occasion
Farms; Business or other for-profit; 75,000 responses; 13,275 hours; not applicable under 3504(h)
Robert R. Ormiston (301 436–8378

- Rural Electrification Administration

Request for Approval to Sell Capital Assets
REA 369
On occasion
Small businesses or organizations; 260 responses; 780 hours; not applicable under 3504(h)
Archie W. Cain (202) 382–1900

Larry K. Roberson,

Acting Departmental Clearance Officer.

[FR Doc. 87–28246 Filed 12–8–87; 8:45 am]

BILLING CODE 3410–01–M

Forest Service

Intent To Prepare an Environmental Impact Statement, Silver Fire Recovery Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement for the Silver Fire Recovery Project, on the Siskiyou National Forest, Grants Pass, Oregon. The agency invites written comments and suggestions on the scope of the analysis in addition to that already received as a result of local public participation activities. The agency also gives notice of the full environmental analysis and decision-making process that will occur on the proposal so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATE: Comments concerning the scope of the analysis must be received by December 31, 1987.

ADDRESS: Submit written comments and suggestions concerning the scope of the analysis to Forest Supervisor, Siskiyou National Forester, Grants Pass, Oregon 97526.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and Environmental Impact Statement to John O. Hoffman, Timber Staff, Siskiyou National Forest, Grants Pass, Oregon 97526; phone, 503–479–5301.

SUPPLEMENTARY INFORMATION: In preparing the Environmental Impact Statement, the Forest Service will identify and consider a range of alternatives for this project. One of these is no action. Other alternatives will consider various intensities for harvest of fire-killed timber and recovery of the forest resources.

Forest Supervisor, Siskiyou National Forest, Grants Pass, Oregon, is the responsible official.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations who may be interested in or affected by the proposed project. This input will be used in preparation of the Draft Environmental Impact Statement (DEIS). The scoping process includes:

1. Identifying potential issues.
2. Identifying issues to be analyzed in depth.
3. Eliminating insignificant issues or those which have been covered by a relevant previous environmental analysis.
4. Exploring additional alternatives.
5. Identifying potential environmental effects of this project and alternatives (i.e., direct, indirect, and cumulative effects and connected actions).

6. Determining potential cooperating agencies and task assignments.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by March, 1988. At that time EPA will publish a notice of availability of the DEIS in the **Federal Register**.

It is very important that those interested in the Silver Fire Recovery Project participate at that time. To be the most helpful, comments on the DEIS should be as spacific as possible and may address the adequacy of the statement or the merit of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of DEIS's must structure their paraticipation in the environmental review of the proposal so that it is meaningful and alert an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519 (1978), and 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. *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334 (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 final.

After the comment period ends on the DEIS, the comments will be analyzed and considered by the Forest Service in preparing the Final Environmental Impact Statement. The Final EIS is scheduled to be completed by May, 1988. In the Final EIS the Forest Service is required to respond to the comments and responses received during the comment period on environmental consequences discussed in the DEIS, and applicable laws, regulations, and policies in making a decision regarding this project. The responsible official will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations.

Mike Edrington,

Acting Forest Supervisor.

Date: December 2, 1987.

[FR Doc. 87-28257 Filed 12-8-87; 8:45 am]

BILLING CODE 3410-11-M

AVIATION SAFETY COMMISSION

Cancellation of Meeting

Agency: Aviation Safety Commission.

Previous Announcement: 52 FR 46385, December 7, 1987. Meeting 9 a.m. to 5:00 p.m., December 15, 1987.

Change in Meeting: This notice is to hereby announce that the hearings scheduled by the Aviation Safety Commission for December 15, 1987 (the date was omitted by typographical error) at 9:00 a.m. and listed in the **Federal Register** on December 7, 1987 (52 FR 46385), have been canceled.

For further information contact: Richard K. Pemberton, Administrative Officer, Aviation Safety Commission, Premier Building, Room 1008, 1725 I Street NW., Washington, DC 20006, (202) 634-4677 or (202) 634-4860.

Betty Maddox,

Executive Director.

[FR Doc. 87-28342 Filed 12-8-87; 8:45 am]

BILLING CODE 6820-AG-M

DEPARTMENT OF COMMERCE

Agency Information Collections Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Export Administration
Title: Foreign Availability Procedures and Criteria
Form Number: Agency—EAR 391.2(d)(1); OMB—0625-0150
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 1,200 respondents; 1,412 reporting/recordkeeping hours
Needs and Uses: The purpose of the foreign availability procedure is to help minimize adverse effects of the U.S. export control system on U.S. competitiveness in foreign markets. This procedure allows U.S. exports to advise the Department of Commerce of the foreign availability of U.S. controlled commodities and technology abroad. The information is used to assess the comparability of the foreign equipment and technology to U.S. products.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion/recordkeeping
Respondent's Obligation: Voluntary
OMB Desk Officer: John Griffen 395-7340

Agency: Export Administration
Title: Exceptions to Reporting Requirements Under the Import Certificate/Delivery Verficcation Procedure
Form Number: Agency—EAR's 375.3(i)(3), 375.4(C), 375.5(c), 375.7(e); OMB—0625-0006
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 400 respondents; 107 reporting/recordkeeping hours
Needs and Uses: The exception to the Import Certificate/Delivery Verification procedure allows Export Administration to consider granting exceptions under cerntain circumstances to the requirement that exporters submit import documentation with their application for an export license. An exception will not be granted contrary to the objectives of the U.S. export control program.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion/recordkeeping
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen 395-7340

Agency: Export Administration
Title: Quarterly Report on Exports of Parts to Service Equipment Shipped Against a Validated Export License
Form Number: Agency—EAR 376.4(d); OMB—0625-0067
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 125 respondents; 252 reporting/recordkeeping hours
Needs and Uses: Exporters are permitted to ship parts needed to service equipment previously sent to consignees under a validated export license. The quarterly reports are used by Export Administration to detect excessive shipments of spare parts to communist destinations.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: Quarterly/recordkeeping
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Offier: John Griffen 395-7340

Agency: International Trade Administration
Title: Product Characteristics—Design Check-Off List
Form Number: Agency—ITA--426P; OMB—0625-0035

Type of Request: Extension of the expiration date of a currently approved collection
Burden: 1,900 respondent; 950 reporting hours
Needs and Uses: U.S. firms participating in Commerce Department sponsored trade fairs use the form to indicate physical requirements for their displays. ITA uses the information to design the exhibition facilities.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Voluntary
OMB Desk Officer: John Griffen 395–7340

Copies of the above information collection proposals 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 collections should be sent to John Griffen, OMB Desk Officer Room 3228, New Executive Office Building, Washington, DC. 20503.

Dated: December 2, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–28174 Filed 12–8–87 8:45 am]

BILLING CODE 3510–CW–M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (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: Export Administration
Title: Service Supply Licensing Procedure
Form Number: Agency—ITA–6026P (EAR 373.7); OMB—0625–0041
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 200 respondents; 7,223 reporting/recordkeeping hours
Needs and Uses: Under certain circumstances the Service Supply License procedure authorizes multiple shipments of parts from the U.S. or from approved service facilities abroad for the purpose of servicing equipment. The information is used to determine eligibility for this special license. Quarterly reports are used for audit purposes to ensure that there has been no diversion of strategically important items.
Affected Public: Businesses or other for-profit institutions; small businesses or organizations
Frequency: On occasion, quarterly, recordkeeping
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen 395–7340

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 John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: December 2, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–28175 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–CW–M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (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: International Trade Administration
Title: Request for Duty-Free Entry of Scientific Instruments or Apparatus
Form Number: Agency—ITA–338P; OMB—0625–0037
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 150 respondents; 600 reporting hours
Needs and Uses: With the passage of the "Educational, Scientific, and Cultural Materials Importation Act of 1966," the United States became a signatory to the Florence Agreement, a UNESCO sponsored agreement on the importation of such items. The Public Law requires the Secretaries of the Treasury and Commerce to determine whether institutions importing scientific instruments are entitled to duty-free treatment under the Florence Agreement. The information collected is used to make this determination.
Affected Public: State or local governments; federal agencies; non-profit institutions
Frequency: On occasion
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: John Griffen, 395–7340

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 John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated December 2, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–28176 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–CW–M

International Trade Administration

[Docket No. 71019–7219]

Foreign Availability Assessment; Jig Grinders

AGENCY: Export Administration, Commerce.

ACTION: Notice of finding of foreign availability assessment.

SUMMARY: The Office of Foreign availability (OFA) of Export Administration is required by sections 5 (f) and (h) of the Export Administration Act of 1979, as amended, to initiated and review claims of foreign availability on items controlled for national security purposes.

OFA has completed an assessment on jig grinders that can be equipped with 2 axes of simultaneously coordinated numercial control, with positioning accuracies in any axis greater (coarser) than or equal to ±0.002 mm (0.000080 in.) for machines with a total length of axis travel equal to or less than 300mm (12 in.) and ±(0.002+ (0.001× ((L–300)/300))) mm (with L expressed in mm) [or (0.000080+ (0.000040× ((L–12)/12)) in. (with L expressed in inches)] for machines with total length of axis travel, L, greater than 300 mm (12 in.). Jig grinders are controlled under paragraph (b)(ii) of the "List of Equipment Controlled by ECCN 1091A" in ECCN 1091A on the Commodity Control List (CCL) (Supplement No. 1 to 15 CFR

399.1). Based on this assessment, the Department of Commerce has found foreign availability for this commodity.

FOR FURTHER INFORMATION CONTACT: Larry Hall, Office of Technology and Policy Analysis, Department of Commerce, Washington, DC 20230, Telephone: (202) 377–8550.

SUPPLEMENTARY INFORMATION:

Backgound

OFA has completed an assessment on the foreign availability of the following item:

Jig grinders that can be equipped with numerical control units with 2 simultaneously coordinated axes, with positioning accuracies in any axis greater (coarser) than or equal to ±0.002 mm (0.000080 in.) for machines with a total length of axis travel equal to or less than 300 mm (12 in.) and ±(0.002 + (0.001× ((L–300/300))) mm (with L expressed in mm) [or 0.000080 + (0.000040× ((L–12)/12)) in. (with L expressed in inches)] for machines with a total length of axis travel, L, greater than 300 mm (12 in.).

Such machines are a category of numerically controlled machine tools controlled for national security and nuclear non-proliferation purposes under ECCN 1091A on the CCL.

OFA has completed its assessment of the availability of the above described equipment from non-U.S. sources and has determined the existence of foreign availability as defined by law.

The President has decided not to override the finding of foreign availability for this commodity, as provided by law.

There fore, Export Administration will publish regulations changing the national security export controls on these jig grinders (*i.e.*, removing the need for an individual validated license to destinations other than controlled countries). Export Administration also has begun the process where by the United States Government will work with COCOM member governments to reach agreement on an orderly removal of the multilateral controls placed on such jig grinders when exported to controlled countries.

Dated: December 3, 1987.

Irwin M. Pikus,

Director, Office of Foreign availability.

[FR Doc. 87–28181 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–DT–M

[Docket Nos. 7688–01 and 7688–02]

Actions Affecting Export Privileges of Barrett Liebe; Decision and Order Affirming Settlement Agreement

Summary

Pursuant to the consent agreement reached by the Department of Commerce and Barrett Liebe in the above captioned proceeding, which agreement was approved by the Administrative Law Judge in his Recommended Decision and Order, Barrett Liebe, 511 Emerald Street, New Orleans, LA 70124 and P.O. Box 24615, New Orleans, LA 70124, is hereby denied all export privileges for ten (10) years from the date of this Order.

Order

On September 22, 1987, the Administrative Law Judge (ALJ) issued his Recommended Decision and Order approving the consent proposal dated September 15, 1987 and submitted by the parties in this matter. The Recommended Decision and Order was referred to me pursuant to the Export Administration Amendments Act of 1985, 50 U.S.C. App. 2412, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985) and 15 CFR 388.17(a), for final action.

I hereby modify Paragraph II of the Recommended Order by deleting that paragraph and inserting in lieu thereof the following:

II. All outstanding individual validated export licenses in which Liebe appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Liebe's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses are hereby revoked.

Paragraph V of the Recommended Order is hereby modified by inserting after the words "specific authorization" the following: "from the Office of Export Licensing"

Having examined the record and based on the facts adduced in this case, I affirm the Recommended Decision and Order of the ALJ as thus modified.

This constitutes final agency action in this matter.

Date: October 21, 1987.

Paul Freedenberg,

Acting Under Secretary for Export Administration.

Decision and Order Affirming Settlement Agreement

In the matter of: Barrett Leibe individually and doing business as Micro Computer of New Orleans, Respondent; Docket Numbers 7688–01 and 7688–02.

Appearance for Respondent: Mr. Barrett Leibe (pro se), P.O. Box 24615, New Orleans, LA 70184

Appearance for Agency: Margo E. Jackson, Esq., Attorney-Advisor, Office of the Deputy Chief Counsel for Export Administration, U.S. Department of Commerce, Room H–3329, Washington, DC 20230

An administrative proceeding was initiated against Barrett Leibe, individually and doing business as Micro Computers of New Orleans, Inc., pursuant to section 13(c) of the Export Administration Act of 1979 (50 U.S.C.A. app. 2401–2420), as amended by the Export Administration Amendments Act of 1985, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985)) (the Act), and the Export Administration Regulations (currently codified at 15 CFR Parts 368–399 (1986)), (the Regulations). The Office of Export Enforcement issued a charging letter on February 4, 1987, alleging that between January 21, 1981 through September 11, 1982, Leibe violated §§ 387.3, 387.4, 387.5, and 387.6 of the Regulations, in that:

(a) Between January 21, 1981 and September 11, 1982, Respondents exported twenty-two (22) shipments of U.S. origin computer equipment (Transaction numbers 2 through 23) from the United States to Belgium, France, Holland, Italy, Switzerland and West Germany without a required export license.

(b) In connection with nine (9) of the shipments of computer equipment (Transactions 12 through 20) Respondents knew or should have known that a validated export license was required by the Regulations; and

(c) In connection with eleven (11) of the shipments (Transaction number 12 through 22) Respondents indirectly made false material statements relating to the shipments.

(d) On January 9, October 4 and October 8, 1982, Respondents attempted to export U.S.-origin computer equipment (Transactions 1, 24 and 25) without applying for or obtaining the required export licenses.

Pursuant to 15 CFR 388.17, the Agency and Respondents have agreed to and submitted a consent proposal to this office whereby Agency counsel and Respondent have agreed that, although Respondent was charged individually and doing business as Micro Computers of New Orleans, Inc., that the latter

entity no longer exists. Therefore, the sanctions imposed should apply only to Leibe, individually.[1] Respondent Leibe admits that he violated the regulations as alleged in the charging letter [2] and that this matter is being settled by: (1) a denial to Leibe of all export privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving the export of U.S.-origin commodities or technical data from the United States or abroad for a period of ten years following the date of entry of the final Order.

I find that these terms are sufficient to achieve effective enforcement of the Act and the Regulations. Therefore, pursuant to the authority delegated to me by Part 388 of the Regulations,

It is ordered that:

I. For a period of 10 years from the date this Order becomes final, Repondent

Barrett Leibe, 511 Emerald Street, New Orleans, LA 70124, and P.O. Box 24615, New Orleans, LA 70124

all successors of assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating directly or indirectly in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

II. All outstanding validated export licenses and special licensing procedures in which Respondent or any related party appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation.

III. Participation prohibited in any such transaction, either in the United States or abroad, shall include but not be limited to, participation:

(i) As a party or as a representative of a party to a validated export license application;

(ii) In preparing or filing any export license application or reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license of other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Such denial of export privileges shall extend only to matters which are subject to the Act and the Regulations.

IV. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which the Respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade of related services.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure and specific authorization, shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any Respondent or any related party, or whereby any Respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(a) Apply for, obtain, transfer, or use any license, Shipper's Export Delcaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any Respondent or related party denied export privileges, or

(b) order, buy, receive, use, sell, deliver, store, dispose of, forward, tranport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

VI. This Order as affirmed or modified, shall become effective upon entry of the Secretary's final action in the proceeding pursuant to this Act (50 U.S.C.A. app. 2412(c)(1)).

Date: September 22, 1987.

Hugh J. Dolan,

Administrative Law Judge.

[FR Doc. 87-28183 Filed 12-8-87; 8:45 am]

BILLING CODE 3510-DT-M

[1] This action is not intended to modify the Consent Agreement. It is simply inappropriate to clutter the Table of Denied Parties with nonexistent or deceased entities. Also cf. Lousky and Eler Engineering, Docket No. 3642-05, August 27, 1987. The denial of an individual is effective against him in all capacities. If Micro Computers of New Orleans, Inc. is reestablished, it may be the subject of further Motion and Order.

[2] In addition to admitting the violations charged in the Consent Agreement it also appears that Respondent Leibe entered a plea of guilty in Federal District Court to an attempt to export the same computer equipment without the required validated export licenses.

[Docket No. 3644-54]

Actions Affecting Export Privileges of Societe Anonyme Technologie Spatiale

Summary

Pursuant to § 388.3(c) of the Export Administration Regulations, 15 CFR Parts 368 through 399 (1987), Societe Anonyme Technologie Spatiale (SATS), a/k/a SATS, a/k/a Space Technologies, Inc., with an address at Les Maladiers, 2022 Bevaix NE, Switzerland, is hereby named a related person and is denied all export privileges for 30 years from the date of my August 11, 1986 Order.

Order

On September 30, 1987, the Administrative Law Judge (ALJ) issued his Recommended Decision and Order in this matter. The Recommended Decision and Order was referred to me pursuant to the Export Administration Amendments Act of 1985, 50 U.S.C. App. 2412, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985) and 15 CFR § 388.17(a), for final action.

Having examined the record and based on the facts adduced in this case, I affirm the Recommended Decision and Order of the ALJ.

Date: October 30, 1987.

Paul Freedenberg,

Acting Under Secretary for Export Administration.

Addition of Related Person to Denial Order

The U.S. Department of Commerce (the "Agency") moved for an order to Societe Anonyme Technologie Spatiale ("SATS") to show cause why it should not be named as a person related to Charles J. McVey, Jr. and therefore denied U.S. export privileges. Mr. McVey was denied such privileges for 30 years by the Order of August 11, 1986 (512 FR 29295, August 16, 1986). The Agency, attaching to its motion certain evidence that Mr. McVey is the chairman of SATS, argued that he could thereby use SATS to evade the Order of August 11, 1986.

The order to show cause was issued to SATS, and SATS has filed no reply. The above referenced evidence filed by the Agency is sufficient to establish that

Mr. McVey is the chairman of SATS. SATS is consequently a person related to Mr. McVey under § 388.3(c) of the Export Administration Regulations (currently codified at 15 CFR parts 368–399 (1987)).

Accordingly, the Order of August 11, 1986 is hereby amended by adding, to the related persons named in Paragraph IV, the following person:

Societ Anonyme Technologie Spatiale, a/k/a SATS, a/k/a Space Technologies, Inc, Les Maladiers, 2022 Bevaix NE, Switzerland

This amendment of the Order of August 11, 1986 shall become effective when it is affirmed by the Assistant Secretary for Trade Administration pursuant to section 13(c) of the Export Administration Act of 1979 (50 U.S.C.A. app. sections 2401–2420), as reauthorized and amended by the Export Administration Amendments Act of 1985 (Pub. L. 99–64, 99 Stat. 120 (July 12, 1985)).

Date: September 30, 1987.

Thomas W. Hoya,

Administrative Law Judge.

[FR Doc. 87–28182 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–DT–M

[C–614–501

Low-Fuming Brazing Copper Rod and Wire From New Zealand; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Countervailing Duty Administrative review.

SUMMARY: On August 14, 1987, the Department published the preliminary results of its administrative review of the countervailing duty order on low-fuming brazing copper rod and wire from New Zealand. We determine the total bounty or grant to be 9.34 percent *ad valorem* for the period May 23, 1985 through July 31, 1985 and 4.94 percent *ad valorem* for the period August 1, 1985 through July 31, 1986.

EFFECTIVE DATE: December 9, 1987.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Bernard Carreau, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On August 14, 1987, the Department of Commerce ("the Department") published in the **Federal Register** (52 FR 30420) the preliminary results of its administrative review of the countervailing duty order on low-fuming brazing copper rod and wire from New Zealand (50 FR 31638, August 5, 1985). The Department has now conducted that administrative review in accordance with section 751(a) of the Tariff Act of 1930 ("the Tariff Act").

Scope of Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to the Harmonized System ("HS") by January 1, 1988. In view of this, we are providing both the appropriate Tariff Schedules of the United States Annotated ("TSUSA") item numbers and the appropriate HS item numbers with our products descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Imports covered by the review are shipments of New Zealand low-fuming brazing copper rod and wire, principally of copper and zinc alloy ("brass"), varied dimensions in terms of diameter, whether cut-to-length or coiled, whether bare or flux-coated. The chemical composition of the products under investigation is defined by Copper Development Association standards 680 and 681. Such merchandise is currently classifiable under items 612.6205, 612.7220 and 653.1500 of the TSUSA. These products are currently classifiable under HS item numbers 7407.2150, 7408.2100, 8311.3060 and 8311.9000.

The review covers the period May 23, 1985 through July 31, 1986 and 16 programs: (1) EMDTI, (2) EPTI, (3) IETI, (4) RIA, (5) export investment allowances, (6) Industrial Development Plan allowances, (7) EPGS, (8) EPSLS, (10) export credits from the DFC, (11) regional development investment incentives, (12) research and development assistance, (13) exemptions from import duties and sales taxes, (14) EPAS, (15) export promotion from the Export-Import Corporation, and (16) flexible incentives under the Investment Unit of the Department of Trade and Industry.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received written comments from the exporter, McKechnie Bros. (N.Z) Ltd., and from the petitioner, Cerro Metal Products.

Comment 1: Mc Kechnie argues that, in calculating the benefits from the EPTI tax program, the Department should not use its traditional methodology of considering the benefits to be those credits reported on tax returns filed in the review period. Instead, it should look at the credits earned on exports in the review period. EPTI tax benefits are earned on a sale-by-sale basis at uniform tax credit rates established for specific years. Therefore, the benefit can be calculated precisely at the time of export.

The Department has verified that, under the schedule for phasing out EPTI, exports of low-fuming brazing copper rod and wire to the United States earned a 9.10 percent EPTI credit during the 1985 tax year (August 1, 1984 through July 1, 1985), a 4.55 percent EPTI credit during the 1986 tax year (August 1, 1985 through July 31, 1986) and a 2.275 percent EPTI credit in the 1987 tax year (August 1, 1986 through July 31, 1987), and will earn zero credits on or after August 1, 1987.

McKechnie concludes that any EPTI tax credits can be offset precisely by assessing a countervailing duty rate equal to the specific EPTI credit rates in effect during the review period and by setting the cash deposit rate at the EPTI tax credit rate currently in effect.

Department's Position: We agree. We have reconsidered our position on this issue and now believe that our standard lag methodology for income tax programs should not be used to measure the benefits under the EPTI program. Because a firm can precisely calculate an associate EPTI benefit for each export transaction at the moment it is made and because this credit is not subject to alteration depending on the ultimate tax liability, we are able to calculate benefits on a credit-as-earned basis, using the percentage rate which applied to exports shipped during the review period. *See, Final Affirmative Countervailing Duty Determination: Steel Wire Nails from New Zealand* (52 FR 37196, October 5, 1987).

We determine the benefit from this program to be 9.10 percent *ad valorem* for the period May 23, 1985 through July 31, 1985 and 4.55 percent *ad valorem* for the period August 1, 1985 through July 31, 1986. Because the EPTI credit was reduced to zero effective August 1, 1987, we determined the current benefit, for purposes of cash deposits of estimated countervailing duties, to be zero.

Comment 2: Cerro claims that, in calculating the benefit from the EPTI and EMDTI programs, the Department should exclude the value of dross, or skimmings, from the total value of exports, because dross does not qualify for benefits under either program.

Department's Position: We agree. In these final results, as in our preliminary results, we did not include the value of dross in the value of exports.

Comment 3: Cerro contends that any exemption from import duties and sales taxes on machinery and equipment used to produce goods for export has the same impact as that of a grant and, therefore, should be amortized over the useful life of the machinery and equipment. The Department should go back to years prior to the period of review to capture any benefits from the exemption of import duties and sales taxes on machinery and equipment used to produce goods for export.

Citing the legislative history of the Trade Agreements Act of 1979 (S. Rep. No. 249, 96th Cong., 1st Sess. 85–86 (1979); H.R Rep. No. 317, 96th Cong., 1st Sess. 74–75 (1979)), Cerro argues that amortization if import duty exemptions over time is consistent with congressional intent. Cerro states that it is aware of the Court of International Trade's recent decision in *Can-Am Corp.* v. *United States*, 11 C.I.T. _____, Slip Op. 87–67 (June 4, 1987), in which the court found expensing of certain tax benefits under similar circumstances reasonable and in accordance with law. Nevertheless, Cerro requests that the Department reconsider this issue.

Department's Position: Cerro has provided no new arguments on this issue and no compelling reasons for us to change our policy. We reaffirm our numerous statements as to the appropriateness of expensing such exemptions in the year of receipt. *See, e.g., Final Affirmative Countervailing Duty Determination: Certain Forged Steel Crankshafts from Brazil* (52 FR 38254, October 15, 1987).

As Cerro is aware, the C.I.T. upheld our position in *Can-Am* and found "Commerce's practice of expensing in the year of receipt tax credits that are received for making capital investments to be reasonable and in accordance with law." The question regarding the allocation of benefits from the import duty exemptions in this case is analogous to the tax credits issue in the *Can-Am* case. The benefit from import duty exemptions derives not from the equipment that is imported, but from the lifting of the import duty liability. An import duty is a tax that, under normal commercial circumstances, is paid on a current basis, *i.e.*, at the time of importation. It is appropriate to expense the benefit in the year of receipt. Therefore, there is no need to investigate or verify possible benefits received in years preceding the review period.

Final Results of Review

After considering all comments received, we determine the total bounty or grant to be 9.34 percent *ad valorem* for the period May 23, 1985 through July 31, 1985 and 4.94 percent *ad valorem* for the period August 1, 1985 through July 31, 1986.

The Department will instruct the Customs Service to assess countervailing duties of 9.34 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after May 23, 1985 and exported on or before July 31, 1985, and 4.94 percent of the f.o.b. invoice price on all shipments of this merchandise exported on or after August 1, 1985 and on or before July 31, 1986.

The termination of the EPTI tax program reduces the total estimated bounty or grant to 0.39 percent *ad valorem*. The Department considers any rate less than 0.50 percent to be *de minimis*. Therefore, the Department will instruct the Customs Service to waive deposits of estimated countervailing duties on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 335.10.

Date: December 2, 1987.

Gilbert B. Kaplin,

Acting Assistant Secretary, Import Administration.

[FR Doc. 87–28237 Filed 12–8–87, 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-free Entry of Scientific Instruments; Department of Agriculture et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87–099R. *Applicant:* USDA/ARS Beltsville Agricultural Research Center, Plant Hormone Laboratory, Building 050, HH4, BARC-West, Beltsville, MD 20705 *Instrument:* GC/Mass Spectrometer, Model MS 25RFA with Data System. *Manufacturer:* Kratos Analytical, United Kingdom. Original notice of this resubmitted application was published in the **Federal Register** March 13, 1987.

Docket Number: 87–163R. Applicant: University of Nebraska-Lincoln, NE 68588. *Instrument:* Circular Dichroism Spectropolarimeter, Model J–600C. *Manufacturer:* JASCO, Japan. Original notice of this resubmitted application was published in the **Federal Register** March 14, 1987.

Docket Number: 87–164R. *Applicant:* Mercy Hospital and Medical Center, Stevenson Expressway at King Drive, Chicago, IL 60616. *Instrument:* Electron Microscope, Model H–300. *Manufacturer:* Nissei Sangyo America, Ltd., Japan. Original notice of this resubmitted application was publlished in the **Federal Register** March 14, 1987.

Docket Number: 87–175R. *Applicant:* Carnegie Mellon University, 4400 Fifth Avenue, Pittsburgh PA 15213. *Instrument:* Interferometric Spectrometer, Model DA3.16 with Accessories. *Manufacturer:* Bomem, Canada. Original notice of this resubmitted application was published in the **Federal Register** March 14, 1987.

Docket Number: 88–022. *Applicant:* California State University-Fresno, Shaw and Cedar, Fresno, CA 93740. *Instrument:* Circular Dischroism Spectropolarimeter. *Manufacturer:* JASCO, Japan. *Intended Use:* The instrument is intended to be used for studies of angiogenesis inhibitor(s) from elasmobranch cartilage. The experiments to be conducted will include the following:

a. Extraction of protein(s) from cartilage using guanidinium chloride.

b. Purification by ultrafiltration, molecular sieve chromatography, FPLC, immunoaffinity chromatography.

c. Biological activity assays on the CAM: anti-tumor assays using rabbit corneal tumor inplants.

d. Conformational studies using circular dichroism in the near and far UV.

Application Received by Commissioner of Customs: October 30, 1987.

Docket Number: 88–023. Applicant: The Regents of University of California, Material Management Department, Riverside, CA 92521. *Instrument:* Accessories for Mass Spectrometer. *Manufacturer:* Vacuum Generators Micromass, United Kingdom. *Intended Use:* The instruments are accessories to existing mass spectrometers which will be used to conduct the following experiments:

1. HPLC/Microthermospray interfaces for Mass Spectrometry.
2. Asymmetric and Stereocontrolled Natural Product Synthesis.
3. Mechanistic and Synthetic Studies of Polyenes.
4. Isolation and Identification of Plant Growth Regulators Produced by Soil Micro-organisms.
5. Molecular Basis for Replication.
6. Peroxisomers in Cholesterol Biochemistry.
7. Interactions between DNA and Organometallic Compounds.
8. Mass Spectrometric Studies of Ion-Molecule Complexes.

Application Received by Commissioner of Customs: October 30, 1987.

Docket Number: 88–024. *Applicant:* Virginia Polytechnic Institute and State University, Physics Department, Robeson Hall, Blacksburg, VA 24061. *Instrument:* FTI Interferometer, DA3.16. *Manufacturer:* Bomen, Canada. *Intended Use:* The instrument is intended to be used for the study of organic conducting polymers. The objectives of the investigation are to determine band-gap of these semiconducting materials to determine the nature of the non-linear excitation induced by doping and to determine the dopant concentration necessary to a non-metal phase transition. *Application Received by Commissioner of Customs:* November 2, 1987.

Docket Number: 88–025. *Applicant:* United States Department of Energy, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439–4812. *Instrument:* Tunable Picosecond Dye Laser System. *Manufacturer:* Lambda Physik, GmbH, West Germany. *Intended Use:* The instrument will be used for studies of the properties of excited 5f electron states of transuranium ions in solution and solid phases. The materials are the radioactive isotopes of the elements Np, Pu, Am, Cm, Bk, Es, Fm, and Md with half lives as short as 20 days. *Application Received by Commissioner of Customs:* September 25, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–28239 Filed 12–8–87; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-free Entry of Scientific Instruments; Texas A & M University et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87–077R. *Applicant:* Texas A & M University, Department of Chemistry, College Station, TX 77843. *Instrument:* Stopped Flow/Preparative Quench Spectrophotometer, Model PQ–53 with Accessories. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. Original notice of this resubmitted application was published in the **Federal Register** January 21, 1987.

Docket Number: 88–009. *Applicant:* Mayo Foundation, 200 First Street, S.W., Rochester, MN 55905. *Instrument:* Electron Microscope, Model CM 12/S. *Manufacturer:* N.V. Philips, The Netherlands. *Intended Use:* Studies of biomedical materials, mostly mammalian cells or tissues. Investigations will be conducted to obtain a better understanding of cell and tissue functions, better understanding of diseased tissues and diagnosis of disease states. *Application Received by Commissioner of Customs:* October 24, 1987.

Docket Number: 88–013. *Applicant:* Yale University, Section of Applied Physics, 15 Prospect Street, New Haven, CT 06520. *Instrument:* Electron Spectrometer System, Model ELS–22. *Manufacturer:* Leybold-Heraeus, West Germany. *Intended Use:* The instrument will be used to study the adsorption of molecules on the surfaces of model catalysts and to investigate the electronic energy levels of adsorbed molecules. The model catalysts that will be studied will include single-crystal oxide surfaces, small metal particles deposited in single-crystal oxide surfaces (model SMSI catalysts), monolayers of different oxides supported on single-crystal oxides, and Ni and Pt particles of controlled size and shape fabricated by electron-beam lithographic techniques. *Application Received by Commissioner of Customs:* October 26, 1987.

Docket Number: 88–014. *Applicant:* Department of Commerce, National Bureau of Standards, 325 Broadway, Boulder, CO 80303. *Instrument:* Optical Streak Camera. *Manufacturer:* Hamamatsu Corp., Japan. *Intended Use:* The instrument will be used to research methods for measuring high speed pulses from laser diode light pulses that go beyond the present state of the art in terms of time resolution. *Application Received by Commissioner of Customs:* October 27, 1987.

Docket Number: 88–015. *Applicant:* USDA/ARS Children's Research Center, Baylor College of Medicine, 6608 Fannin Street, Room 519, Houston, TX 77030. *Instrument:* Gas-Isotope Ratio Mass Spectrometer, Model Delta E. *Manufacturer:* Finnigan MAT Corporation, West Germany. *Intended Use:* The instrument will be used for studies of plasma, urine, saliva, breast milk, amino acids, fatty acids and cholesterols. The isotopic abundance of carbon, hydrogen, oxygen and/or nitrogen will be measured in these biological materials by gas-isotope-ratio mass spectrometry. Investigations will be conducted to determine body composition, to measure milk intake, to measure energy expenditure, and to understand the metabolism of fatty acids, amino acides, and cholesterol in infants, children, adolescents and lactating and pregnant women. *Application Received by Commissioner of Customs:* October 27, 1987.

Docket Number: 88–016. *Applicant:* U.S. Environmental Protection Agency, Office of Research and Development, Environmental Monitoring Systems Laboratory, P.O. Box 93478, Las Vegas, NV 89193–3478. *Instrument:* Borehole Conductivity Probe Model EM–39 with Accessories. *Manufacturer:* Geonics, Ltd., Canada. *Intended Use:* The instrument will be used to investigate subsurface geological formations in the area of hazardous waste sites, Superfund sites. Specifically, the instrument will be used to detect and monitor significant changes in the electrical resistivity of the subsurface

which may occur with inorganic contamination of the ground water. *Application Received by Commissioner of Customs:* October 27, 1987.

Docket Number: 88–017. *Applicant:* Veterans Administration Medical Center, 3801 Miranda Ave., Palo Alto, CA 94304–1290. *Instrument:* Electron Microscope, Model JEM–100CX. *Manufacturer:* JEOL, Ltd., Japan. *Intended Use:* The instrument will be used to study tissues, isolated cells or subcellular fractions obtained from tissues of animals or humans to obtain new information regarding cell behavior. *Application Received by Commissioner of Customs:* October 27, 1987.

Docket Number: 88–018. *Applicant:* Georgia Institute of Technology, 225 North Ave., N.W., Atlanta, GA 30332. *Instrument:* High Intensity Rotating Anode X-Ray Generator. *Manufacturer:* Rigaku Corporation, Japan. *Intended Use:* Studies of macromolecular crystals to elucidate their 3-dimensional atomic structure. *Application Received by Commissioner of Customs:* October 27, 1987.

Docket Number: 88–109. *Applicant:* University of Nebraska-Lincoln, Agronomy Department, 113 Keim Hall, Lincoln, NE 68583–0915. *Instrument:* Mass Spectrometer, Tracomass. *Manufacturer:* Europa Scientific, Ltd., United Kingdom. *Intended Use:* Studies of stable isotopic nitrogen content of plant tissue, soils and ground water relative to the predominate nitrogen in the atmosphere. The objective of this study is to develop management practices to improve fertilizer use efficiency and to minimize N leaching to the groundwater. In addition, the instrument will be used in the courses Agronomy 857: Methods of Chemical Analysis, Agronomy 899: Masters Thesis Research and Agronomy 999: Ph.D. Thesis Research to teach the use of this analytical tool for graduate education and research. *Application Received by Commissioner of Customs:* October 27, 1987.

Docket Number: 88–020. *Applicant:* University of Nevada, Reno, Department of Mining Engineering, Reno, NV 89557–0047. *Instrument:* Machine Test Bed and Control Console. *Manufacturer:* Lloyd Instruments, PLC., United Kingdom. *Intended Use:* The instrument will be used to train professional mining engineers in the courses Mine Plant Design and Materials Handling. *Application Received by Commissioner of Customs:* October 28, 1987.

Docket Number: 88–021. *Applicant:* University of Nevada, Reno, Department of Mining Engineering, Reno NV 89557–0047. *Instrument:* Systems Laboratory. *Manufacturer:* Lloyd Instruments, PLC., United Kingdom. *Intended Use:* The instrument will be used to train professional mining engineers in the courses Mine Plant Design and Materials Handling. *Application Received by Commissioner of Customs:* October 28, 1987.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87–28240 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–DS–M

Short-Supply Review on Certain Flat-Rolled Steel; Request for Comments

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short-supply determination under Article 8 of the U.S.-EC Arrangement on Certain Steel Products, with respect to certain hot-rolled sheet.

DATE: Comments must be submitted on or before December 21, 1987.

ADDRESS: Send all comments to Nicholas C. Tolerico, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230, (202) 377–0159.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement on Certain Steel Products provides that if the U.S. "* * * determines that because of abnormal supply or demand factors, the US Steel industry will be able to meet the demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product or products * * *."

We have received a short-supply request for certain AISI grade C1010, commercial quality hot-rolled sheet, in coils, with widths ranging from 36 to 55 inches, thicknesses ranging from 0.061 to 0.137 inch, and coil weights of 40,000 lbs. (plus or minus 10 percent). This material will be used in the manufacture of pipe and tube.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than than December 21, 1987. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify the business proprietary portion of the submission and also provide a non-proprietary submission which can be placed in the public file. The public file will be maintained in the Central Records Unit, Room B–099, Import Administration, U.S. Department of Commerce, at the above address.

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

December 3, 1987.

[FR Doc. 87–28238 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by New York State Office of Mental Health of an Objection by the New York Department of State

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal and stay.

On October 9, 1987, the Department of Commerce received a letter from Matthew I. Mazur, Esquire, on behalf of the New York Office of Mental Health (Appellant) filing a Notice of Appeal under section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H (1987). The appeal is taken from an objection by the New York Department of State to the Appellant's consistency certification for U.S. Army Corps of Engineers Permit Application No. 87–0293–Y3 for rehabilitation and restoration of a bulkhead and riprap in the Hudson River at the site of the Hudson River Psychiatric Center, Poughkeepsie, New York.

The Appellant and the State have requested and have been granted a stay pending settlement negotiations. The stay will expire automatically on March 1, 1988 or earlier if requested by the

Appellant or the State. The stay may be extended for good cause. If the appeal is resumed, public comments will be solicited in the **Federal Register** and a local newspaper.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Mackey, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., Suite 603, Washington, DC 20235, (202) 673–5200.

(Federal Domestic Assistance Catalog No. 11.419 Costal Zone Management Program Assistance)

Dated: December 3, 1987.

Daniel W. McGovern,

General Counsel.

[FR Doc. 87–28250 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–08–M

Caribbean Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council and the Council's Administrative Committee will convene separate public meetings. At its 61st regular public meeting, the Council will consider comments and suggestions received during recent public hearings on the draft Billfish Fishery Management Plan. Administrative matters related to regular Council operations might be considered also. The Administrative Committee will meet to discuss issues related to the Committee's regular operations.

The Council will convene at the Hotel Pierre, in Santurce, Puerto Rico, December 18, 1987, from 9 a.m. to 6 p.m. If discussion of agenda items is not completed, the Council will reconvene on Saturday, December 19, at 9 a.m. The Administrative Committee will convene at the Council's Headquarters (address below), on December 17, 1987, at 4 p.m., and adjourn at 7 p.m.

For further information contact the Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918; telephone: (809) 753–4926.

Dated: December 3, 1987.

Ann D. Terbush,

Acting Director, Office of Fisheries Conservaton and Mangement, National Marine Fisheries Service.

[FR Doc. 87–28190 Filed 12–8–87; 8:45 am]

BILLING CODE 3510–22–M

COMMISSION ON MERCHANT MARINE AND DEFENSE

Meeting

SUMMARY: The Commission on Merchant Marine and Defense was established by Pub. L. 98–525 (as amended), and the Commission was constituted in December 1986. The Commission's mandate is to study and report on problems relating to transportation of cargo and personnel for national defense purposes in time of war or national emergency, the capability of the Merchant Marine to meet the need for such transportation, and the adequacy of the shipbuilding mobilization base to support naval and merchant ship construction. In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the Commission announces the following meeting:

Dates and Times: Monday, December 14, 1987, Beginning 9:00 a.m.; Tuesday, December 15, 1987, Beginning 9:00 a.m.

Place: Suite 520, 4401 Ford Avenue, Alexandria, Virginia, 22302–0268.

Type of Meeting: Closed.

Contact Person: Allan W. Cameron, Executive Director, Commission on Merchant Marine and Defense, Suite 520, 4401 Ford Avenue, Alexandria, Virginia 22302–0268, Telephone (202) 756–0411.

Purpose of Meeting. To receive additional information pertaining to the needs of the national defense for the Merchant Marine and the shipbuilding industry, and to discuss and to deliberate facts and opinions obtained from briefings and public hearings.

Supplementary Information: The executive meetings of the Commission will be closed to the public pursuant to 5 U.S.C. 552b(c)(1) and 552b(c)(4) in the interests of national security and to protect proprietary information provided to the Commission in confidence.

Allan W. Cameron,

Executive Director, Commission on Merchant Marine and Defense.

[FR Doc. 87–28209 Filed 12–8–87; 8:45 am]

BILLING CODE 3820–01–M

DEPARTMENT OF EDUCATION

Intent To Repay to the District of Columbia Public Schools Funds Recovered as a Result of a Final Audit Determination

AGENCY: Department of Education.

ACTION: Intent to award grantback funds.

SUMMARY: Under section 456 of the General Education Provisions Act (GEPA), the Secretary of Education (Secretary) intends to repay to the District of Columbia Public Schools (District) an amount equal to 75 percent of funds recovered by the U.S. Department of Education as a result of a final audit determination. This notice describes the District's plans for the use of repaid funds and the terms and conditions under which the Secretary intends to make these funds available, and invites comments on the proposed grantback.

DATE: All written comments should be received on or before January 8, 1988.

ADDRESS: All written comments should be submitted to Dr. Thomas L. Johns, Acting Director, Policy Analysis Staff, Office of Vocational and Adult Education, U.S. Department of Education (Room 620, Reporters Building), 400 Maryland Avenue, SW., Washington, DC 20202–5609.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon A. Jones, (202) 732–2470.

SUPPLEMENTARY INFORMATION:

A. Background

In February 1987, the U.S. Department of Education recovered $89,010 from the District in satisfaction of an audit, covering the 1978, 1979, and 1980 grant award periods. The recovery was based on the audit findings that, as a result of malfunctions in the new Financial Management System, the District was not able to:

(1) Adequately verify the accuracy of certain of the Federal expenditures reported on its fiscal year 1980 Financial Status Report; and

(2) Provide specific documentation to support certain non-federal expenditures used to meet its matching requirements for State administration for fiscal year 1980.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA, 20 U.S.C. 1234e(a), provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the State affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this so-called "grantback" arrangement if the Secretary determines that the—

(1) Practices and procedures of the State that resulted in the audit determination have been corrected, and

that the State is, in all other respects, in compliance with the requirements of the applicable program;

(2) State has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement which meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of the funds to be awarded under the grantback arrangement in accordance with the State's plan would serve to achieve the purposes of the program under which funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback agreement

Pursuant to section 456(a) (2) of GEPA, the District has applied for a grantback of $66,750 and has submitted a plan to use the grantback funds consistently with section 251 of the Carl D. Perkins Vocational Education Act (Perkins Act), 20 U.S.C. 2301 *et seq.* (Supp. II 1984). The audit findings against the District resulted from improper expenditures of VEA funds. However, since the Perkins Act has superseded the VEA, the District's proposal reflects the requirements of the Perkins Act, which—like the VEA—provides for grants to States for vocational education.

The District proposes to use grantback funds to operate a two-year curriculum writing project. The project will develop two competency-based curriculum guides in each of the vocational education program service areas: business, health occupations, home economics, industrial arts, marketing, trade and industrial, and special curriculum/basic skills integration. The District's plan is available on request from the U.S. Department of Education contact person listed above.

D. The Secretary's Determination

The Secretary has carefully reviewed the plan and other information submitted by the District. Based upon that review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary may take appropriate administrative action.

E. Notice of the Secretary's Intent to Enter Into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least thirty days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the **Federal Register** a notice of intent to do so and the terms and conditions under which the payment will be made.

In accordance with section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the District of Columbia Public Schools under a grantback arrangement. The grantback award would be in the amount of $66,750, which is 75 percent—the maximum percentage authorized by the statute—of the funds recovered by the Department as a result of the audit.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Will be Made

The District agrees to comply with the following terms and conditions under which payments under a grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements, and

(b) The plan that was submitted in conjunction with the request dated April 22, 1987, as amended on July 17, 1987, and any other amendments to that plan that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be expended not later than September 30, 1990, in accordance with section 456(c) of GEPA and the State Department's plan.

(3) The District must, not later than December 30, 1990, submit a report to the Secretary which—

(a) Indicates how the funds awarded under the grantback have been used;

(b) Shows that the funds awarded under the grantback have been liquidated; and

(c) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

(Catalog of Federal Domestic Assistance Number 84.048, Basic State Grants for Vocational Education)

Dated: December 3, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87-28191 Filed 12-8-87; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER 87-619-000 et al.]

Appalachian Power Company et al.; Electric Rate and Corporate Regulation Filings

December 3, 1987.

Take notice that the following filings have been made with the Commission:

1. Appalachian Power Company

[Docket No. ER87-619-000]

Take notice that on November 20, 1987, Appalachian Power Company (APCO) tendered for filing pursuant to Commission letter dated October 22, 1987, additional cost data as further support for its transmission service agreement with the Southeastern Power Administration (SEPA), which agreement was submitted for filing under cover of a letter dated September 4, 1987.

APCO further states that a copy of the additional cost support for its September 4, 1987 filing has been provided to the Southeastern Power Administration, all parties of record in Dockets Nos. ER87-105-001 and ER87-105-001, the Virginia State Corporation Commission, the Public Service Commission of West Virginia and the Commission Staff.

Comment date: December 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

2. APS-Group-PJM Group Interconnection Agreement

[Docket No. ER87-338-000]

West Penn Power Company
Potomac Edison Company
Monongahela Power Company (APS Group)
Public Service Electric and Gas Company
Philadelphia Electric Company
Pennsylvania Power & Light Company
Baltimore Gas and Electric Company
Jersey Central Power & Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Potomac Electric Power Company
Atlantic City Electric Company
Delmarva Power & Light Company (PJM Group)

Take notice that on November 25, 1987, the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection tendered for filing, on behalf of the above listed parties to the APS-PJM Agreement, revised PJM charges for Short Term Power Services. The parties have requested the same

effective date of August 31, 1987 for the revised PJM charges as was assigned by the Commission to the revised charges of the APS Group for Short Term Power Services.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

3. CEI–PJM Group Interconnection Agreement

[Docket No. ER87–389–000]

Cleveland Electric Illuminating Company (CEI)
Public Service Electric and Gas Company
Philadelphia Electric Company
Pennsylvania Power & Light Company
Baltimore Gas and Electric Company
Jersey Central Power & Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Potomac Electric Power Company
Atlantic City Electric Company
Delmarva Power & Light Company (PJM Group)

Take notice that on November 25, 1987, the Office of the Pennsylvania-Jersey-Maryland (PJM) Interconnection tendered for filing, on behalf of the above listed parties to the CEI–PJM Agreement, revised PJM charges for Short Term Power service. The parties have requested the same effective date of August 31, 1987 for the revised PJM charges as was assigned by the Commission to the revised charges of CEI for Short Term Power services.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

4. Centel Corporation

[Docket No. ES88–20–000]

Take notice that on November 27, 1987, Centel Corporation (Centel) filed an application pursuant to Section 204 of the Federal Power Act seeking authority to extend to not later than December 31, 1990, the final maturity date of short-term indebtedness to be issued not later than December 31, 1989, in an aggregate principal amount at any one time outstanding of $400 million.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power & Light Company

[Docket No. ER88–121–000]

Take notice that on November 27, 1987, Florida Power & Light Company (FPL) tendered for filing a document entitled Amendment Number Thirteen to Revised Agreement to Provide Specified Transmission Service Between Florida Power & Light Company and Lake Worth Utilities Authority (Rate Schedule FERC No. 56).

FPL states that under Amendment Number Thirteen, FPL will transmit power and energy for City of Lake Worth as is required in the implementation of its interchange agreement with the Utility Board of the City of Key West, Florida.

FPL Requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Amendment be made effective immediately.

FPL states that copies of the filing were served on City or Lake Worth.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this document.

6. Holyoke Water Power Company Holyoke Power and Electric Company

[Docket No. ER84–574–004]

Take notice that on November 20, 1987, Holyoke Water Power Company and Holyoke Power and Electric Company tendered for filing amendments to each of the three Mt. Tom Contracts previously submitted with the Companies' January 16 compliance filing, revised in response to the Commission's April 22, 1987 deficiency letter and October 21, 1987 Order. These amendments comply with the Initial Decision as modified and clarified by Opinion No. 257, and are denominated Amendment No. 6.

A copy of this filing has been served on all customers under the Mt. Tom Power Contracts, as well as all persons on the official service list.

Comment date: December 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

7. Idaho Power Company

[Docket No. ER87–675–000]

Take notice that on November 23, 1987, Idaho Power Company (IPCo) of Boise, Idaho, tendered for filing an amendment of its filing regarding wholesale rate reductions pursuant to Order No. 475, Docket No. 87–4–000 of the Federal Energy Regulatory Commission.

The amendment revises the rate reductions IPCo initially filed by including state income taxes where applicable in this Composite Income Taxes Allowable portion of the formula specified by Order No. 475.

IPCo states that it has served copies of its amended filing on all parties who purchase wholesale service or firm transmission service from IPCo.

Comment date: December 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

8. Kansas Gas and Electric Company

[Docket No. ER88–120–000]

Take notice that on November 27, 1987, Kansas Gas and Electric Company (Company) tendered for filing proposed changes in its FERC Electric Service Tariff Nos. 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, and 125.

Kansas Gas and Electric Company states that the filing is Full Requirements Service which provides firm electric power and accompanying energy to the following cities: Arcadia, Arma, Blue Mound, Bronson, Elsmore, Haven, La Harpe, Mindenmines, Moran, Mount Hope, Mulberry and Savonburg.

This filing is necessary because the present contract between the Company and the above cities terminates on February 1, 1988 for all cities except Arma which terminates on February 2, 1988. This filing constitutes a vehicle whereby continuity of service can be maintained.

Copies of the filing were served upon the above cities and the Utilities Division of the State Corporation Commission of Kansas.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

9. Niagara Mohawk Power Corporation

[Docket No ER87–75–003]

Take notice that on November 24, 1987, Niagara Mohawk Power Corporation (Niagara Mohawk) tendered for filing pursuant to Commission Order dated September 25, 1987 its Refund Compliance Report. Niagara Mohawk states that the refund (principal and interest) of $125,501.07 was tendered to its customers on November 6, 1987.

Comment date: December 17, 1987, in accordance with Standard Paragraph E at the end of this notice.

10. Pennsylvania Power & Light Company

[Docket No. ER86–504–004]

Take notice that on November 27, 1987, Pennsylvania Power & Light Company (PP&L) tendered for filing its compliance refund report pursuant to the Commission's order issued October 16, 1987. In addition, PP&L states there is a summary for the total refund period, and detailed sheets showing the monthly revenues under the Power Supply Agreement, and Under the Settlement Agreement, the monthly revenue refund and the monthly interest computation.

A copy of the compliance report has been furnished to UGI Corporation and

the Pennsylvania Public Utility Commission.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

11. Southern Company Services, Inc.

[Docket No. ER88-117-000]

Take notice that on November 24, 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 Amendment No. 2 to the Amended and Restated Unit Power Sales Agreement dated May 19, 1982, as amended on August 30, 1984, between Southern Companies and Jacksonville Electric Authority. The amendment would reduce from 16.0% to 13.75% the return on common equity component of the formula rates governing transactions under that Agreement. It adds provisions for the payment of interest on the true up of transmission charges to include certain additional components. Finally, Amendment No. 2 contains a revised definition of fixed and variable expenses, which revision would become effective at a mutually agreeable future time.

Comment date: December 17, 1987, in accordance with Standard Paragraph E at the end of this document.

12. Union Light, Heat and Power Company

[Docket No. ER88-118-000]

Take notice that on November 24, 1987, Union Light, Heat and Power Company (Union Light) tendered for filing proposed changes in its FERC Electric Tariff, Original Volume No. 1, which cancel and supersede the rate schedules in said tariff. The proposed changes would decrease revenues from jurisdictional sales and service by approximately $61,000. This change in rate schedule is proposed to become effective July 1, 1987.

The reasons stated by Union Light for the change in rate schedule are:

(1) To reflect the reduction in the Federal corporate income tax rate through the application for the fomula methodology set forth in § 35.27(c)(1).

(2) To reflect the decrease in Union Light's purchased power costs from its principal energy supplier, the Cincinnati Gas & Electric Company (CG&E) as a result of CG&G's August 7, 1987 filing for a rate reduction in Docket No. ER87-580-000 as supplemented by CG&G on October 19, 1987.

Copies of the filing were served upon the City of Williamstown, Kentucky and the Kentucky Public Service Commission.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

13. Utah Power & Light Company

[Docket No. ER88-119-000]

Take notice that on November 25, 1987, Utah Power & Light Company tendered for filing proposed changes in its FERC Electric Tariff, Fourth Revised Volume No. 1. The proposed changes would decrease revenues from jurisdictional sales and service by approximately $1.4 million.

The decrease is being filed to reflect the decrease in the Federal corporate tax rate and is proposed to make effective retroactively on July 1, 1987.

Copies of the filing were served upon Utah's jurisdictional customers and the state regulatory commissions of Arizona, California, Colorado, Idaho, Nevada and Utah.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

14. VEPCo-PJM Group

[Docket No. ER87-348-000]

Virginia Electric and Power Company (VEPCo)
Public Service Electric and Gas Company
Philadelphia Electric Company
Pennsylvania Power & Light Company
Baltimore Gas and Electric Company
Jersey Central Power & Light Company
Metropolitan Edison Company
Pennsylavnia Electric Company
Potomac Electric Power Company
Atlantic City Electric Company
Delmarva Power & Light Company (PJM Group)

Take notice that on November 25, 1987, the Office of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection tendered for filing, on behalf of the above listed parties to the VEPCo-PJM Agreement, revised PJM charges for Short Term Power services. The parties have requested the same effective date of August 31, 1987 for the revised PJM charges as was assigned by the Commission to the revised charges of VEPCo for Short Term Power services.

Comment date: December 21, 1987, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28229 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-18236-002 et al.]

Cities Service Oil and Gas Corporation et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

December 4, 1987

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 22, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commision's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-18236-002, D, Nov. 23, 1987.	Cities Service Oil & Gas Corp., P.O. Box 300, Tulsa, Okla. 74102.	Transwestern Pipeline Company, NW/4 NE/4 Sec. 19-21N-25W, Ellis County, Oklahoma.	(1)	
CI88-152-000, F, Nov. 25, 1987.	.....do.....	Colorado Interstate Gas Company, Miller Q Unit, Sec. 29-33S-42W, Greenwood Field, (below base of Morrow Formation), Morton County, Kansas.	(2)	
CI64-1451-000, D, Nov. 23, 1987.	.....do.....	El Paso Natural Gas Company, N/2 SE/4 Sec. 45, Blk. A, G, & MMB, & A Survey, Winkler County, Texas.	(3)	
G-4579-049, F, Nov. 23, 1987.	.....do.....	Trunkline Gas Company, Columbus Field Unit, Colorado County, Texas.	(4)	
CI88-148-000 (G-2978), B, Nov. 24, 1987.	Sun Exploration & Production Co., P.O. Box 2880, Dallas, Texas 75221-2880.	El Paso Natural Gas Company, Calvin-Dean Field, Reagan County, Texas.	(5)	
CI62-1251-011, D, Nov. 23, 1987.	.....do.....	Arkla Energy Resources, a division of Arkla, Inc., Red Oak, et al. Field, Latimer et al. County, Oklahoma.	(6)	
CI88-142-000, F, Nov. 23, 1987.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77252-2180.	Natural Gas Pipeline Company of America, Camrick Field, Beaver and Texas Counties, Oklahoma.	(7)	
CI88-147-000, B, Nov. 24, 1987.	Heritage Energy Corporation, 3135 Franklin Avenue, Waco, Texas 76710.	Natural Gas Pipeline Company of America, Penn-Griffith Field, Rusk County, Texas.	(8)	
CI88-153-000 (CI76-260), B, Nov. 23, 1987.	Cabot Petroleum Corporation.....	Texas Eastern Transmission Corporation, West Cameron Area, South Addition, Block 543 Field, Offshore Louisiana.	(9)	
G-12908-000, D, Nov. 23, 1987.	Union Oil Company of California, P.O. Box 7600, Los Angeles, Calif. 90051.	ANR Pipeline Company, Laverne Field, Harper County, Oklahoma.	(10)	
CI86-149-000, F, Nov. 25, 1987.	Conoco Inc., P.O. Box 2197, Houston, Texas 77252.	Transcontinental Gas Pipe Line Corp., E/2 Eugene Island Block 116, Offshore Louisiana.	(11)	
G-11034-001, D, Nov. 30, 1987.	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., East Cameron Block 49, Offshore Louisiana.	(12)	

[1] By Assignment of Oil and Gas Leases and Bill of Sale executed 5-27-87, effective 4-1-87, Cities Service sold all of its wells and assigned its interest in the oil and gas leases 50% to Weatlake Producing Company Profit Sharing Plan and 50% to Orion Natural Resources Corporation.

[2] Effective 12-1-86, Cities Service acquired 25% working interest from Champlin Petroleum Company.

[3] By Assignment effective 10-1-86, Cities Service assigned its interest in certain acreage to Fina Oil and Chemical Company.

[4] By Assignment effective 4-1-86, Cities Service acquired Mobil Producing Texas & New Mexico, Inc.'s 10.5455% interest in Tracts, 8, 9, 10, 11, 12, 13, 16, 17, 18 and 19, Columbus Field Unit, Colorado County, Texas.

[5] By Assignment effective 10-1-87, Sun sold the property to Autry C. Stephens.

[6] Effective 12-1-83, Sun assigned its interest in Property No. 444428, Darby Subdivision, to Amoco Production Company.

[7] By Assignment dated 2-27-87 and effective 1-1-87, Exxon acquired certain acreage from ARCO Oil and Gas Company, Division of Atlantic Richfield Company.

[8] Lone Star Gathering Company filed an application to abandon a portion of the transportation service and related facilities for Natural (Docket No. CP87-216-000) through which this gas is currently flowing. As a result, Seller has negotiated with a third party for purchase of this gas into the intrastate market thereby requiring abandonment. Seller has also entered into an agreement to terminate the Gas Purchase Agreement dated 6-1-83 with Natural.

[9] Economic quantities of gas from the lands and leaseholds can no longer be produced, compressed and delivered to buyer consistent with good operating practice. All wells have been plugged and abandoned.

[10] Effective 9-1-87, Union Oil Company of California assigned a certain lease under Docket No. G-12908 to Vance Production Company.

[11] Effective 12-3-86, Conoco Inc. acquired a portion of the interest previously held by Orlando-SOI Partnership and Pennzoil Oil Company.

[12] By Assignment effective 6-1-87, ARCO assigned its interest in certain acreage to Koch Exploration Company.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 87-28230 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-48-001]

ANR Pipeline Co.; PGA Rate Change Filing

December 4, 1987

Take notice that on November 25, 1987, ANR Pipeline Company ("ANR"), pursuant to Section 15 of the General Terms and Conditions of its F.E.R.C. Gas Tariff, Original Volume No. 1, tendered for filing with the Federal Energy Regulatory Commission ("Commission") the following tariff sheet:

Substitute Alternate Fourteenth Revised Sheet No. 18

The purpose of this filing is to reflect specific changes ordered by the Commission relative to Canadian gas costs.

The Commission's October 29, 1987 Letter Order required ANR to file revised rates to reflect the proper Modified Fixed Variable ("MFV") classification of Canadian gas costs. In this regard, ANR is filing revised rates which classify Canadian demand costs to both the D-1 and D-2 demand cost components. In order to accomplish this, ANR has used, as required by the Commission, "the ratio of the fixed costs in the three MFV cost categories—D-1 demand, D-2 demand, and commodity—associated with its fixed transmission cost of service to classify its Canadian gas costs to the corresponding three MFV components." Substitute Alternate Fourteenth Revised Sheet No. 18 is to be effective November 1, 1987.

ANR states that copies of the filing were served upon all of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 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 December 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.

Lois D. Cashell,

Acting Secretary

[FR Doc. 87-28231 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-31-000]

Carnegie Natural Gas Company; Proposed Changes in FERC Gas Tariff

December 4, 1987

Take notice that on November 20, 1987, Carnegie Natural Gas Company ("Carnegie") tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Fourth Revised Sheet No. 47
Fourth Revised Sheet No. 48

The proposed effective date of these tariff sheets is November 1, 1987. Carnegie states that the purpose of these tariff sheets is to reduce Carnegie's LVWS and LVIS rates to reflect the decrease in the Federal corporate income tax rate pursuant to the Tax Reform Act of 1986. Carnegie has requested that the Commission waive its regulations to the extent necessary to permit Carnegie to use an abbreviated filing procedure and a rate reduction formula which are consistent with voluntary rate reduction filing requirements established by the Commission for electric utilities in Order No. 475. 52 FR 24987 (July 2, 1987). Carnegie has also requested that the hearing issues be limited consistent with Order No. 475.

Carnegie states that its filing was served on each of its customers and affected state commissions pursuant to § 154.16(b) of the Commission's Regulations.

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 December 11, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28232 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-37-000]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

December 4, 1987.

Take notice that on November 23, 1987, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be part of its FERC Gas Tariff, the following tariff sheets:

First Revised Volume No. 1
Thirty-Eighth Revised Sheet No. 10
Original Volume No. 1-A
Thirteenth Revised Sheet No. 201
Original Volume No. 2
Third Revised Sheet No. 2.4

On September 29, 1987, the Federal Energy Regulatory Commission issued Opinion No. 283 at Docket No. RP87-71-000 approving the Gas Research Institute's ("GRI") 1988 research and development program. This action decreased GRI's funding unit from 1.52 cents per Mcf to 1.51 cents per Mcf effective January 1, 1988. Such funding unit equates to .149 cents per therm based on Northwest's system average Btu content of 1011 Btu per cubic foot of gas.

Northwest states that the tariff sheets listed above are filed for the purpose of changing the stated GRI charge. Northwest has requested an effective date of January 1, 1988 for all tendered tariff sheets.

A copy of this filing has been mailed to all jurisdictional sales customers and affected state commissions.

Any person desiring to be heard or 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 December 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 Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28233 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-89-000]

Tarpon Transmission Co.; Application

December 4, 1987

Take notice that on November 23, 1987, Tarpon Transmission Company (Tarpon), 300 Crescent Center, Suite 1320, Dallas, Texas 75201 filed in Docket No. CP88-89-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a temporary and permanent blanket certificate of public convenience and necessity, authorizing the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tarpon states the authorization it seeks in its certificate application is necessary for Tarpon to implement its open access transportation program in accordance with the Commission's Order Nos. 436 and 500 as it would permit Tarpon to perform transportation on behalf of interstate pipelines and other customers not eligible for transportation services under Section 311 of the Natural Gas Policy Act of 1978. Tarpon further states that the requested transportation authorization is needed because several prospective shippers operating in the Outer Continental Shelf, Offshore Louisiana have recently claimed an urgent need for such service. Without transportation authorization, some shippers may be shut-in while others need Tarpon to gain access to onshore markets, particularly during the upcoming winter season it is indicated. As a result, Tarpon states it has decided to offer open access, non-discriminatory transportation on its system to the extent capacity is available.

Concurrently with its certificate application herein, Tarpon states that it has tendered for filing in Docket No. RP88-29-000 revised tariff sheets designed to establish new rate schedules, designated FTS and ITS, service agreements, and operating terms and conditions in order to provide new firm and interruptible transportation service pursuant to Section 311 of the Natural Gas Policy Act of 1978. Tarpon states that the services proposed to be performed under the authorization requested in its application herein would be provided under the firm and interruptible transportation rate schedules filed in Docket No. RP88-29-000. Tarpon states that it would comply with the conditions in paragraph (c) of § 284.221 of the Commission's Regulations, which paragraph refers to Subpart A of Part 284 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hering is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tarpon to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28234 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-85-000]

Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.; Request Under Blanket Authorization

December 4, 1987

Take notice that on November 19, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-85-000 a request pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on an interruptible basis for Loutex Energy, Inc. (Loutex), a producer of natural gas, under the certificate issued in Docket No. CP87-115-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee proposes to transport up to 53,295 dt of gas per day and 1,086,970 dt of gas on an annual basis for Loutex. It is stated that Tennessee would receive gas at various receipt points in Louisiana, both onshore and offshore, and would deliver equivalent volumes at existing interconnections with Texas Gas Transmission Corporation in Acadia Parish, Louisiana, and with Transcontinental Gas Pipe Line Corporation in Jasper County, Mississippi. It is explained that Tennessee filed an initial report November 4, 1987, in Docket No. ST88-577-000, reporting that the service commenced October 1, 1987, under the automatic authorization provisions of § 284.223(a) of the Natural Gas Policy Act. It is asserted that no construction of facilities would be required to effect the transportation service. Tennessee proposes to charge Loutex the interruptible transportation rate specified in Tennessee's Rate Schedule IT. It is explained that the transportation service would have a primary term of 2 years, with month-to-month extension thereafter.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn

within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28235 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-2-43-000]

Williams Natural Gas Company; Proposed Changes in FERC Gas Tariff

December 4, 1987.

Take notice that Williams Natural Gas Company (WNG) on November 24, 1987, tendered for filing Fourth Revised Sheet No. 6 to its FERC Gas Tariff, Original Volume No. 1. WNG states that pursuant to Article 23 of the General Terms and Conditions of such Tariff, it proposes to decrease its rates effective January 1, 1988 to reflect a decrease in the GRI funding unit from 1.52¢ to 1.51¢ for the year 1988 as approved by the Commission's Opinion No. 283 issued September 29, 1987.

WNG states that copies of its filing were served on all 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 §§ 385.211 and 385.214 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 December 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28236 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

Anadarko Trading Co.; Application

[Docket No. CI88-145-000]

December 3, 1987.

Take notice that on November 24, 1987, Anadarko Trading Company ("ATC") of P.O. Box 1330, Houston, Texas 77251-1330, filed an application pursuant to sections 4 and 7 of the Natural Gas Act (NGA) 15 U.S.C. 717c and 717f, and the Federal Energy Regulatory Commission's regulations thereunder for a Blanket Certificate of Public Convenience and Necessity authorizing (a) sales by ATC of natural gas subject to the Commission's jurisdiction under the NGA for resale in interstate commerce; (b) sales by others to ATC of such gas for resale in interstate commerce; and (c) pregranted abandonment of all sales for resale authorized pursuant to the blanket certificate requested. ATC is seeking such authorization for gas previously certificated and abandoned and gas never previously sold in interstate commerce but which if sold would require a certificate. ATC does not request any term limitation to the requested authorization.

ATC also requests waiver of the Regulations under the NGA with respect to the establishment and maintenance of rate schedules under Part 154 of the Commission's regulations, waiver of the requirements of § 154.94(h) and (k) concerning the necessity to file a blanket affidavit in order to qualify for automatic collection of applicable monthly adjustments and any applicable allowances under section 110 of the NGPA and waiver of the NGA, the Natural Gas Policy Act (NGPA) and the Commission's regulations to the extent necessary for ATC to carry out the authorization requested.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 21, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28150 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-21-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

December 3, 1987.

Take notice that Columbia Gas Transmission Corporation (Columbia) on November 25, 1987, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, with the proposed effective date of January 1, 1988:

One hundred and twenty-first Revised Sheet No. 16

Twelfth Revised Sheet No. 16A2

Columbia states that the aforementioned tariff sheets are being filed to reflect a decrease in the Gas Research Institute (GRI) funding unit from 1.52¢ per Mcf to 1.51¢ per Mcf as authorized by Opinion No. 283 issued by the Federal Energy Regulatory Commission (Commission) on September 29, 1987, in Docket No. RP87-71-000. Ordering Paragraph (B) of such Opinion approves the GRI funding requirement for the year 1988 and provides that members of GRI shall collect from their applicable customers a general R&D funding unit of 1.51¢ per Mcf (1.45¢ per Dth for Columbia's billing basis) during 1988 for payment to GRI.

Copies of this filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 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 proceedings. 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28151 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2319-000]

William F. Connell; Filing

December 3, 1987.

Take notice that on November 23, 1987, William F. Connell filed an

application pursuant to § 45.3 of the Commission's regulations for Commission authorization to hold concurrently the following positions:

Position	Name of corporation	Classification
Director	Boston Edison Company.	Public Utility.
President	Connell Industries, Inc.	Principal Owner of Connell Limited Partnership.
Chairman & Chief Executive Officer.	Connell Limited Partnership.	Supplier of Electrical Equipment.

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 December 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28152 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-87-028]

Granite State Gas Transmission, Inc.; Changes in Rates and Tariff Provisions

December 3, 1987.

Take notice that on November 27, 1987, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 proposing changes in rates and other tariff provisions for effectiveness on November 27, 1987:

First Revised Volume No. 1

Substitute Twenty-First Revised Sheet No. 7
Substitute First Revised Sheet No. 2
Substitute First Revised Sheet No. 3
Substitute Original Sheet No. 3-A
Substitute Original Sheet No. 3-B
Substitute Second Revised Sheet No. 14
Substitute Second Revised Sheet No. 51
Substitute Fifth Revised Sheet No. 68
Substitute Fourth Revised Sheet No. 70
Second Revised Sheet No. 70-A
Substitute Third Revised Sheet No. 71
Second Revised Sheet No. 71-A
Substitute Third Revised Sheet No. 72
Substitute Fourth Revised Sheet No. 75
Substitute Second Revised Sheet No. 75-A
Substitute First Revised Sheet No. 75-B
Substitute First Revised Sheet No. 116

Original Volume No. 2

Substitute Eighth Revised Sheet No. 27
Substitute First Revised Sheet No. 31

According to Granite State, it filed revised rates and tariff changes on August 20, 1987 in this proceeding to reflect the increased cost of service for the expanded operations authorized by the Commission in the certificate of public convenience and necessity and the limited-term certificate issued August 4, 1987 in Docket No. CP87-39-000 for the Portland Gas Pipeline Project. Granite State further states that, on September 18, 1987, the Commission issued an order in this proceeding accepting the filing and permitting it to become effective, subject to refund and other conditions, on the earlier of the date that operations commenced with the Portland Gas Pipeline Project or February 21, 1988.

According to Granite State, the conversion of the leased 18-inch oil pipeline to natural gas service has been completed, the acquisition of an 8-inch pipeline from Northern Utilities, Inc. has been accomplished and the construction of the other facilities authorized in the order in Docket No. CP87-39-000 has been completed so that, as of November 27, 1987, Granite State has placed the authorized facilities in service and initiated the importation of natural gas from Canada from Shell Canada Limited. Granite State further states that, concurrent with this filing, it has filed a motion with the Commission pursuant to section 4(e) of the Natural Gas Act and § 154.67 of the Commission's Regulations to make the revised rates and tariff provisions effective November 27, 1987, subject to refund. It is stated that the revised rates and other tariff provisions filed in this proceeding comply with the conditions in the Commission's September 18, 1987 order accepting the filing.

Granite State further states that copies of its filing were served upon its customers, Bay State Gas Company and Northern Utilities, Inc., the intervenors in this proceeding and the regulatory commissions of the States of Maine, 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 December 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28153 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-99-005]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates and Tariff Provisions

December 3, 1987.

Take notice that on November 25, 1987, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission the revised tariff sheets listed below in its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2, containing changes in rates and other tariff provisions for effectiveness on November 15, 1987:

Fourth Substitute Twentieth Revised Sheet No. 7
Substitute First Revised Sheet No. 14
Second Substitute Fourth Revised Sheet No. 68
Fourth Substitute Third Revised Sheet No. 70
First Revised Sheet No. 70-A
Fourth Substitute Second Revised Sheet No. 71
First Revised Sheet No. 71-A
Fourth Substitute Third Revised Sheet No. 75
Fourth Substitute First Revised Sheet No. 75-A
Third Substitute Original Sheet No. 75-B
Second Substitute First Revised Sheet No. 82
Substitute Second Revised Sheet No. 112
Third Substitute Original Sheet No. 116

Granite State states that its proposed rates are applicable to wholesale sales to its two affiliated distributor company customers: Bay State Gas Company (Bay State) and Northern Utilities, Inc. (Northern Utilities).

According to Granite State, the filing is made to comply with the provisions of a rate settlement in Docket No. RP86-

99–000, approved by the Commission on March 30, 1987 (38 FERC ¶61,327). It is stated that the settlement provided for an adjustment to the settlement Base Tariff rates and annual overrun charges on November 1, 1987 to reflect additional sales to its customers following the receipt of an incremental supply purchased from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. authorized in the Incremental Gas Service (INGS) authorized in Docket No. CP86–251–000. Granite State further states that the INGS incremental volumes were received first on November 15, 1987, the proposed effective date of its filing.

According to Granite State, the revised rates on Fourth Substitute Twentieth Revised Sheet No. 7 reflect its current gas costs as of November 15, 1987. It is said that the effect of the combination of the settlement adjustments and the purchased gas costs adjustments result in an annual increase in the gas costs in the rates for sales to Bay State of $3,573,500 and an annual increase in the gas costs in the rates for sales to Northern Utilities of $492,286.

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, Massachusetts and New Hampshire. Granite State also states that copies of its filing were served on the intervenors in Docket No. RP86–99–000.

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 December 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28154 Filed 12–8–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–2–46–000]

Kentucky West Virginia Gas Co.; Proposed Change in Tariff Sheets

December 3, 1987.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on November 25, 1987, tendered for filing with the Commission the following revised tariff sheet to Kentucky West's FERC Gas Tarriff, Second Revised Volume No. 1, to become effective January 1, 1988.

First Revised Sheet No. 44

The revised tariff sheet amends Kentucky West's Gas Research Institute (GRI) Funding charge to place in effect the new GRI funding unit of 15.1 mills per dth as approved by FERC in Opinion No. 283, issued September 29, 1987, under Docket No. RP87–71–000.

Kentucky West states that a copy of its filing has been served upon Kentucky West's jurisdictional customers and the Kentucky Public Service Commission.

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 20526, 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 protest should be filed on or before December 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28155 Filed 12–4–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ID–2320–000]

John T. Newton; Filing

December 3, 1987.

Take notice that on November 30, 1987, John T. Newton filed an application pursuant to section 305(b) of the Federal Power Act for Commission authorization to hold concurrently the following positions:

Position	Name of corporation	Classification
Chairman of the Board, President and Chief Executive Officer and Director.	Kentucky Utilities Company.	Public Utility.
Chairman of the Board, President and Chief Executive Officer and Director.	Old Dominion Power Company.	Public Utility.
Director	Electric Energy, Inc.	Public Utility.
Director	Ohio Valley Electric Corporation.	Public Utility.

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 Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 21, 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28156 Filed 12–8–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP88–28–000]

Northern Illinois Gas Co. v. Natural Gas Pipeline Company of America; Complaint

December 3, 1987.

Take notice that on November 16, 1987, Northern Illinois Gas Company (NI-Gas) filed a complaint against Natural Gas Pipeline Company of America (Natural), pursuant to section 5 of the Natural Gas Act and Rule 206 of the Commission's Rules of Practice and Procedure. NI-Gas alleges that Natural has bypassed it to sell gas directly to Reynolds Metal Company (Reynolds), one of NI-Gas' largest customers.

NI-Gas argues that the contract demand reduction provisions of Order No. 436, originally codified at 18 CFR 284.10(c), enabled the bypassed distributor to reduce the fixed charges which it must pay the bypassing pipeline. Thus, NI-Gas states that in formulating its contract demand

charges, NI-Gas could have offset in part the effects of the loss of the Reynolds load, but that in issuing Order No. 500 as an interim rule after the remand of Order No. 436, the Commission eliminated contract demand reduction rights, without offering the limited right of a sales customer to offset bypass losses to its pipeline supplier. Finally, NI-Gas argues that Natural's attempt to collect demand charges from NI-Gas and NI-Gas' remaining customers for levels of service which have been rendered unnecessary by the voluntary bypass itself, is unjust and unreasonable, within the meaning of section 5 of the Natural Gas Act, and must be prohibited.

NI-Gas requests the following relief from the Commission. First, the Commission should provide NI-Gas and its remaining customers with contract and rate relief by (a) reducing NI-Gas' Daily Contract Quantity and its D–1 billing determinants by 16,640 MMBtu, and (b) reducing NI-Gas' current Annual Entitlements and annual D–2 billing determinants by 3,901,928 MMBtu. Second, the Commission should direct Natural to take certain steps, described more fully in its complaint, if Natural files any proposal to direct bill its customers with any portion of the costs of buying-out and buying-down Natural's past take-or-pay exposure. Third, NI-Gas requests that the Commission provide it with generic automatic relief if Natural implements any future bypasses of NI-Gas.

Any person desiring to be heard or to protest said complaint 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 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 4, 1988. 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. Answers to this complaint shall be due on or before January 4, 1988.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28157 Filed 12–8–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TA88–1–6–000]

Sea Robin Pipeline Co.; Filing of Revised Tariff Sheets

December 3, 1987.

Take notice that on November 25, 1987, Sea Robin Pipeline Company (Sea Robin) tendered for filing to its FERC Gas Tariff:

Original Volume No. 1

Forty-Ninth Revised Sheet No. 4
Fourth Revised Sheet No. 4–A1
Fourth Revised Sheet No. 4–A2
Eleventh Revised Sheet No. 4–B
Fifth Revised Sheet No. 5
Fourth Revised Sheet No. 6
Fifth Revised Sheet No. 7
Second Revised Sheet No. 7–A
Second Revised Sheet No. 7–B
Third Revised Sheet No. 7–C
First Revised Sheet No. 12
First Revised Sheet No. 14
First Revised Sheet No. 15
First Revised Sheet No. 16
Second Revised Sheet No. 17
Second Revised Sheet No. 18
Third Revised Sheet No. 19
First Revised Sheet No. 20

Original Volume No. 2

Thirty-Second Revised Sheet No. 127–D
Thirty-Second Revised Sheet No. 135–C

The proposed effective date for each of the preceding tariff sheets is January 1, 1988. Tariff Sheet Nos. 4, 127–D, and 135–C are filed pursuant to Sea Robin's Purchase Gas Cost Adjustment sections of its tariff. Tariff Sheet Nos. 4–A1 and 4–A2 reflect changes in the Gas Research Institute (GRI) surcharge from 1.52 cents to 1.51 cents per Mcf in accordance with the provisions of Opinion No. 283. The proposed tariff sheets reflect an increase of 75.33 cents per Mcf for sales under Rate Schedules X–1 and X–2 and a decrease of 31.71 cents per Mcf in the rates for sales under Rate Schedules X–7 and X–8.

Sea Robin states that Tariff Sheets 4–B, 5 through 12, and 14 through 20 reflect the removal of the incremental pricing language pursuant to the provisions of Order No. 478.

Sea Robin states that these revised tariff sheets and supporting data are being mailed to its jurisdictional sales customers and to interested state commissions. Transportation customers are being mailed copies of the Transportation Tariff Sheets and transmittal letter.

Any person desiring to be heard at a protest of said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Regulations. All such motions or protest should be filed on or before December 10, 1987. Protests will be considered by the Commission in determining 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28158 Filed 12–8–87; 8:45 am]

BILLING CODE 6717–01–M

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

[Docket No. RP87–108–003]

December 3, 1987.

Take notice that Southern Natural Gas Company (Southern) on November 25, 1987, tendered for filing Substitute Seventy-Fifth Revised Sheet No. 4A and Substitute Fifth Revised Sheet No. 4B to its FERC Gas Tariff to be effective October 1, 1987, and November 1, 1987, respectively. Southern states that the substitute tariff sheets have been filed at the request of the Commission Staff and reflect the imposition of the ACA charge under Southern's Rate Schedule EX–1.

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 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 December 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87–28159 Filed 12–8–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP88-88-000]

Tennessee Gas Pipeline Co. A Division of Tenneco Inc.; Request Under Blanket Authorization

December 3, 1987.

Take notice that on October 7, 1987, Tennessee Gas Pineline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP88-88-000 a request, pursuant to § 284.223 of the Commission's Regulations, for authorization to provide a transportation service for Tejas Power Corporation (Tejas), a marketer, under Tennessee's blanket certificate issued in Docket No. CP87-115-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated September 15, 1987, as amended October 5, 1987, it proposes to transport natural gas on behalf of Tejas from various points located in the states of Texas and Louisiana, and Offshore Texas and Louisiana, to delivery points at interconnections with Texas Eastern Transmission Corporation, Columbia Gulf Transmission Company, ANR Pipeline Company, Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Monterey Pipeline Company, and Acadian Gas Pipeline System, all downstream transporters.

Tennessee further states that the peak day quantities would be 103,000 dekatherms, average daily quantities would be 1,659 dekatherms, and annual quantities would be 605,535 dekatherms. Service under § 284.223(a) commenced October 8, 1987, as reported in Docket No. ST88-618.

Any person or the Commission's Staff may, within 45 days after issuance of this notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed, the proposed activity shall be deemed to be authorized effective the date after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28160 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-97-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Request Under Blanket Authorization

December 3, 1987.

Take notice that on November 25, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP88-97-000 a request pursuant to § 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide a transportation service for Cameron Natural Gas Corporation (Cameron), a producer and marketer, under Tennessee's blanket certificate issued in Docket No. CP87-115-000 on June 18, 1987, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee states that pursuant to an October 17, 1987, agreement, it proposes to transport natural gas for Cameron from receipt points in offshore Texas and offshore Louisiana and the states of Texas, Louisiana, and Mississippi, to ultimate delivery points in New York, Pennsylvania, and West Virginia. National Fuel Gas Supply Corporation and Consolidated Gas Transmission Corporation are the downstream transporters. Niagara Mohawk Power Corporation, Peoples Natural Gas Company, Mountaineer Gas Company, and Hope Gas Inc. are the end users. Tennessee states that it would deliver the gas directly to New York State Electric & Gas Corporation.

Tennessee further states that the average daily quantities would be 9650 dekatherms, the peak day quantities would be 100,000 dekatherms, and that the annual quantities would be 3,522,250 dekatherms. Service under § 284.223(a) commenced October 26, 1987, as reported in Docket No. ST88-72 (filed November 13, 1987).

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28161 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-84-000]

Transcontinental Gas Pipe Line; Application

December 3, 1987.

Take notice that on November 18, 1987, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP88-84-000 an application pursuant to section 7(c) of the Natural Gas Act for authorization to transport natural gas on behalf of Columbia Gas Transmission Corporation (Columbia Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transco states that it is requesting authorization to transport on behalf of Columbia Gas, on an interruptible basis, quantities of natural gas available to Columbia Gas in St. Paul Bayou Field, Terrebonne Parish, Louisiana. Transco, it is said, would receive such gas at the existing point of interconnection between the facilities of Transco and Weaver Exploration Company (Weaver Exploration) located in Section 3, Township 18 South, Range 15 East, Terrebonne Parish, Louisiana.

Transco states further that it would redeliver equivalent quantities (less compressor fuel and line loss make-up) for the account of Columbia Gas at (1) the point of interconnection between the facilities of Transco and Columbia Gulf Transmission Company (Columbia Gulf) in Terrebonne, Louisiana; (2) the terminus of the western leg of the Blue Water Project of Columbia Gulf and Tennessee Gas Pipeline Company in Acadia Parish, Louisiana; and/or (3) the outlet of Continental Oil Company's Acadia Plant in Acadia Parish, Louisiana.

For this transportation service, Transco represents that it would retain a percentage of the gas quantities it receives for compressor fuel and line loss make-up and would charge Columbia Gas a transportation rate based on Sheet No. 19 of Transco's FERC Gas Tariff, Second Revised Volume No. 1.

Transco avers that the transportation agreement would remain in force for a primary term of 7 years from the date of initial deliveries, and year to year thereafter unless and until terminated by either party giving proper notice.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 24, 1987, file with the Federal Energy Regulatory Commission, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28162 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. Ta88-1-11-000]

United Gas Pipe Line Co.; Filing of Revised Tariff Sheets

December 3, 1987.

Take notice that on November 25, 1987, United Gas Pipe Line Company (United) tendered for filing the following tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Seventy-Ninth Revised Sheet No. 4
Sixteenth Revised Sheet No. 4-A
Twenty-Third Revised Sheet No. 4-C
Ninth Revised Sheet No. 4-D
Eighth Revised Sheet No. 4-E
Sixth Revised Sheet No. 74-B
Sixth Revised Sheet No. 74-C
Fifth Revised Sheet No. 74-D
Sixth Revised Sheet No. 74-E
Seventh Revised Sheet No. 74-F
Second Revised Sheet No. 74-F1
First Revised Sheet No. 74-F2
First Revised Sheet No. 74-P

Tariff Sheets 4 and 4-A and supporting information are being filed pursuant to sections 19, 21, 23, and 24 of United's tariff and the Stipulation and Agreement filed by United on July 24, 1987 in Docket Nos. TA87-1-11-000, *et al.*, and TA87-2-11-000, *et al.* The proposed effective date of each tariff sheet is January 1, 1988. Tariff Sheet Nos. 4, 4-C, 4-D, and 4-E reflect the Gas Research Institute (GRI) Surcharge Adjustment effective January 1, 1988. Tariff Sheet Nos. 74-B through 74-P reflect the removal of the Incremental Pricing language effective January 1, 1988.

United reports that it mailed copies of the proposed tariff sheets and supporting data to its jurisdictional customers and interested state commissions.

Any person desiring to be heard at a protest of said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street NE., Washington, DC 20426, in accordance § 385.211, 385.214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before December 10, 1987. Protests will be considered by the Commission in determining 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.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28163 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI88-48-000]

United Gas Pipe Line Co.; Application for Abandonment of Sales and Purchase Obligations

December 3, 1987.

Take notice that on October 22, 1987, as supplemented on November 9 and 24, 1987, United Gas Pipe Line Company (United), 600 Travis, P.O. Box 1478, Houston, Texas 77251, filed an application pursuant to section 7(b) of the Natural Gas Act and §§ 2.77 and 157.30 of the Commission's Regulations for expedited retroactive abandonment of sales and purchases under an expired gas purchase contract between United and Pogo Producing Company (Pogo) certificated in Docket No. CI84-126-000, all as more fully set forth in the application on file with the Commission and open to public inspection. United requests that the abandonment be made retroactive to the time of contract expiration to avert potential liability for take-or-pay and that this application be considered on an expedited basis pursuant to the procedures set forth in § 2.77 of the Commission's Regulations.

United states that the contract dated September 1, 1976, covered sales from Eugene Island Block 256, Offshore Louisiana, and had a stated term of five years from the date of initial deliveries. United states that the contract expired in October 1984. United states that the production consists of a combination of NGPA section 104 post-1974 and section 102(d) gas and has a weighted average price of approximately $4.58/MMBtu. United states that its system-wide weighted average cost of purchased gas volumes, as reflected in its PGA in Docket No. TA87-2-11-000, *et al.*, is currently $2.36 per MMBtu. United states that Pogo has been subject to substantially reduced takes without payment because United has been able to take only about one percent of its purchase obligation since the contract expired in October 1984.

United states that Pogo has refused to seek abandonment of this contract. United states further that despite the contract's expiration, Pogo has continued to demand performance from United under a unique termination of deliveries clause that provides that once the contract has expired, Pogo has no contractual obligations to United, but "shall be entitled to enforce each and every provision of this Contract against" United until Pogo "shall become entitled in accordance with all applicable laws, rules, regulations and orders to cease once and for all making deliveries to" United.

United contends that the contract sought to be abandoned contains terms (such as an 85 percent annual take-or-pay requirement amounting to more than 3,000 Mcf/d with no ratable take provision, and a price provision that sets the rate at the Natural Gas Policy Act maximum ceiling price with no market out provision) that would not be tolerated in today's competitive natural gas markets, but that survive only because of Pogo's refusal to renegotiate the contract to market terms or to seek abandonment. United asserts that the abandonment sought in this application is consistent with the Commission's recent orders encouraging abandonments as a means of serving the public convenience and necessity and with the DC Circuit's recent decisions requiring the Commission to take into account pipelines' take-or-pay problems when considering abandonments.

United further states that denial of abandonment of the expired contract would result in (1) infusion of high volumes of high-priced gas under an expired contract into national gas markets; (2) unnecessary escalation of United's take-or-pay exposure; and (3) abdication of the Commission's responsibilities over section 7 certificates in favor of a party who seeks, in a period of transition toward deregulation, to manipulate the regulatory process into a shield against market-based competition.

United states that the Commission recently granted permanent abandonment to a purchaser filing on behalf of a producer who was relying on an identical termination of deliveries clause as the one at issue here to demand continued performance of a contract whose term had expired. *Mississippi River Transmission Corp., et al.*, 39 F.E.R.C. ¶ 61,113 (1987). United states that in that case, Sea Robin Pipeline Company was successful in obtaining abandonment of contracts it has excecuted with Pennzoil Producing Company and Pogo that contained the same unique termination of deliveries clause described herein. United states that in that order the Commission found that the stated terms of the contracts had expired and thus that "the continuation of service obligations, whether by sellers or purchasers, beyond the term of these contracts prevents market forces from operating to the extent envisioned under the NGPA, and also frustrates the parties' agreement."

United also states that appropriate equitable circumstances warranting retroactive abandonment back to the date of contract expiration are present here. As a result of the termination of deliveries clause of the expired contract with Pogo, United states it has incurred, and continues to incur, take-or-pay exposure to Pogo for gas never taken under this contract. Because of contract expiration, United states there are no make-up rights, so any take-or-pay payment to Pogo would be a pure windfall. Therefore, United states that it is not equitable for United, and ultimately its customers, to have to pay for gas they will never receive.

Since United alleges that Pogo is subject to substantially reduced takes without payment and has requested that its application be considered on an expedited basis, all as more fully described in the application which is on file with the Commission and open to public inspection, any person desiring to be heard or to make any protest with reference to said application should on or before 15 days after the date of publication of this notice in the **Federal Register**, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in a proceeding must file a petition to intervene in accordance with the Commission's rules.

Under the produce herein provided for, unless otherwise advised, it will be unnecessary for United to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 87-28164 Filed 12-8-87; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Cases Filed During the Week of October 16 through October 23, 1987

During the Week of October 16 through October 23, 1987, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC. 20585.

December 2, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

Date	Name and Location of Applicant	Case No.	Type of Submission
July 17, 1987	Southwestern States Marketing Corp., Abilene, TX	KRZ-0074	Interlocutory. If granted: The Office of Hearings and Appeals would compel the Economic Regulatory Administration to produce additional documentary evidence supporting the computational underpinning of the Proposed Remedial Order issued to Southwestern States Marketing Corp. and Kenneth Walker.
Oct. 19, 1987	Dr. Keith Consani, Berkeley, CA	KFA-0133	Appeal of an information request denial. If granted: The Freedom of Information Request Denial issued by the Assistant Manager for Administration would be rescinded and Dr. Consani would receive access to DOE records related to his correspondence with the agency beginning in August 1986.
Oct. 20, 1987	Chas. F. Cates & Sons, Faison, NC	RR270-21	Request for modification/rescission in the stripper well litigation proceeding. If granted: The October 8, 1987, determination issued to Chas. F. Cates & Sons (Case No. RF270-1642) would be modified regarding the firm's application for refund as a surface transporter in the stripper well litigation proceeding.
Oct. 20, 1987	Vermont Montpelier, VT	KEG-0020	Petition for special redress. If granted: The Office of Hearings and Appeals would review the proposed expenditures for the stripper well funds which were disapproved by the Assistant Secretary for Conservatinn and Renewable Energy.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

Date	Name and Location of Applicant	Case No.	Type of Submission
Oct. 21, 1987	Apex Towing Company, Washington, DC	RR270-20	Request for modification/rescission in the stripper well litigation proceeding. If granted: The September 21, 1987 Decision and Order (Case No. RF270-2328) issued to Apex Towing Company would be modified regarding the firm's application for refund as a surface transporter in the Stripper Well Litigation Proceeding.
Oct. 21, 1987	Dow Chemical, Midland, MI	RR271-7	Request for modification/rescission in the stripper well litigation proceeding. If granted: The September 21, 1987, Decision and Order (Case No. RF271-173) issued to Dow Chemical would be modified regarding the firm's application for refund as a rail & water transporter in the stripper well litigation proceeding.
Oct. 23, 1988	Panhandle/Western Petroleum Company, Washington, DC	RR15-2	Request for modification/rescission in the panhandle eastern pipelines refund proceeding. If granted: The March 20, 1987, Decision and Order issued to Western Petroleum Company (Case No. RR15-1) would be modified regarding the firm's application for refund in the Panhandle Eastern Pipelines refund proceeding.
Oct. 23, 1987	Phillips Petroleum Company, Bartlesville, OK	RR271-8	Request for modification/rescission in the stripper well litigation proceeding. If granted: The May 20, 1987, Decision and Order issued to Phillips Petroleum Co. (Case No. RF271-135) would be modified regarding the firm's application as a rail & water transporter in the strippoer well litigation proceeding.

REFUND APPLICATIONS RECEIVED

[Week of October 16 through October 23, 1987]

Date received	Name of refund proceeding/name of refund applicant	Case No.
10/16/87 thru 10/23/87.	Crude Oil Refund Applications Received.	RF272-3102 thru RF272-8491
10/16/87 thru 10/23/87.	Gulf Oil Refund Applications Received.	RF300-2251 thru RF300-2710
10/20/87	Rath Travelers Inn	RF299-27
10/22/87	Utility Oil Company	RF253-32
10/23/87	Dick Huizenga Trucking	RF238-81
10/23/87	Santa Fe Rock & Sand	RF238-82
10/23/87	John P. Hamm	RF265-2579
10/23/87	Knotty Pine Oil Company, inc.	RF265-2580
10/22/87	East Penn Manufacturing Co.	RF299-28
10/22/87	Hill View Suburban Gas	RF299-29
10/22/87	General Mills, Inc	RF299-30
10/22/87	Albright's Mill	RF299-31
10/22/87	Pacific Motor Trucking	RF270-2493
10/23/87	A. C. B. Trucking, Inc	RF270-2494

[FR Doc. 87-28178 Filed 12-8-87; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of October 19 Through October 23, 1987

During the week of October 19 through October 23, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearing and Appeals of the Department of Energy. The following summary also contains a list of submission that were dimissed by the Office of Hearings and Appeals.

Appeals

Millicent G. Dillon, 10/19/87 *KFA-0034*

Millicent G. Dillon (Dillon) appealed a partial denial by the Office of Safeguards and Security (OSS) of the DOE of a Request for Information filed under the Freedom of Information Act (FOIA). The DOE found that the OSS correctly deleted from a responsive document the name of an individual and the organization with which the individual was affiliated. The document alleges that the organization in question is a "communist front" organization. The DOE determined that the release of that information would cause an unwarranted invasion of the individual's privacy without any offsetting benefit to the public interest and therefore the information should be withheld under exemption 6 of the FOIA. Accordingly, the Appeal was denied.

Wisco Equipment Co. Inc., 10/20/87, *KFA 0121*

Wisco Equipment Company, Inc. filed an Appeal from a determination by the Freedom of Information Officer (FOI Officer) of the Albuquerque Operations Office regarding a request which the firm submitted under the Freedom of Information Act. Wisco sought all documents pertaining to a contract award by the Sandia National Laboratory. The FOI Officer identified and released only one document as being resposive to the request. The firm argued that additional responsive documents must exist. The DOE found that the FOI Officer had construed Wisco's request too narrowly. The DOE therefore remanded the matter for a search for additional resposive documents Accordingly Wisco's Appeal was granted.

Refund Applications

American Transit Corp., 10/19/87, *RF270-1243]*

The DOE issued a Decision and Order Approving the application submitted by American Transit Corporation for a refund from the Surface Transporters Escrow, which was established as a result of the Stripper Well Settlement Agreement. The total number of gallons approved in this Decision and Order was 44,644,597.

Bilkays Express Co. et al., 10/23/87, RF270-4 et al.

The DOE issued a Decision and Order in connection with its administration of the $10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE considered the purchase volumes of refined petroleum products claimed by six firms which operated a "for hire" or a private fleet of trucks. The claim of one firm was adjusted to exclude owner-operator gallons. The claims of the other five applicants were approved, with three of the claims adjusted to account for mathematical and computational errors. The total number of gallons approved in this Decision in 150,793,937.

Builders Transport, Inc., Buanno Transportation Co., Inc., 10/20/87 RF270-1002 and RF270-1025

The DOE issued a Decision and Order approving two Applications for Refund from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The total number of gallons approved in this Decision is 11,765,954.

City of Columbus, GA, 10/22/87, RF272-391

The City of Columbus, Georgia filed an Application for Refund under OHA's Subpart V crude oil overcharge refund proceedings. Columbus demonstrated the volume of refined petroleum products that it purchased during the period August 19, 1973 through January 27, 1981. As a governmental entity end-user of refined petroleum products, Columbus was presumed injured as a result of the alleged crude oil overcharges. The refund principal granted was $2,406.

Enterprise Products Co. Enterprise Transportation Co. and Hoagland's

Transport, Inc., 10/19/87, RF270–2398, RF270–2399 and RF270–2452

The DOE issued a Decision and Order approving the purchase volumes claimed by three applicants seeking portions of the Surface Transporters Escrow established pursuant to the Stripper Well Settlement Agreement. While noting that two of the applicants were affiliated, the DOE found that the gallons that each claimed were not duplicative, and that granting the two claims would have the same effect as granting a single claim based on a combined volume. The total volume approved in this Decision is 36,502,646 gallons.

Florida Rock and Tank Lines, Inc., Florida Rock Industries, Inc., 10/20/87, RF270–1654 and RF270–1654 and RF272–167

The DOE issued a Decision and Order regarding an application for a refund from the Surface Transporters Escrow filed by Florida Rock and Tank Lines, Inc. (Tank Lines) and an application for a refund from the Subpart V crude oil proceeding filed by Florida Rock Industries, Inc. (FRI). In analyzing the claims, the DOE found that because the firms were affiliates, Tank Lines had waived FRI's right to apply for a Subpart V refund when Tank Lines executed a valid Surface Transporters waiver. Accordingly, FRI's Subpart V application was denied and Tank Lines' Surface Transporters application was approved. Tank Lines will receive a refund based upon purchases of 12,029,651 gallons of diesel fuel.

Getty Oil Co./C Service Center et al., 10/23/87, RF265–007 et al.

The DOE issued a Decision and Order concerning 26 Applications for Refund filed by resellers or retailers of products covered by a consent order that the DOE entered into with Getty Oil Company. Each applicant submitted information indicating the volume of its Getty purchases. In 20 of these cases, the applicants were eligible for a refund below the $5,000 small claims threshold. In the remaining six cases, the applicants elected to limit their claims to $5,000. The sum of the refunds approved in this Decision is $108,741, representing $54,141 in principal and $54,600 in accrued interest.

Husky Oil Co., Harris Oil Co., Dyck's Husky Service, 10/22/87 RF161–16 and RF161–107

The DOE issue a Decision and Order concerning Applications for Refund filed by Harris Oil Company and Dyck's Husky Service, resellers of Husky Oil Company petroleum products. Each firm applied for a refund based on the procedures outlined in *Husky Oil Company*, 13 DOE ¶ 85,045 (1985), governing the disbursement of settlement funds received from Husky pursuant to a 1982 Consent Order. Using a volumetric methdology, the DOE determined that the claims of both applicants were below the $5,000 small claims refund threshold and the applicants were therefore presumed injured. The refunds granted total $10,904, representing $7,466 in principal and $3,438 in interest.

Kilgore Ceramics Truck Leasing Corp., 10/21/87, RF270–1077

The DOE issued a Decision and Order approving an Application for Refund from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The Applicant, Kilgore Ceramics Truck Leasing Corporation, leased vehicles to an affiliated firm that operated a private fleet during the Settlement Period. The DOE therefore determined that the two affiliates should qualify together as a Surface Transporter and should be treated as a single applicant in this proceeding. The total volume approved was 3,672,480 gallons.

L.R. Cimino Enterprises, Inc. 10/19/87, *FR270–2291*

The DOE issued a Decision and Order partially approving the Application for Refund of L.R Cimino Enterprises, Inc. from the Surface Transporters Escrow established, as a result of the Stripper Well Settlement Agreement. One of the Applicant's subsidiaries leased vehicles to independent transportation companies during the Settlement Period. The DOE determined that although the subsidiary owned the vehicles, it did not operate them for surface transportation. Therefore, the DOE disapproved the part of Cimino's application related to vehicles that the subsidiary leased to independent transportation companies. The total number of gallons approved in this Decision is 17,165,748.

M. Bruenger & Co., Inc. et al., 10/23/87, *FR270–500 et al.*

The DOE issued a Decision and Order in Connection with its administration of the Surface Transporters escrow account established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the gallonages of refined petroleum products claimed by six transportation companies and will use those gallonages as a basis for the refund that will ultimately be issued to the six firms. The total gallonage approved in the Decision was 136,747,303.

Marathon Petroleum Co./Beacon Oil Co. et al., 10/20/87, *RF250–2372 et al.*

The DOE issued a Decision and Order concerning Applications for Refund filed by four firms in connection with the Marathon Petroleum Company special refund proceeding. Each applicant demonstrated the volume of its Marathon motor gasoline and middle distillate purchases, and each declined to submit a demonstration that it was injured by the alleged overcharges. Therefore, each applicant was granted a refund based on a presumption of injury of 35 percent. The sum of refunds approved in this Decision and Order is $43,912 in principal and $5,437 in accured interest.

Marathon Petroleum Co./Jack Davidson, 10/22/87, *RF250–2737*

The DOE issued a Decision and Order granting an Application for Refund filed by Jack Davidson, owner of Jack's Interstate Marathon Gasoline Station, in connection with the Marathon Petroleum Company special refund proceeding. Davidson demonstrated that he purchased 1,155,552 gallons of gasoline from Marathon during the consent order period. Under the small claims presumption, the applicant is eligible to receive a refund equal to its full allocable share. The total refund approved in this Decision is $485 in principal and $60 in interest.

Marathon Petroleum Corp./Lucky Stores, Inc. d/b/a Kash 'N Karry Supermarkets, 10/22/87, RF250–2183

The DOE issued a Decision and Order concerning an Application for Refund filed by Lucky Stores, Inc. d/b/a Kash 'N Karry Supermarkets from the consent order fund made available by Marathon Petroleum Corp. The firm claimed a refund based on its direct and indirect purchases on Marathon motor gasoline and requested the application of the medium range presumption of injury established in the Marathon refund proceeding. In considering the Application, the DOE found that the firm had not substantiated the volumes of indirect purchases claimed for the years 1974 through 1976 and that, as a result, the firm had not substantiated sufficient volumes to justify a refund in excess of $5,000. Accordingly, the DOE granted a refund of $5,000 and dismissed the remainder of the Application without prejudice to a subsequent refiling substantiating the firm's claim that it is entitled to an additional refund. The refund granted in the Decision and Order totals $5,619, representing $5,000 in principal and $619 in interest.

McCrory Stores Division of McCrory Corp. et al., 10/22/87, RF270–551 et al.

The DOE issued a Decision and Order in connection with its administration of the Surface Transporters escrow fund established through the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the gallonages of refined petroleum products claimed by three companies, with adjustments in one case to reflect the fact that a Surface Transporter is not eligible for a refund based upon gallons paid for by its owner-operators. The total gallonage approved in the determination is 22,448,428.

Mobil Oil Corp./Don & Cal's Service Station et al., 10/19/87, RF225–10909 et al.

The DOE issued a Decision and Order granting nine Applications for Refund from the Mobil Oil Corporation escrow account. Each applicant was a retailer or reseller of Mobil refined product and elected to apply for a refund based upon the presumptions set forth in *Mobil Oil Corp.*, 13 DOE ¶ 85, 339 (1985). The total refund granted was $18,913 ($15,327 in principal plus $3,586 in interest).

Mobil Oil Corp./National Acceptance Co. of California, 10/22/87, RF225–9893

The DOE issued a Decision and Order concerning an Application for Refund filed by NAC, a creditor of Pedersen Oil, Inc. a reseller/retailer of Mobil Oil Corporation petroleum products. Although NAC's application demonstrated that Pedersen made purchases of products covered by the Mobil refund proceeding, the DOE determined that NAC failed to establish that it was entitled to receive Pedersen's refund. Because Pedersen has an outstanding obligation to the DOE under the terms of a 1981 consent order between Pedersen and the DOE, the amount of the refund originally sought by NAC was transferred from the Mobil consent order fund to the Pedersen consent order fund.

Pyrofax Gas Corp. Indiana Farm Bureau Cooperative Association, Inc. et al., 10/22/87, RF277–5 et al.

The DOE issued a Decision and Order concerning five Applications for Refund from a consent order fund remitted by Pyrofax Gas Corporation. The applicants included one agricultural cooperative and four public utilities that all purchased Pyrofax propane. Each was required to submit a plan explaining how it would pass its refunds on to its customers and how it would notify the appropriate regulatory body of the refunds. After examining the applications and supporting documentation submitted by the claimants, the DOE concluded that they should receive refunds totaling $483,815, representating $272,174 in principal and $211,641 in accrued interest.

Shifflet Bros., Inc. The Aetna Freight Lines, Inc. Coble Systems, Inc., 10/19/87, RF270–1364, RF270–1399, and RF270–1438

The DOE issued a Decision and Order concerning three Applications for Refund from the Surface Transporters Escrow. The DOE eliminated from the three claims those gallons of fuel purchased by owner-operators of the applicant. In the case of one of the firms, in which this amount equalled the total amount claimed, the application was dismissed. The adjusted volumes of the two remaining applicants, totaling 4,749,138 gallons, were approved.

The True Companies/Little America Refining Co., 10/22/87, RF195–8

The DOE issued a Decision approving in part a refund application filed by Little American Refining Company (LARCO). LARCO based its application on its purchases of natural gas liquid products from the True Companies (True). LARCO's claim included purchases of: (1) Propane and butane which were not blended with any other product and (2) NGLs that LARCO purchased as part of a crude oil blend in which crude oil constituted the major portion of the blend. The DOE approved a refund only for the non-blended True propane and butane. The DOE determined that products blended in a crude oil stream should be considered under the procedures adopted for determining the level of refunds for purchases of crude oil. The DOE noted that LARCO had waived its right to obtain a refund under the DOE crude oil procedures as the result of its claim for monies from the Refiners Escrow in the Stripper Well case.

Union Pacific Railroad Co. and Missouri Pacific Railroad Co., 10/22/87, RF271–2 and RF271–3

Union Pacific Railroad Company and Missouri Pacific Railroad Company filed motions seeking to have OHA reverse its previous determination denying the railroads' Applications for Refund from the Stripper Well Escrow established for Rail and Water Transporters. Although both firms are affiliated with refiners that received refunds from the Stripper Well Refiner Escrow, OHA determined that separately incorporated affiliates could file independent Applications for Refund in separate Stripper Well proceedings. OHA also affirmed its position that filing in any of the Stripper Well Escrows represented an election of remedies which foreclosed both the Stripper Well applicant and its affiliate(s) from making any claims in OHA's Subpart V crude oil refund proceedings.

Winston Refining Co./Nu-Way Oil Co. et al., 10/20/87, RF292–1 et al.

The DOE issued a Decision granting five Applications for Refund from the Winston Refining Company escrow account. Each applicant was either a reseller requesting a refund of less than $5,000, or an end-user of Winston product. The DOE found that each applicant was eligible for a refund based on the volumes of Winston product purchased. The sum of the refunds approved in this determination is $10,377 ($7,780 principal plus $2,597 in interest).

Vaughan Leasing, Inc., Honeggers & Co., Inc., 10/20/87, RF270–1655 and RF270–2487

The DOE issued a Decision and Order regarding applications for refunds from the Surface Tranports Escrow filed by Vaughan Leasing, Inc. and Honeggers & Co., Inc. During the Settlement Period, Vaughan and Honeggers entered into leasing arrangements with each other and with third parties. In analyzing the firms' claims, the DOE reviewed copies of leases involving the firms to determine the instance in which the firms purchased and paid for the fuel used in the fleets. The DOE concluded that because Honeggers paid for the fuel used in fleets that it leased, Honeggers was eligible for a Surface Transporter refund based upon these volumes. In reviewing Vaughan's application, the DOE determined that the firm was ineligible for a Surface Transporter refund because it had failed to establish that it purchased the volumes of fuel for which it was claiming a refund. Accordingly, Honeggers' refund will be based on purchases of 1,012,222 gallons of petroleum products. Vaughan's claim was denied.

DISMISSALS

[The following submissions were dismissed without prejudice]

Name	Case No.
Coastal Tank Lines, Inc	RF270–843.
Diamond Transportation Service, Inc	RF270–453.
Export Fuel Co., Inc	KEE–0135.
Fox's Holsum Bakery, Inc	RF270–2348.
Johnston Trucking, Inc	RF270–536.
Kansas Corp. Commission	RM5–63 RM8–64.
Lanco Inc	RF272–161.
Montgomery Community College	RF272–6789.
Natural Resources Defense Council	KFA–0085.
New York State Electric & Gas Corp	RF225–7397 RF225–7398.
Pawtuxet Valley Bus Lines, Inc	RF270–537

DISMISSALS—Continued

[The following submissions were dismissed without prejudice]

Name	Case No.
T.J. Bartlett Co., Inc	RF300-257.
The Martin Brower Company	RF270-568.
Wenham Transportation, Inc	RF270-2379.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 2, 1987.

[FR Doc. 87-28180 Filed 12-8-87; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed During the Week of November 2 Through November 6, 1987

During the week of November 2 through November 6, 1987, the notices of objection to proposed remedial orders listed in the Appendix of this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

December 2, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

Clark Oil & Refining Corp. et al., Clayton, MO; KRO-0580, Crude oil

On November 3, 1987, Clark Oil & Refining Corp. Apex Oil Company Novelly Oil Company , and Apex Holding Company (Clark), 8182 Maryland Avenue, Clayton, Missouri 63105, filed a Notice of Objection to a Proposed Remedial Order (No. RCKB00101) which the Economic Regulatory Administration (ERA) of the DOE issued to the firm on July 8, 1987. In the PRO, the ERA alleges that during the period September 1973 through December 1979, Clark failed to establish and maintain appropriate classes of purchaser and May 15, 1973 weighted average selling prices in violation of 10 CFR 212.31, 212.83, and 212.112.

The PRO proposes three alternative remedies: (1) Clark shall recalculate maximum allowable prices, recompute lawful recoveries, refile its Refiners Monthly Cost Allocation Reports, and identify and refund any resulting overcharges; or (2) Clark shall refund the differences between the correct and incorrect May 15, 1973 prices multiplied by the applicable sales volumes, totalling $45,170,345, plus interest; or (3) Clark shall perform a recalculation for the period prior to September 1, 1974, and refund the differences between correct and incorrect May 15, 1973 prices for the post-September 1, 1974 period.

Clark Oil & Refining Corp. et al., Clayton, MO; KRO-0590, Crude oil

On November 3, 1987, Clark Oil & Refining Corporation, Apex Oil Company, Novelly Oil Company, and Apex Holding Company (Clark), 8182 Maryland Avenue, Clayton, Missouri, 63105, filed a Notice of Objection to a Proposed Remedial Order (No. RCKH001A1) which the Economic Regulatory Administration (ERA) of the Department of Energy issued to the firm on July 8, 1987. In the Proposed Remedial Order the ERA alleges that Clark paid bribes to influence foreign officials to give the firm preferential treatment in connection with its purchases of crude oil and that Clark improperly included these payments in its calculations of its landed costs of crude oil.

The Proposed Remedial Order would require that Clark recalculate its costs of crude oil to eliminate the amount of these payments, determine the amount of overcharges, if any, that resulted from its inclusion of the subject amount in its cost calculation, and make any necessary refunds.

Clark Oil & Refining Corp. et al., Clayton, MO; KRO-0600, Crude oil

On November 3, 1987, Clark Oil & Refining Corporation, Apex Oil Company, Novelly Oil Company, Goldstein Oil Company and Apex Holding Company of 8182 Maryland Avenue, Clayton, Missouri 63105, filed a Notice of Objection to Proposed Remedial Order No. RCKH016A1 which the DOE Economic Regulatory Administration (ERA) issued to the firm on July 8, 1987. In the PRO the ERA alleges that Clark improperly failed to report and excluded its out-charter ton-miles in calculating its "cost-per-ton-mile," which was then carried forward to distort other aspects of the net-cost formula, and ultimately the "A" factor of the refiner price rule. For the period 1977 through 1979, these alleged improprieties resulted in an overstatement of foreign crude oil marine transportation costs of $65,635,938.00. The PRO alleges that Clark failed to report, and excluded out-charter ton-miles from its calculations throughout 1980 until the end of the regulatory period on January 28, 1981. The violation for this period is unquantified.

The PRO has recalculated Clark's foreign crude oil marine transportation costs for the audit period and has directed Clark to submit new schedules using the recomputed costs and to refund any overcharges, plus interest, generated as a result of the recalculations. In addition, the PRO requires Clark to provide appropriate information and make necessary recalculations for the post-audit period.

Clark Oil & Refining Corp. et al., Clayton, MO; KRO-0610, Crude Oil

On November 3, 1987, Clark Oil & Refining Corporation, Apex Oil Company, Novelly Oil Company, Goldstein Oil Company and Apex Holding Company of 8182 Maryland Avenue, Clayton, Missouri 63105, filed a Notice of Objection to Proposed Remedial Order (PRO Number RCKL000A1) which the Economic Regulatory Administration (ERA) of the Department of Energy issued to the firm on July 8, 1987. In the PRO, the ERA found that Clark improperly calculated certain nonproduct costs for interest, overhead, maintenance, additives, depreciation, refinery fuel, refinery labor, taxes, pollution control and utilities. According to the PRO, for the period September 1973 through December 1979, these improper calculations resulted in an overstatement of costs of approximately $40,353,000. The PRO alleges that Clark's improper calculation of its nonproduct costs likely continued throughout 1980 until the end of the regulatory period on

January 28, 1981. The violation amount for this period is unquantified.

[FR Doc. 87-28179 Filed 12-8-87; 8:45 am]
BILLING CODE 6450-01-M

COMMISSION OF FINE ARTS

Meeting Correction

This is a correction to notice document 87-27720, published at 52 FR 45980, (December 3, 1987). The Commission of Fine Arts' next scheduled meeting is Thursday, December 17, 1987, not December 19 as published in that document.

Charles H. Atherton,
Secretary.

[FR Doc. 87-28220 Filed 12-8-87; 8:45 am]
BILLING CODE 6330-01-M

FEDERAL COMMUNICATIONS COMMISSION

Agency Information Collection Activities Under the Office of Management and Budget Review

December 1, 1987.

On November 24, 1987, the Commission published at 52 FR 45018 a Notice to inform the public of Office of Management and Budget approval of three broadcast information collections. That Notice is hereby corrected as follows:

The following information collection requirements have been approved by the Office of Management and Budget as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). For further information contact Terry Johnson, Federal Communications Commission, (202) 632-7513.

OMB No.: 3060-0390.
Title: Broadcast Station Annual Employment Report.
Form No.: FCC 395-B.

A new annual employment report form FCC 395-B has been approved for use through September 30, 1990. A Public Notice will be issued at the later date containing information on availability and implementation.

OMB No.: 3060-0113.
Title: Broadcast Equal Employment Opportunity Program Report.
Form No.: FCC 396.

A revised report form FCC 396 has been approved for use through September 30, 1990. The current edition will remain in use until the revised forms are available. At that time, a Public Notice will be issued containing information on availability and implementation.

OMB No.: 3060-0120.
Title: Broadcast Equal Employment Opportunity Model Program Report.
Form No.: FCC 396-A.

A revised report form FCC 396-A has been approved for use through September 30, 1990. The current edition will remain in use until the revised forms are available. At that time, a Public Notice will be issued containing information on availability and implementation.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87-28202 Filed 12-8-87; 8:45 am]
BILLING CODE 6712-01-M

A Closed Circuit Test of the Emergency Broadcast System During the Week of December 14, 1987

December 3, 1987.

A test of the Emergency Broadcast System (EBS) has been scheduled during the week of December 14, 1987. Only ABC, AP Radio, CBS, MBS, NBC, NPR, United Stations and UPI Audio Radio Network affiliates will receive the Test Program for the Closed Circuit Test. The ABC, CBS, NBC, and PBS television networks and the national cable program supplier networks are not participating in the test.

Network and press wire service affiliates will be notified of the test procedures via their network approximately 25 minutes prior to the test.

Final evaluation of the test is scheduled to be made about one month after the Test.

This is a closed circuit test and will not be broadcast over the air.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87-28203 Filed 12-8-87; 8:45 am]
BILLING CODE 6712-01-M

Advisory Committee for the ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Main Committee Meeting

December 2, 1987.

The Space WARC Advisory Committee will convene its next meeting on January 13, 1988. The Committee will be reviewing the work of the working groups and will be considering proposed recommendations and advice to the Commission for its Final Report concerning U.S. Proposals and positions for the second session in 1988. Details regarding the date, place and agenda of the meeting are provided below:

Chairman: Ronald F. Stowe, (202) 383-6433.
Vice Chairman: Stephen E. Doyle, (916) 355-6941.
Date: Wednesday, January 13, 1988.
Time: 9:30 a.m.-1:00 p.m.
Location: Federal Communications Commission, 1919 M Street NW., Room 856, Washington, DC 20554.
Designated Federal Employee: Thomas S. Tycz, (202) 634-1860.
Agenda:

(1) Adoption of Agenda
(2) Approval of Minutes
(3) Status of ITU Preparatory Activities
(4) Review of Other Administrative Proposals
(5) Working Group Reports
(6) Committee Recommendations for Final Report
(7) Future Work of Committee
(8) Date of Next Meeting
(9) Other Business
(10) Adjournment

For additional information, please contact Thomas S. Tycz, (202) 634-1860.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 87-28204 Filed 12-8-87; 8:45 am]
BILLING CODE 6712-01-M

[File No. BPCT-870730KL et al.; MM Docket No. 87-352]

Applications for Consolidated Hearing; Gulf Coast Broadcasting, Ltd. et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city and State	File No.	MM Docket No.
A. Gulf Coast Broadcasting, Ltd., Bradenton, FL.	BPCT-870730KL	87-352
B. Renee Marie Kramer, Bradenton, FL.	BPCT-870731KV	.....
C. Skylight Broadcasting, Inc., Bradenton, FL.	BPCT-870731KX	.....
D. Carlo B. McDaniel and Mary S. McDaniel d/b/a McDaniel Broadcasting Partners Bradenton, FL.	BPCT-870731KY	.....
E. Manatee Television, Inc., Bradenton, FL.	BPCT-870731LA	.....
F. Bradenton Broadcast Television Company, Ltd., Bradenton, FL.	BPCT-870731LE	.....
G. Joyner Communications Limited Partnership, Bradenton, FL.	BPCT-870731LC	.....
H. Desoto Broadcasting, IN., Bradenton, FL.	BPCT-870731LD	.....
I. Gulf Coast Telecasters Limited Partnership, Bradenton, FL.	BPCT-870731LO	.....

Applicant, city and State	File No.	MM Docket No.
J. Florida Manatee TV Broadcast Associates, Bradenton, FL	BPCT-870731LP	

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. Air Hazard, A,E,F
2. Comparative, A,B,C,D,E,F,G,H,I,J
3. Ultimate, A,B,C,D,E,F,G,H,I,J

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. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 87-28205 Filed 12-8-87; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Cancellation of Inactive Tariffs

By notice served October 5, 1987 and published in the **Federal Register** on October 13, 1987, the Federal Maritime Commission notified 425 carriers of its intent to cancel their individual tariffs 30 days thereafter, in the absence of a showing of good cause why such tariffs should not be cancelled.

The notice was served on the 425 carriers by certified mail on October 5, 1987; and 60 carriers replied to the Notice requesting that their tariffs remain active. Accordingly, the tariff of the 60 carriers listed in Attachment A that responded to the notice will be retained in the Commission's active files.

It is misleading to the public, potentially unfair to competing carriers, and an unreasonable administrative burden on the Commission's staff for inactive tariffs to remain on file. Accordingly, the tariffs of the 365 carriers listed in Attachment B to this notice that failed to respond to the October 5, 1987 notice will be cancelled. It should be noted that certain information items on the attached lists may not apply to a particular carrier and are, therefore, designated not applicable (NA).

Now, Therefore it is ordered, That the tariffs of the 365 carriers listed on attachment B be cancelled.

It is further ordered, That a copy of this order be sent by certified mail to the last known address of the carriers listed in the attachments to this order.

It is further ordered, That this notice be published in the **Federal Register.**

This Order is issued pursuant to authority delegated to the Director, Bureau of Domestic Regulation by section 9.04 of Commission Order No. 1 (Revised) dated November 12, 1981.

Robert G. Drew,

Director, Bureau of Domestic Regulation.

Attachment A—Federal Maritime Commission, Bureau of Domestic Regulation, Office of Carrier Tariffs and Service Contract Operations—Carriers That Responded to the Notice of Intent To Cancel Inactive Tariffs

ACRONYM: A.E. INTERNATIONAL SHIPPING
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1501 VERMONT STREET
CITY: SAN FRANCISCO
STATE: CA 94107
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006774

ACRONYM: A.E. EXPRESS
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 19032-B SO. VERMONT AVENUE
CITY: GARDENA
STATE: CA 90248
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000152

ACRONYM: ABACO INTERNATIONAL SHIPPERS
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 4201 WEST WRIGHTWOOD AVENUE
CITY: CHICAGO
STATE: IL 60639
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000154

ACRONYM: AGENCIJA RUDENJAK INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 32-08A BROADWAY
CITY: ASTORIA
STATE: NY 11106
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000175

ACRONYM: ALBURY'S INTERNATIONAL SHIPPING, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P—O— BOX N3456
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
NAME NUMBER: 000191

ACRONYM: ALLIANCE MARITIME LINE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 9-15 MURRAY STREET
CITY: NEW YORK
STATE: NY 10007
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 002792

ACRONYM: AMERICAN EXPRESS LINES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 235 WEST 134TH STREET
CITY: LOS ANGELES
STATE: CA 90061
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000224

ACRONYM: AMERICAN PACIFIC LINE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 110 W. OCEAN BLVD. SUITE 515
CITY: LONG BEACH
STATE: CA
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005843

ACRONYM: AMERICAN SHIPPING LINES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 11320 SOUTH POST OAK ROAD, #214

CITY: HOUSTON
STATE: TX 77035
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006615
ACRONYM: AMERICAN TRAILER EXPRESS
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 523070
CITY: MIAMI
STATE: FL 33152
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000243
ACRONYM: AMERICARGO LINES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 7233 N.W. 79TH TERRACE
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006613
ACRONYM: AMERICAS CONTAINER LINE LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 32 SOUTH STREET
CITY: BALTIMORE
STATE: MD 21202
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006196
ACRONYM: AML, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3758 N.W., 82ND AVENUE, SUITE 104
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006614
ACRONYM: ASIA EXPRESS LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: NO. 18, LANE 52, I TUNG STREET
CITY: TAIPEI, TAIWAN
STATE:
COUNTRY: PEOPLE'S REPUBLIC OF CHINA
NAME NUMBER: 005887
ACRONYM: BESTWAY OCEAN EXPRESS TRANSPORT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 515 RIVER ROAD
CITY: CLIFTON
STATE: NJ 07014
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000374
ACRONYM: BLUESEA SHIPPING LINE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1361 SOUTH FIGUEROA STREET
CITY: LOS ANGELES
STATE: CA 90015
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000381
ACRONYM: CARIBBEAN BEST SERVICES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: G.P.O. BOX 4811
CITY: SAN JUAN
STATE: PR 00936
COUNTRY: PUERTO RICO
NAME NUMBER: 000703
ACRONYM: COMBINED LINE, INC., THE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 650 GRAIN EXCHANGE BUILDING
CITY: MINNEAPOLIS
STATE: MN 55415
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 002234
ACRONYM: COMPAGNIE MAROCAINE DE NAVIGATION
DBA: COMANAV
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 7, BOULEVARD DE LA RESSISTANCE
CITY: CASABLANCA 05
STATE:
COUNTRY: MOROCCO
NAME NUMBER: 005965
ACRONYM: FAR EAST FREIGHT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 79–11 41ST AVE
CITY: ELMHURST
STATE: NY 11373
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005730
ACRONYM: GLODEVAN INTERNATIONAL TRANSPORT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 110 W. OCEAN BLVD., SUITE 512
CITY: LONG BEACH
STATE: CA 90802
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 002783
ACRONYM: HECNY TRANSPORTATIONS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 10840 S. LA CIENEGA BLVD.
CITY: INGLEWOOD
STATE: CA 90304
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005844
ACRONYM: INTER OCEANIC FREIGHT, S.A.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 20310
CITY: SANTO DOMINGO
STATE:
COUNTRY: DOMINICAN REPUBLIC
NAME NUMBER: 005944
ACRONYM: INTERNATIONAL TRANSPORTATION NETWORK, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 2340 SOUTH EL CAMINO REAL, SUITE 14
CITY: SAN CLEMENTE
STATE: CA 92672
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006748
ACRONYM: J.F.T. CONTAINER LINES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 625 1 ST AVENUE
CITY: SEATTLE
STATE: WN 98104
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005865
ACRONYM: LA ROSTA DEL MONTE EXPRESS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 5132 N.W. 17TH AVENUE
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005005
ACRONYM: LANDAL CONTAINER SERVICE INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 45 JOHN STREET—SUITE 1200

CITY: NEW YORK
STATE: NY 10038
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005916
ACRONYM: MARINVEST FUNDS S.A.
DBA: DOMINICAN FERRIES
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: GUSTAVO MEJIA RICART NO. 80, ENS PIANTINA
CITY: SANTO DOMINGO
STATE:
COUNTRY: DOMINICAN REPUBLIC
NAME NUMBER: 005857
ACRONYM: MEGNA TRANSPORTATION COMPANY
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 540
CITY: NEWPORT
STATE: KY 41071
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 001701
ACRONYM: MPC TRANSMODAL LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: RM 1201, 12TH FLOOR, NO. 246 SEC. 2, CHANG AN E. RD.
CITY: TAIPEI
STATE:
COUNTRY: TAIWAN
NAME NUMBER: 006706
ACRONYM: NANTAI LINE CO., LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 450 SANSOME STREET, SUITE 400
CITY: SAN FRANCISCO
STATE: CA 94111
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006143
ACRONYM: NATIONAL SHIPPING COMPANY OF SAUDI ARABIA
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 8931
CITY: RIYADH
STATE:
COUNTRY: SAUDI ARABIA
NAME NUMBER: 001497
ACRONYM: NAVIERA AMAZONICA PERUANA, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 911, 10 PISO AV. INCA GARCILASO DE LA VEGA
CITY: LIMA
STATE:
COUNTRY: PERU
NAME NUMBER: 001508
ACRONYM: NAVIERIA TRANSPAPEL, C.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: CENTRO PARQUE BOYACA—EDIF. CENTRO PISO 111 AV. SURCE LOS DO CAMINOS
CITY: CARACAS 1071
STATE:
COUNTRY: VENEZUELA
NAME NUMBER: 006181
ACRONYM: NAVIMERCA INTERNACIONAL, S.A.
DBA: NAVINCA
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: AVE. LUIS ROCHE, EDIFICIO UNIVERSAL—PISO 4 OFFICINA ¿404 ALTAMIRA
CITY: CARACAS
STATE:
COUNTRY: VENEZUELA
NAME NUMBER: 006139
ACRONYM: O T AFRICA LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: C/O AFRICAN RO-RO LTD. MILLARD HOUSE, CUTLER STREET
CITY: LONDON E1 7DU
STATE:
COUNTRY: GREAT BRITAIN
NAME NUMBER: 000876
ACRONYM: OMEGA LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: HUIDEVETTERSSTRAAT, 8-B-2000
CITY: ANTWERP, BELGUIM
STATE:
COUNTRY: BELGIUM
NAME NUMBER: 006767
ACRONYM: OMNITRANS CORP. LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 111 BROADWAY, 17TH FLOOR
CITY: NEW YORK
STATE: NY 10006
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 001295
ACRONYM: PACIFIC NEW GUINEA LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: WORLD TRADE CENTER SUITE 297
CITY: SAN FRANCISCO
STATE: CA 94111
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006594
ACRONYM: PUERTO RICO FREIGHT SYSTEM, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 9081
CITY: SANTURCE
STATE: PR 00905
COUNTRY: PUERTO RICO
NAME NUMBER: 006313
ACRONYM: QUALITY TRANSPORTATION COMPANY
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: G.P.O. BOX 202
CITY: SAN JUAN
STATE: PR 00936
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006343
ACRONYM: SAGAWA EXPRESS INTERNATIONAL CO., INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: SHUWZ HAMAMATSWCHO EKIMAE BLDG. 2-5-4 HAMAMATSWCHO MINATO-KU
CITY: TOKYO 105
STATE:
COUNTRY: JAPAN
NAME NUMBER: 006720
ACRONYM: SAMBAND LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 180
CITY: 121 KEYKJAVIK
STATE:
COUNTRY: ICELAND
NAME NUMBER: 001061
ACRONYM: SCAC TRANSPORT (USA) INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 9133 LA CIENEGA BLVD., SUITE 130
CITY: INGLEWOOD
STATE: CA 90301
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 004854
ACRONYM: SEBANG (GLOBAL) ENTERPRISES, INC.
DBA: GLOBAL EXPRESS LINES
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 17 BATTERY PLACE, SUITE 2043
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006751

ACRONYM: SESKO MARINE TRAILERS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 4715 N.W. 72ND AVENUE
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 001133

ACRONYM: SHIPPERS CONSOLIDATORS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 53 PARK PLACE, SUITE 204
CITY: NEW YORK
STATE: NY 10007
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006727

ACRONYM: SINO-PIFF INTERNATIONAL FREIGHT LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 267–275 DES VEUX ROAD, RM. 1201 LOON KEE BLD
CITY: CENTURAL
STATE:
COUNTRY: HONG KONG
NAME NUMBER: 006055

ACRONYM: STAR CARIBBEAN, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 875 CLARKSON AVENUE
CITY: BROOKLYN
STATE: NY 11203
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 006061

ACRONYM: STOLT TANK CONTAINERS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 8 SOUND SHORE DRIVE
CITY: GREENWICH
STATE: CT 06836
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 001191

ACRONYM: SURINAM NAVIGATION CO.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: WATERKANT 44
CITY: PARAMARIBO
STATE:
COUNTRY: SURINAM
NAME NUMBER: 001206

ACRONYM: TEXSHIP, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1225 NORTH LOOP WEST
CITY: HOUSTON
STATE: TX 77032
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005803

ACRONYM: TRANS OCEAN DISTRIBUTION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 851 TRAEGER AVE.
CITY: SAN BRUNO
STATE: CA 94066
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005784

ACRONYM: UNITED VAN LINES INTERNATIONAL, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: ONE UNITED DRIVE
CITY: FENTON
STATE: MO 63026
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 001756

ACRONYM: UNIVERSAL TRANSCONTINENTAL CORPORATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 325 SPRING STREET
CITY: NEW YORK
STATE: NY 10013
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 004216

ACRONYM: UNSWORTH TRANSPORT INTERNATIONAL, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1831 PENNSYLVANIA AVENUE
CITY: LINDIN
STATE: NJ 07036
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 004280

ACRONYM: VERTEX FREIGHT SYSTEMS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 522217
CITY: MIAMI
STATE: FL 33152
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005828

ACRONYM: W.C.I. FREIGHT LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1813 W. WILLARD STREET
CITY: LONG BEACH
STATE: CA 90810
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 000147

ACRONYM: WORLD TRANSPORTATION, INCORPORATED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 8415 ENVOY AVENUE
CITY: PHILADELPHIA
STATE: PA 19153
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 002859

ACRONYM: YAMATO CUSTOMS BROKERS U.S.A. INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 720 HINORY AVENUE
CITY: INGLEWOOD
STATE: CA 90301
COUNTRY: UNITED STATES OF AMERICA
NAME NUMBER: 005687

Attachment B—Federal Maritime Commission, Bureau of Domestic Regulation, Office of Carrier Tariffs and Service Contract Operations—Carriers That Failed To Respond to the Notice of Intent To Cancel Inactive Tariffs

ACRONYM: A–1 CONSOLIDATORS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 2974 NORTHWEST NORTH RIVER DRIVE
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002159.

ACRONYM: ABI LIMITED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: PIPPS HILL INDUSTRIAL ESTATE
CITY: BASILDON ESSEX SS14 3BS ENGLAND
STATE:
COUNTRY: GREAT BRITAIN
LICENSE NO.: NA.
NAME NUMBER: 005821

ACRONYM: ACADIAN OCEAN FREIGHT, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 419 RUE DECATUR

CITY: NEW ORLEANS
STATE: LA 70130
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000163
ACRONYM: AEGIS LOGISTICS SYSTEMS INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER MARINE TERMINAL OPERATOR
STREET: GILFORD INDUSTRIAL CENTER 9505 BERGER ROAD
CITY: COLUMBIA
STATE: MD 21046
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000169
ACRONYM: AFRICAN LINER SERVICE, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 58
CITY: RED BANK
STATE: NJ 07701
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000174
ACRONYM: AL-ROD INTERNATIONAL, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 5625 NORTH PEARL STREET
CITY: ROSEMONT
STATE: IL 60018
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006773
ACRONYM: ALCOA STEAMSHIP CO., INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 2568
CITY: MOBILE
STATE: AL 36652
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000193
ACRONYM: ALLMODAL SHIPPING
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1565 BEACH STREET
CITY: OAKLAND
STATE: CA 94608
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000206
ACRONYM: ALTAI SHIPPING CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 590 BELLEVILLE TURNPIKE
CITY: KEARNY
STATE: NJ 07032
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006189
ACRONYM: AMERICAN OCEAN FREIGHT LINES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 65 SPRINGFIELD AVENUE
CITY: SPRINGFIELD
STATE: NJ
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000217
ACRONYM: AMERI-LINES INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 6000 N.W. 84TH AVENUE
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006617
ACRONYM: AMERICA AFRICA EUROPE LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: TRANS-NAVAO
CITY: GRIMM, 14 2000 HAMBURG 11, WEST GERMANY
STATE:
COUNTRY: GERMAN FEDERAL REPUBLIC (WEST)
LICENSE NO.: NA.
NAME NUMBER: 007035
ACRONYM: AMERICA-AFRICA LINE, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: BEREEDERUNGSGES M.B.H. GRIMM 14
CITY: 2000 HAMBURG 11
STATE:
COUNTRY: GERMAN FEDERAL REPUBLIC (WEST)
LICENSE NO.: NA.
NAME NUMBER: 000218
ACRONYM: AMERICAN CARGO TRANSPORTATION GROUP, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 233 BROADWAY — SUITE 669
CITY: NEW YORK
STATE: NY
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005902
ACRONYM: AMERICAN CONTINENTAL LINE, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: C/O STEAMCO 11 BROADWAY
CITY: NEW YORK
STATE: NY
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005846
ACRONYM: AMERICAN INTERMODAL SERVICES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 17 BATTERY PLACE — SUITE 1717
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000230
ACRONYM: AMERICAN KINGS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1412 N.W. 82ND AVENUE
CITY: MIAMI
STATE: FL 33126
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006768
ACRONYM: AMERICAN MARITIME EXPRESS
DBA: NA.
PERSON TYPES: AGENT–FILING NON-VESSEL OPERATING COMMON CARRIER
STREET: 5242 WEST 104TH STREET
CITY: LOS ANGELES
STATE: CA 94925
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005951
ACRONYM: AMERICAN MARITIME EXPRESS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 5 MARINVIEW PLAZA—SUITE 312
CITY: HOBOKEN
STATE: NJ 07030
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000233

ACRONYM: AMERICAS CARIBBEAN
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1300 MARK STREET
CITY: ELK GROVE VILLAGE
STATE: IL 60007
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000248

ACRONYM: AMERTRANS INTERNATIONAL CORPORATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 8360 W. FLAGLER STREET #104 A
CITY: MIAMI
STATE: FL 33144
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006770

ACRONYM: ANCORA SHIPPING N.V.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: WILLEMSTAD,
CITY: CURACAO
STATE:
COUNTRY: NETHERLANDS ANTILLES
LICENSE NO.: NA.
NAME NUMBER: 000253

ACRONYM: ANGONAVE, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 200 PLAZA DRIVE, HARMON MEADOWS
CITY: SECAUCUS
STATE: NJ 07094
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000256

ACRONYM: ANTILLEAN CARGO SERVICES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 5400 N.W. 32ND COURT
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007037

ACRONYM: ANTILLES & AMAZON LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 220 E. 42ND STREET, SUITE 2100
CITY: NEW YORK
STATE: NY 10017
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006611

ACRONYM: ANTILLES TRANSPORT LINE, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: OCEANIC HOUSE, 21 WEST MAIN ST.
CITY: OYSTER BAY
STATE: NY 11771
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005884

ACRONYM: APAC LINES LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1003 WINNING COMMERCIAL BLDG., 46–48 HILLWOOD RD., TSIMSHATSUI,
CITY: KOWLOON
STATE:
COUNTRY: HONG KONG
LICENSE NO.: NA.
NAME NUMBER: 005885

ACRONYM: API CONTAINER LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 8915 SOUTH LA CIENEGA BLVD.
CITY: INGLEWOOD
STATE: CA 90301
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005886

ACRONYM: AQUA LINES INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 123 PENNSYLVANIA AVE.
CITY: SOUTH KEARNY
STATE: NJ 07032
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000264

ACRONYM: ASIA BLUE SHIPPING, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 149–10 183RD STREET
CITY: JAMAICA
STATE: NY 11413
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002849

ACRONYM: ATA NAUTICAL CORPORATION
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 3220 N.W. SOUTH RIVER DRIVE
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000283

ACRONYM: ATLANTA SHIPPING CORPORATION
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 80 BROAD STREET
CITY: MONROVIA
STATE:
COUNTRY: LIBERIA
LICENSE NO.: NA.
NAME NUMBER: 000284

ACRONYM: ATLANTIC LINES AND NAVIGATION COMPANY INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 33 BROUWERSVLIET—B–2000
CITY: ANTWERP
STATE:
COUNTRY: BELGIUM
LICENSE NO.: NA.
NAME NUMBER: 000307

ACRONYM: ATLANTIC MIDDLE EAST LINES S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: EDIFICIO BRANIFF AV FEDERICO BOYD Y CALLE 51
CITY: PANAMA CITY
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 000308

ACRONYM: ATLANTRAFFIK EXPRESS SERVICE, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 370 LEXINGTON AVENUE
CITY: NEW YORK
STATE: NY 10017
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000311

ACRONYM: ATLAS LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: EDIFICIO TORRE BANCOSUR
CITY: PANAMA 1, PANAMA
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 005899

ACRONYM: AURO MAR INC.
DBA: NA.

PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3095–B N.W. 77TH AVENUE
CITY: MIAMI
STATE: FL 33122
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000316

ACRONYM: AYO SHIPPING CORPORATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 2127
CITY: MOBILE
STATE: AL 36652
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006612

ACRONYM: B.C. SHIPPING LINE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1911 WEST ALABAMA
CITY: HOUSTON
STATE: TX 77098
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006009

ACRONYM: B.R. GLYNN INTERNATIONAL INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 167–37 PORTER ROAD
CITY: JAMICA
STATE: NY 11434
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000328

ACRONYM: BACKGAMMON CONTAINER LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 110 WEST OCEAN BLVD., SUITE 320
CITY: LONG BEACH
STATE: CA 90802
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA
NAME NUMBER: 000332

ACRONYM: BLUE SHIPPING AGENCY
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: VIA BORRA, 35–57100
CITY: LIVORNO
STATE:
COUNTRY: ITALY
LICENSE NO.: NA.
NAME NUMBER: 006766

ACRONYM: BOOKS INTERNATIONAL, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 6096
CITY: MCLEAN
STATE: VA 22106
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002802

ACRONYM: BOSTRUM-WARREN, INC.
DBA: NA.
PERSON TYPES: OCEAN FREIGHT FORWARDER (INDEPENDENT) NON-VESSEL OPERATING COMMON CARRIER
STREET: 3200 FOURTH AVE SOUTH
CITY: SEATTLE
STATE: WA 98134
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: 1729
NAME NUMBER: 001769

ACRONYM: BOW PATMAR CONTAINER LINE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1105 CASPIAN AVENUE
CITY: LONG BEACH
STATE: CA 90813
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001770

ACRONYM: BRANCO ATLANTICO LINE S.A.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 90 BROAD STREET, 2ND FLOOR
CITY: NEW YROK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006081

ACRONYM: BUSHFINCH INTERNATIONAL ENTERPRISES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 19861
CITY: RALEIGH
STATE: NC 27619
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000396

ACRONYM: C LINE MARINE INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1218 UNION STREET
CITY: BROOKLYN
STATE: NY 11225
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000642

ACRONYM: C. A. NAVIERA DE TRANSPORTE Y TURISMO
DBA: TRANSYTUR LINE
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: C/O TRANSYTUR LINE
CITY: MIAMI
STATE: FL 33132
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007048

ACRONYM: C.D.I. OF KENTUCKY, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 333 WEST VINE STREET, SUITE 1505
CITY: LEXINGTON
STATE: KY 40507
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002359

ACRONYM: C.F.M. CONSOLIDATORS INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: HOOK CREEK BLVD. & 145TH AVENUE
CITY: VALLEY STREAM
STATE: NY 11581
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005983

ACRONYM: CALIFORNIA INTERNATIONAL FREIGHT CORP.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING) NON-VESSEL OPERATING COMMON CARRIER
STREET: 425 CALIFORNIA STREET, SUITE 2200
CITY: SAN FRANCISCO
STATE: CA 94104
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000667

ACRONYM: CANATLANTIC LINE LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 8274 STATION A
CITY: ST. JOHNS, NEWFOUNDLAND, A1B3N4
STATE:
COUNTRY: CANADA
LICENSE NO.: NA.
NAME NUMBER: 005989

ACRONYM: CANTACLARO CONTAINER LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: CENTRAL BANAVEN, NUCLEO B PISO 2, OFICINA 22
CITY: CHUAD, CARACAS
STATE:
COUNTRY: VENEZUELA
LICENSE NO.: NA.
NAME NUMBER: 000678

ACRONYM: CARGOMASTERS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 33 RECTOR STREET
CITY: NEW YORK
STATE: NY 10006
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000694

ACRONYM: CARGONET (NY) INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 145 HOOK CREEK BLVD. 15
CITY: VALLEY STREAM
STATE: NY 11581
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005998

ACRONYM: CARIB ATLANTIC LINES LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: GRAND CAYMAN B.W.I.
CITY:
STATE:
COUNTRY: CAYMAN ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 000697

ACRONYM: CARIBBEAN AND CENTRAL AMERICAN LINES LIMITED
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 190
CITY: GRAND CAYMAN
STATE:
COUNTRY: CAYMAN ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 006005

ACRONYM: CARIBBEAN ANTILLEAN FREIGHT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 6501 N.W. 36TH STREET, SUITE 180
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000702

ACRONYM: CARIBBEAN BASIN TRANSPORT LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: BANK OF NOVA SCOTIA BUILDING 4TH FLOOR
CITY: GEORGETOWN
STATE:
COUNTRY: CAYMAN ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 006003

ACRONYM: CARIBBEAN CARGO SERVICES, INC.
DBA: NA.
PERSON TYPES: NON-PERSON OPERATING COMMON CARRIER
STREET: 524 BERGEN STREET
CITY: BROOKLYN
STATE: NY 11217
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000705

ACRONYM: CARIBE TRANSPORT CONSOLIDATORS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 7856 NW 72ND AVENUE
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000716

ACRONYM: CARIBMAR TRADING LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER AGENT—FILING
STREET: 3500 N.W. 114TH STREET
CITY: MIAMI
STATE: FL 33167
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000717

ACRONYM: CARIGULF LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 760
CITY: BELIZE CITY
STATE:
COUNTRY: BELIZE
LICENSE NO.: NA.
NAME NUMBER: 000719

ACRONYM: CARRERAS SHIPPING CO.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 950
CITY: SAN JUAN
STATE: PR 00902
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002777

ACRONYM: CENTRAL AMERICAN SHIPPING SERVICES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 24
CITY: PUERTO CORTES
STATE:
COUNTRY: REPUBLIC OF HONDURAS
LICENSE NO.: NA.
NAME NUMBER: 000734

ACRONYM: CENTRAL AMERICAN TRAILERS
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 14 CALLE 8–14 ZONE 1
CITY: GUATEMALA CITY
STATE:
COUNTRY: GUATEMALA
LICENSE NO.: NA.
NAME NUMBER: 000736

ACRONYM: CENTRAMER LINE, C.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: PISO 2, OFICINA 22, CHUAO
CITY: CARACAS
STATE:
COUNTRY: VENEZUELA
LICENSE NO.: NA.
NAME NUMBER: 006963

ACRONYM: CENTURY MARINE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 142–82 ROCKAWAY BOULEVARD
CITY: JAMAICA
STATE: NY 11434
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000742

ACRONYM: CHEETAH INTERNATIONAL INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1115 CLIFTON AVENUE
CITY: CLIFTON
STATE: NJ 07013
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006012

ACRONYM: CIA. MARITIMA SANADRES Y PROVIDENCIA, LTDA.
DBA: SANPROVI
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)

STREET: 3750 N.W. 28TH STREET SUITE 200
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006966
ACRONYM: CLIPPER NAVIGATION CORPORATION
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: MONROVIA, LIBERIA
STATE:
COUNTRY: LIBERIA
LICENSE NO.: NA.
NAME NUMBER: 001771
ACRONYM: COLONIAL NAVIGATION, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING) AGENT—FILING
STREET: 2 E. BRYAN STREET
CITY: SAVANNAH
STATE: GA 31412
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000764
ACRONYM: COLOMBUS CARGO SYSTEM, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 120 BROADWAY, SUITE 2903
CITY: NEW YORK
STATE: NY 10005
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006762
ACRONYM: COMBINED TRANSPORT LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 34470
CITY: NORTH KANSAS CITY
STATE: MO 64116
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006032
ACRONYM: CAMPAGNIE MARITIME ZAIROISE
DBA: NA.
PERSON TYPES: CONTROLLED CARRIER
STREET:
CITY: KINSHASA
STATE:
COUNTRY: ZAIRE
LICENSE NO.: NA.
NAME NUMBER: 000785.
ACRONYM: COMPANHIA NACIONAL DE NAVEGACAO
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: RUA DO COMERCO, 85, APARTADO 2184–1104
CITY: LISBON
STATE:
COUNTRY: PORTUGAL
LICENSE NO.: NA.
NAME NUMBER: 000790
ACRONYM: COMPANHIA PORTUGUESA DE NAVEGACAO, LDA.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: RUA ALTO DO DU RUE, 67—RESTEO 1400
CITY: LISBON
STATE:
COUNTRY: PORTUGAL
LICENSE NO.: NA.
NAME NUMBER: 006038
ACRONYM: CONCORDE CARIBE LINES, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 2150 N.W. 70TH AVENUE
CITY: MIAMI
STATE: FL 33122
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000797
ACRONYM: CONEX MARINE, LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 2500 WILSHIRE BLVD. #1026
CITY: LOS ANGELES
STATE: CA 90057
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002154
ACRONYM: CONQUEST INDUSTRIES, LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1500 BROADWAY — SUITE 2304
CITY: NEW YORK
STATE: NY 10036
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002156
ACRONYM: CONTIMAR GULFMED LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: EBBCHAUSSEE 189
CITY: 2000–52 HAMBURG
STATE:
COUNTRY: GERMAN FEDERAL REPUBLIC (WEST)
LICENSE NO.: NA.
NAME NUMBER: 000825
ACRONYM: CONTRAMAR S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: KIPPERSTRAAT 15
CITY: 2020 ANTWERPEN
STATE:
COUNTRY: BELGIUM
LICENSE NO.: NA.
NAME NUMBER: 000824
ACRONYM: COSMOS EXPRESS
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 39 BROADWAY
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000833
ACRONYM: CYLANCO S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 25 DE MAYO 444 4 PISO
CITY: MONTEVIDEO
STATE:
COUNTRY: URUGUAY
LICENSE NO.: NA.
NAME NUMBER: 002430
ACRONYM: DAMCO-BOSTON, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 140 WOOD ROAD
CITY: BRAINTREE
STATE: MA 02184
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000904
ACRONYM: DAMCO-CHARLESTON, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 215 EAST BAY STREET
CITY: CHARLESTON
STATE: SC 29402
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000905
ACRONYM: DATE LINE SHIPPING INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 42 BROADWAY
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.

NAME NUMBER: 000916
ACRONYM: DECA MARINE CORPORATION
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 18065 SOUTHWEST 77TH AVENUE
CITY: MIAMI
STATE: FL 33157
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000921
ACRONYM: DELF SHIPPING (PTY.) LIMITED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 117 SANDOWN CENTRE
CITY: MAUD STREET-SANDOWN-SANDTON-TRANSVAAL
STATE:
COUNTRY: LESOTHO
LICENSE NO.: NA.
NAME NUMBER: 000923
ACRONYM: DELFIN MARINA S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: AQUILIANO DE LA GUARDIA NO. 3
CITY: CUIDAD DE PANAMA
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 005815
ACRONYM: DELTA CARIBBEAN LINES LIMITED
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: LOUISIANA AVENUE OPEN WHARF P.O. BOX 750274
CITY: NEW ORLEANS
STATE: LA 70175
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006967
ACRONYM: DESFORD LINES, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 80 BROAD STREET
CITY: MONROVIA
STATE:
COUNTRY: LIBERIA
LICENSE NO.: NA.
NAME NUMBER: 000930
ACRONYM: DIONYSIA SHIPPING CORPORATION
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: BOERENIEGERSTRAAT 171
CITY: B 2520 EDEGEM (ANTWERP)
STATE:
COUNTRY: BELGIUM
LICENSE NO.: NA.
NAME NUMBER: 00936
ACRONYM: DIV-DIV LINE, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: TORTOLA
STATE:
COUNTRY: VIRGIN ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 00945
ACRONYM: DOUBLE EAGLE LINES, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 75 LANDSCAPE AVENUE
CITY: YONKERS
STATE: NY 10705
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002220
ACRONYM: DPS FREIGHT SERVICES LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: STONE HOUSE, 128–140 BISHOPSGATE
CITY: LONDON EC2M 4HX ENGLAND
STATE:
COUNTRY: GREAT BRITAIN
LICENSE NO.: NA.
NAME NUMBER: 005740
ACRONYM: DURION FREIGHT LINES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: UNIVERAL AMERICAN 1860 ALA MOANA BLVD, SUITE 706
CITY: HONOLULU
STATE: HI 96815
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005701
ACRONYM: E.D.S. INTERNATIONAL SHIPPING CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 506–528 COZINE AVENUE
CITY: BROOKLYN
STATE: NY 11208
COUNTRY: UNITED STATE OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006757
ACRONYM: E.W.E. TRANSPORTATION COMPANY INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: PIER 56
CITY: SEATTLE
STATE: WA 98101
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006088
ACRONYM: EAL EUROPA-AFRIKA-LINIE GMBH
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: HINTER DER MAUER 9
CITY: BREMEN
STATE:
COUNTRY: GERMAN FEDERAL REPUBLIC (WEST)
LICENSE NO.: NA.
NAME NUMBER: 002764
ACRONYM: ECONOLINES
DBA: A.J. GROUPAGE B.V. (A SERVICE OF)
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 34 HEEMRAADSSINGEL
CITY: 3021 DB ROTTERDAM
STATE:
COUNTRY: NETHERLANDS ANTILLES
LICENSE NO.: NA.
NAME NUMBER: 006090
ACRONYM: ELITE CONTAINER SYSTEMS (USA) LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 299 BROADWAY, SUITE 1215
CITY: NEW YORK
STATE: NY 10007
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002221
ACRONYM: EMPROS LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 17 BATTERY PLACE
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006970
ACRONYM: ETHIOPIAN SHIPPING LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 2572
CITY: ADDIS ABABA
STATE:
COUNTRY: ETHIOPIA
LICENSE NO.: NA.
NAME NUMBER: 001244
ACRONYM: EURAM LINES AND NAVIGATION INC.
DBA: NA.

PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: PANAMA, R.P.
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 001245
ACRONYM: EUROAD INTERNATIONAL, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3785 N.W. 82ND AVENUE
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001250
ACRONYM: EUROPEAN EXPRESS SHIPPING LINES CO.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 17 BATTERY PLACE—SUITE 1930
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001259
ACRONYM: EUROPEAN OCEAN FREIGHT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 17 BATTERY PLACE—SUITE 236
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001260
ACRONYM: EUROTRAMP INTERNATIONAL LIMITED
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX N
CITY: 8327 NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 006109
ACRONYM: EXPRESO A. SANTO DOMINGO, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: G.P.O. BOX 3433
CITY: SAN JUAN
STATE: PR 00936
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006306
ACRONYM: EXPRESS FORWARDING AND STORAGE CO., INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 19 RECTOR STREET
CITY: NEW YORK
STATE: NY 10006
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001270
ACRONYM: EXPRESSVAN INTERNATIONAL, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 19 RECTOR STREET
CITY: NEW YORK
STATE: NY 10006
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001272
ACRONYM: FAST INTERNATINAL TRANSPORTATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 147-39 75TH STREET SUITE 215
CITY: JAMAICA
STATE: NY 11434
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000410
ACRONYM: FASTAINER LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 14814 S. DREXEL AVENUE
CITY: DOLTON
STATE: IL 60419
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006752
ACRONYM: FEMTCO
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 691
CITY: SAN FRANCISCO
STATE: CA 94105
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001777
ACRONYM: FIRST INTERNATIONAL SHIPPING CO.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 4211 MAINE TRAIL
CITY: CRYSTAL LAKE
STATE: IL 60014
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001783
ACRONYM: FLORA BANANERA ECUATORIANA S.A.
DBA: NA.
PERSON TYPES: CONTROLLED CARRIER
STREET: P. ICAZA 437, EDIFICIO ATAHUALPA, 9TH FLOOR
CITY: GUAYAQUIL
STATE:
COUNTRY: ECUADOR
LICENSE NO.: NA.
NAME NUMBER: 000414
ACRONYM: FLOTA DE QUIMICOS, C.A. (FLOQUIM)
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: NUCLEO A. PISO 13 OF 131 A
CITY: CARACAS
STATE:
COUNTRY: VENEZUELA
LICENSE NO.: NA.
NAME NUMBER: 001788
ACRONYM: FLUMAR PARAGUAYA, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: CALLE TTE. V.KANONNIKOFF 998
CITY: ASCUNCION
STATE:
COUNTRY: PARAGUAY
LICENSE NO.: NA.
NAME NUMBER: 001785
ACRONYM: FREIGHTMASTERS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 264
CITY: MOUNT PROSPECT
STATE: IL 60056
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000436
ACRONYM: FRESHPRO INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 125 WEST 4TH STREET, SUITE 213
CITY: LOS ANGELES
STATE: CA 90013
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002163
ACRONYM: FUJIAN SHIPPING CO.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)

STREET: 79 ZHONG PING RD.
CITY: FUZHOU, FUJIAN PROVINCE
STATE:
COUNTRY: PEOPLE'S REPUBLIC OF CHINA
LICENSE NO.: NA.
NAME NUMBER: 006972

ACRONYM: G & E UNITED CARGO CONSOLIDATOR
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 2322 BRYANT STREET
CITY: SAN FRANCISCO
STATE: CA 94110
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006251

ACRONYM: GALLOWAY TRANSPORT SERVICES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 9055 S.W. 87TH AVENUE—SUITE 33176
CITY: MIAMI
STATE: FL
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000454

ACRONYM: GASMAR S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 25 DE MAYO 444 PISO 4
CITY: MONTEVIDEO
STATE:
COUNTRY: URUGUAY
LICENSE NO.: NA.
NAME NUMBER: 000456

ACRONYM: GAYDEM MARINE SYSTEMS LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 191 ROUTE DE DELMAS, COINDELMAS 25
CITY: PORT-AU-PRINCE
STATE:
COUNTRY: HAITI
LICENSE NO.: NA.
NAME NUMBER: 000458

ACRONYM: GERMAN AMERICAN LINE S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 119 VIA ESPANA
CITY: PANAMA CITY
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 000468

ACRONYM: GLOBAL REFFER CARRIER, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 3701 N.W. SOUTH RIVER DRIVE
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006974

ACRONYM: GLOBEX CONTRACT CARRIER
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1 TUDOR CIRCLE
CITY: YORKTOWN
STATE: NY 10598
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006743

ACRONYM: GOLDSTAR LINE LIMITED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: SUITE, 2 WEASTE TRADING ESTATE, LIVERPOOL ST.
CITY: WEASTE, SALFORD M6 5RL UNITED KINGDOM
STATE:
COUNTRY: GREAT BRITAIN
LICENSE NO.: NA.
NAME NUMBER: 005889

ACRONYM: GORTHON LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: GORTHONS REDERI A/B
CITY: HELSINGBORG
STATE:
COUNTRY: SWEDEN
LICENSE NO.: NA.
NAME NUMBER: 000475

ACRONYM: GUAM SHIPPING LINES, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING) AGENT-FILING
STREET: 220 EAST MARINE DRIVE
CITY: AGANA
STATE: 96910
COUNTRY: GUAM
LICENSE NO.: NA.
NAME NUMBER: 005893

ACRONYM: GULF STREAM LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 20 STONE STREET
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006253

ACRONYM: GUYSTAR INTERNATIONAL SHIPPING & TRADING CO.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 146 STUYVESANT AVENUE
CITY: NEWARK
STATE: NY 07106
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005859

ACRONYM: HAFSKIP LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 66 READE STREET
CITY: NEW YORK
STATE: NY 10007
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001420

ACRONYM: HANIBAL LINES, S. A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 8811 N.W. 23RD STREET
CITY: MIAMI
STATE: FL 33126
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001424

ACRONYM: HERITAGE AIRFREIGHT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 113 SIERRA STREET
CITY: EL SEGUNDO
STATE: CA 90245
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005848

ACRONYM: HORN-LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: BAUMWALL 3, 2000 HAMBORG 11
CITY: WEST GERNMAN
STATE:
COUNTRY: GERMAN FEDERAL REPUBLIC (WEST)
LICENSE NO.: NA.
NAME NUMBER: 0015696

ACRONYM: IBERO LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: JOAQUIN, COSTA #36
CITY: MADRID
STATE:
COUNTRY: SPAIN

LICENSE NO.: NA.
NAME NUMBER: 001578
ACRONYM: IMPOREX, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 33 BROAD STREET, SUITE 330
CITY: BOSTON
STATE: MA 02109
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001327
ACRONYM: INLAND FREIGHT LINES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 707
CITY: ORANGE
STATE: CA 92666
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001396
ACRONYM: INTER-TRADE SHIPPING, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 5099
CITY: HIALEAH
STATE: FL 33014
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005697
ACRONYM: INTERCONTINENT EXPRESS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 7L4 SO. ISIS AVENUE
CITY: INGLEWOOD
STATE: CA 90301
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001340
ACRONYM: INTERCONTINENTAL MARINE LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 410 SEVERN AVENUE, SUITE #312
CITY: ANNAPOLIS
STATE: MD 21403
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001342
ACRONYM: INTERCONTINENTAL MARITIMA, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: ZEPITA 268 OF 602
CITY: CASILLA 4, CALLAO
STATE:
COUNTRY: PERU
LICENSE NO.: NA.
NAME NUMBER: 001343
ACRONYM: INTERNATIONAL FREIGHT SERVICES
DBA: NA.
PERSON TYPES: OCEAN FREIGHT FORWARDER (INDEPENDENT) NON-VESSEL OPERATING COMMON CARRIER
STREET: 161 PRESCOTT ST
CITY: EAST BOSTON
STATE: MA 02128
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: 2614
NAME NUMBER: 006561
ACRONYM: INTERNATIONAL SERVICES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 610903
CITY: DFW AIRPORT
STATE: TX 75261
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005906
ACRONYM: INTERNATIONAL SHIPPING COMPANY, THE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 5550 FRIENDSHIP BOULEVARD, #250
CITY: CHEVY CHASE
STATE: MD 20815
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001372
ACRONYM: INTERNATIONAL SUCCESS CORPORATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 6041 WEST IMPERIAL HIGHWAY
CITY: LOS ANGELES
STATE: CA 90045
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007063
ACRONYM: INTRA-MODAL SYSTEMS CO.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 3937
CITY: SAVANNAH
STATE: GA 31404
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001380
ACRONYM: ISLAND LINE SHIPPING CO., LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 21310
CITY: FT. LAUDERDALE
STATE: FL 33335
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006986
ACRONYM: ISLAND SHIPPING LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 680
CITY: GRAND CAYAN BWI
STATE:
COUNTRY: CAYMAN ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 001385
ACRONYM: ISLAND TRADE SHIPPING LINE, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 1824
CITY: PANAMA 1
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 001366
ACRONYM: J L S INTERNATIONAL CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 13011 OLD HICKORY BLVD. ROOM 210
CITY: ANTIOCH
STATE: TN 37013
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005874
ACRONYM: J.C.T. BENELUX B.V.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: WAALHAVEN Z.Z. 6–3088 HH
CITY: ROTTERDAM
STATE:
COUNTRY: THE NETHERLANDS, HOLLAND
LICENSE NO.: NA.
NAME NUMBER: 006749
ACRONYM: JECO SHIPPING INTERNATIONAL, N.V.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: G.W. BURGERPLEIN 5–7 3021 AS

CITY: POSTBUS 1041–3000 BA, ROTTERDAM
STATE:
COUNTRY: THE NETHERLANDS, HOLLAND
LICENSE NO.: NA.
NAME NUMBER: 001409

ACRONYM: JEPSEN INTERNATIONAL
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1000 N. VILLA AVENUE
CITY: VILLA PARK
STATE: IL 60181
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001412

ACRONYM: KEY KARGO CONTAINER SERVICE INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 145 HOOK CREEK BLVD., BLDG. 1A NORTH
CITY: VALLEY STREAM
STATE: NY 11581
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005694

ACRONYM: KOCTUG LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 884–KARAKOY
CITY: ISTANBUL
STATE:
COUNTRY: TURKEY
LICENSE NO.: NA.
NAME NUMBER: 001480

ACRONYM: KOTOBUKI U.S.A. INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 9500 WESTVIEW—SUITE 101
CITY: HOUSTON
STATE: TX 77055
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005745

ACRONYM: L.C.L. INCORPORATED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: C/O CLOSE OCEAN SHIPPING, ATTN: MR. OLMEDA ONE WORLD TRADE CENTER, SUITE 20045
CITY: NEW YORK
STATE: NY 10048
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001580

ACRONYM: L.V.V.—VALDEZ LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: PROSPERO, 330
CITY: IQUITOS
STATE:
COUNTRY: PERU
LICENSE NO.: NA.
NAME NUMBER: 001581

ACRONYM: LASER CARGO SERVICES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 7240 N.W. 36TH COURT
CITY: MIAMI
STATE: FL 33147
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001589

ACRONYM: LIBERTY LINES, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 62048
CITY: HOUSTON
STATE: TX 77205
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006976

ACRONYM: LINE MANAURE C.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: MATURIN A SANTA BARBARA 38
CITY: CARACAS 101
STATE:
COUNTRY: VENEZUELA
LICENSE NO.: NA.
NAME NUMBER: 001606

ACRONYM: LINEAS DEL CARIBE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 2071
CITY: BARRANQUILLA
STATE:
COUNTRY: COLOMBIA
LICENSE NO.: NA.
NAME NUMBER: 006979

ACRONYM: LITRAC B.V.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: BEVRIJDINGSWEG 114 5915 PL
CITY: POSTBUS 680 5900 AR VENLO
STATE:
COUNTRY: THE NETHERLANDS, HOLLAND
LICENSE NO.: NA.
NAME NUMBER: 001611

ACRONYM: LONG WING EXPRESS LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 55–803 TAIPEI
CITY: NO. 5 LANE 43, SHUANG ST. TAIPEI 10465 TAIWAN
STATE:
COUNTRY: PEOPLE'S REPUBLIC OF CHINA
LICENSE NO.: NA.
NAME NUMBER: 005917

ACRONYM: LORRY, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 81247
CITY: ATLANTA
STATE: GA 30366
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001621

ACRONYM: LYON WORLDWIDE SHIPPING, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 4167
CITY: BELLEVUE
STATE: WA 98009
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006742

ACRONYM: LYONS TRANSPORT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: FIRST AVENUE AND JOILET RD.
CITY: MCCOOK
STATE: IL 60525
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001630

ACRONYM: M.E.A.L./W.E.C.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 1 EDGEWATER PLAZA
CITY: STATEN ISLAND
STATE: NY 10305
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001636

ACRONYM: M.L.S. MARITIME LOGISTIC SERVICES SA
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: BD PEROLLES 1 P.O. BOX 587
CITY: 1600 FRIBOURG
STATE:
COUNTRY: SWITZERLAND
LICENSE NO.: NA.

NAME NUMBER: 001632
ACRONYM: MAGNOLIA SHIPPING CO.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 3083
CITY: MOBILE
STATE: AL 36652
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005953
ACRONYM: MAJESTIC LINE VENEZOLANA, C.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: AVENIDA MIRADA CRUCE CON PAEZ PORLAMAR
CITY: ISLA MARGARITA
STATE:
COUNTRY: VENEZUELA
LICENSE NO.: NA.
NAME NUMBER: 001642
ACRONYM: MALAYSIAN INTL. SHIPPING CORPORATION BERHAD
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 2ND FLOOR, WISMA M.I.S.C. NO. 2 JOLAN COLONY
CITY: KUALA LUMPUR, PENISULAR MALAYSIA
STATE:
COUNTRY: MALAYASIA
LICENSE NO.: NA.
NAME NUMBER: 001644
ACRONYM: MANTRACO LIMITED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 34 CHANG AN EAST RD. SEC. 2
CITY: TAIPEI 104
STATE:
COUNTRY: PEOPLE'S REPUBLIC OF CHINA
LICENSE NO.: NA.
NAME NUMBER: 005950
ACRONYM: MAR AZUL MOTORSHIPS, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 3701 N. W. SOUTH RIVER DRIVE
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001647
ACRONYM: MARBRAC INTERNATIONAL
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 27 AVENUE S
CITY: BROOKLYN
STATE: NY 11223
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001651
ACRONYM: MARCELLA SHIPPING COMPANY
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 31 NORTH SOUTHRIVER DR.
CITY: MIAMI
STATE: FL 33128
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006981
ACRONYM: MARINE CONTAINER LINE LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1010 KNOX STREET
CITY: TORRANCE
STATE: CA 90502
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001663
ACRONYM: MARINER CONTAINER LINE LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1010 KNOX STREET
CITY: TORRANCE
STATE: CA 90502
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006739
ACRONYM: MARINEX SHIPPING LINES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 746 BIRGINAL DRIVE
CITY: BENSENVILLE
STATE: IL 60106
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001664
ACRONYM: MARITIMA AQUATRAN, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 68–23 FULTON
CITY: HOUSTON
STATE: TX 77022
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001667
ACRONYM: MARITIMAS ESLATT, CIA.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: CAMILO ESLAIT P.O. BOX 2071
CITY: BARRANQUILLA
STATE:
COUNTRY: COLUMBIA
LICENSE NO.: NA.
NAME NUMBER: 001669
ACRONYM: MARITIME COMPANY OF THE PACIFIC
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1441 KAPIOLANI BLVD., SUITE 905–A
CITY: HONOLULU
STATE: HI 96814
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001671
ACRONYM: MARITIME LOGISTICS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 9021 GAYLORD STREET
CITY: HOUSTON
STATE: TX 77024
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005945
ACRONYM: MARSHALL ISLANDS MARITIME COMPANY, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 2, MAJURO
CITY: MARSHALL ISLANDS 96960
STATE:
COUNTRY: PACIFIC ISLES: MARSHALL, CAROLINES, MARIANNAS
LICENSE NO.: NA.
NAME NUMBER: 001681
ACRONYM: MAT LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 251, ARNOLD HOUSE 36/41 HOLYWL LN.
CITY: LONDON EC2P 2EQ
STATE:
COUNTRY: GREAT BRITAIN
LICENSE NO.: NA.
NAME NUMBER: 001684
ACRONYM: MAYACA SHIPPING CO. LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: RTE 1, 8262 35TH ST. SO.
CITY: LAKEWORTH
STATE: FL 33467

COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002266
ACRONYM: MED EXPRESS LINES LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 160 BROADWAY—9TH FLOOR
CITY: NEW YORK
STATE: NY 10038
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001692
ACRONYM: MED LAKES LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 233 N. MICHIGAN AVENUE
CITY: CHICAGO
STATE: IL 60601
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001693
ACRONYM: MEDAFRICA LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 22 CORTLANDT STREET
CITY: NEW YORK
STATE: NY 10007
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001694
ACRONYM: MEDITE SHIPPING COMPANY (UK) LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: SUITE 11, ORWELL HOUSE, FERRY LAND
CITY: FELIXSTOWE, SULFOLK
STATE:
COUNTRY: ENGLAND
LICENSE NO.: NA.
NAME NUMBER: 005947
ACRONYM: MEDITERRANEAN CONTAINER LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 266 KELLOGG STREET
CITY: PORT NEWARK
STATE: NJ 07114
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005949
ACRONYM: MEDTRAIN MEDITERRANEAN SHIPPING GMBH & CO. KG
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 160 BROADWAY—9TH FLOOR
CITY: NEW YORK
STATE: NY 10038
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001700
ACRONYM: MERCATOR INTERNATL. FRT. (H.K.) LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 88–91 GLOUCESTER ROAD
CITY: CHINA UNDERWRITERS BLDG.
STATE:
COUNTRY: HONG KONG
LICENSE NO.: NA.
NAME NUMBER: 05960
ACRONYM: MERCHANTS NORTH AMERICAN SHIPPING LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 400 RUE ST. VINCENT
CITY: MONTREAL
STATE:
COUNTRY: CANADA
LICENSE: NA.
NAME NUMBER: 006984
ACRONYM: MERMAID OCEAN SYSTEMS, INCORPORATED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 161 PRESCOTT STREET
CITY: EAST BOSTON
STATE: MA 02128
COUNTRY: UNITED STATES OF AMERICA
LICENSE: NA.
NAME NUMBER: 001710
ACRONYM: MES CONTAINER SERVICE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 4000 WEST JEFFERSON
CITY: DETROIT
STATE: MI 48209
COUNTRY: UNITED STATES OF AMERICA
LICENSE: NA.
NAME NUMBER: 001712
ACRONYM: METEORO EXPRESS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 522412
CITY: MIAMI
STATE: FL 33152
COUNTRY: UNITED STATES OF AMERICA
LICENSE: NA.
NAME NUMBER: 001716
ACRONYM: MEX CARIB LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 2305 VETERANS MEMORIAL BLVD. SUITE G
CITY: METAIRIA
STATE: LA 70002
COUNTRY: UNITED STATES OF AMERICA
LICENSE: NA.
NAME NUMBER: 006977
ACRONYM: MICRO-BRIDGE CONSOLIDATORS LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1000 TUNG SHUN HING COMMERCIAL CENTER
CITY: 20–20A GRANVILLE ROAD, KOWLOON
STATE:
COUNTRY: HONG KONG
LICENSE: NA.
NAME NUMBER: 005958
ACRONYM: MICRONESIA TRANSPORT LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: UNDERWOOD HOUSE, 37–49 PITT STREET
CITY: SYDNEY N.S.W.
STATE: 2000
COUNTRY: AUSTRALIA
LICENSE: NA.
NAME NUMBER: 002790
ACRONYM: MIDWEST OCEAN LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 12800 BUTLER DRIVE
CITY: CHICAGO
STATE: IL 60633
COUNTRY: UNITED STATES OF AMERICA
LICENSE: NA.
NAME NUMBER: 001721
ACRONYM: MISR SHIPPING COMPANY
DBA: NA.
PERSON TYPES: CONTROLLED CARRIER
STREET: NO. 6 EL HORRIA AVENUE, P.O. BOX 2381
CITY: ALEXANDRIA
STATE:
COUNTRY: EGYPT
LICENSE: NA.
NAME NUMBER: 001727
ACRONYM: MORTENSEN & LANGE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: STRANDVEJEN 32D
CITY: DK 2100 COPENHAGEN OE DENMARK
STATE:
COUNTRY: DENMARK

LICENSE: NA.
NAME NUMBER: 001738
ACRONYM: MOS LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 90 BROAD STREET SUITE 23
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE: NA.
NAME NUMBER: 005967
ACRONYM: MOULTON SHIPPING LINE, LIMITED, THE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 15 PIETERMAAI
CITY: CURACAO
STATE:
COUNTRY: NETHERLANDS ANTILLES
LICENSE: NA.
NAME NUMBER: 001740
ACRONYM: MPC TRANSTAINER LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: RM 1201, 12TH FLOOR NO. 246, SEC. 2, CHANG AN E. RD.
CITY: TAIPEI
STATE:
COUNTRY: TAIWAN
LICENSE NO.: NA.
NAME NUMBER: 006705
ACRONYM: NATA SHIPPING CORPORATION
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: % SANCOL SHIPPING CORP., 17804 S.W. 83 COURT
CITY: MIAMI
STATE: FL 33157
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006641
ACRONYM: NATCO INTERNATIONAL TRANSPORTE AG
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: POSTFACH 281
CITY: 8036 ZURICH
STATE:
COUNTRY: SWITZERLAND
LICENSE NO.: NA.
NAME NUMBER: 001499
ACRONYM: NAURU PACIFIC LINE
DBA: NA.
PERSON TYPES: CONTROLLED CARRIER
STREET: 80 COLLINS STREET
CITY: MELBOURNE, VICTORIA
STATE:
COUNTRY: AUSTRALIA
LICENSE NO.: NA.
NAME NUMBER: 001503
ACRONYM: NAUTICAL SERVICES CORPORATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 2950
CITY: FREEPORT
STATE: TX 77541
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001505
ACRONYM: NAVIERA CUMBOTO, S.A.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: ZONA POSTAL 2024, APARTADO 298
CITY: PUERTO CABELLO
STATE:
COUNTRY: VENEZUELA
LICENSE NO.: NA.
NAME NUMBER: 002786
ACRONYM: NAVIERA DEL PACIFICIO
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: EL ORO NO. 101
CITY: QUAYAQUIL
STATE:
COUNTRY: ECUADOR
LICENSE NO.: NA.
NAME NUMBER: 001514
ACRONYM: NAVIERA QUAYANA C.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: DE BELLO MONTE, 1 PISO OFC. 9
CITY: CARACAS 1050
STATE:
COUNTRY: VENEZUELA
LICENSE NO.: NA.
NAME NUMBER: 001516
ACRONYM: NAVIERA MERCANTE C.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX S–2367
CITY: SAN JUAN
STATE: PR 00903
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001526
ACRONYM: NAVIERA MULTINACIONAL DEL CARIBE S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 10095
CITY: SAN JOSE
STATE:
COUNTRY: COSTA RICA
LICENSE NO.: NA.
NAME NUMBER: 001517
ACRONYM: NAVIERA NICARAGUENSE, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 3523
CITY: MANAGUA
STATE:
COUNTRY: NICARAGUA
LICENSE NO.: NA.
NAME NUMBER: 001520
ACRONYM: NAVIERA PASCHOLD, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: SAN ANTONIO
STATE:
COUNTRY: CHILE
LICENSE NO.: NA.
NAME NUMBER: 006145
ACRONYM: NEFERTITI LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: ALEXANDRIA
STATE:
COUNTRY: EGYPT
LICENSE NO.: NA.
NAME NUMBER:006961
ACRONYM: NISSHO SHIPPING CO., LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: NO. 33 MORI BLDG. 8–21, TORANOMON 3–CHOME
CITY: MINATO-KU, TOKYO
STATE:
COUNTRY: JAPAN
LICENSE NO.: NA.
NAME NUMBER: 001551
ACRONYM: NORTH AFRICA NAVIGATION, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX N624
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 001560
ACRONYM: NORTH AMERICAN WEST AFRICAN LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: INDIA BUILDINGS, WATER STREET
CITY: LIVERPOOL 2

STATE:
COUNTRY: GREAT BRITAIN
LICENSE NO.: NA.
NAME NUMBER: 001528
ACRONYM:NORTH ANDROS SHIPPING, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: LOWE SOUND
CITY: ANDROS
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 001562
ACRONYM:NOVO INTERNATIONAL EXPRESS CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 11930 S.W. 35TH STREET
CITY: MIAMI
STATE: FL 33175
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001568
ACRONYM: NUASA (FLORIDA) EXPRESS INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 16201 S.W. 95 AVENUE
CITY: MIAMI
STATE: FL 33157
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001569
ACRONYM: NYCO-AMERICAN, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 217 N.W. 1 AVENUE
CITY: HILLANDALE
STATE: FL 33009
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001572
ACRONYM: NYTA INTERNATIONAL CORPORATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1328 BROADWAY, SUITE 603
CITY: NEW YORK
STATE: NY 10001
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006183
ACRONYM: OCEAN CONTRACT CARRIERS (O.C.C.), INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 11 PARK PLACE SUITE 612
CITY: NEW YORK
STATE: NY 10007
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001281
ACRONYM: OCEAN FREIGHT SYSTEMS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 8496 N.W. 61st STREET
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001284
ACRONYM: OCEAN SHIPPING LIMITED
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: HAMILTON
STATE:
COUNTRY: BERMUDA
LICENSE NO.: NA.
NAME NUMBER: 006811
ACRONYM: OCEAN SYSTEMS INTERNATIONAL
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 451
CITY: CRANFORD
STATE: NJ 07016
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001287
ACRONYM: OCEAN-AIR CONTAINER SERVICE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 547 WEST 26TH STREET
CITY: NEW YORK
STATE: NY 10001
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001278
ACRONYM: OCEANIA LINE, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 170
CITY: SAIPAN, M.I.
STATE:
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006812
ACRONYM: OVERSEAS CONSOLIDATORS COMPANY
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 5730 ARBOR VITAE
CITY: LOS ANGELES
STATE: CA 90045
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001305
ACRONYM: OVERSEAS CONTAINER FORWARDING, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1774 W. 5TH AVE.
CITY: VANCOUVER, BRITISH COLUMBIA V6J 1P2
STATE:
COUNTRY: CANADA
LICENSE NO.: NA.
NAME NUMBER: 001306
ACRONYM: OVERSEAS CONTAINER SYSTEM, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 2701 LAKESIDE AVENUE
CITY: CLEVELAND
STATE: OH 44114
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001307
ACRONYM: OVERSEAS MARITIME CARRIERS
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: KAEISER STRAAT 22
CITY: ANTWERP
STATE:
COUNTRY: BELGIUM
LICENSE NO.: NA.
NAME NUMBER: 001309
ACRONYM: OVERSEAS SHIPPING & TRANSPORTATION, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 90654
CITY: LOS ANGELES
STATE: CA 90009
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001311
ACRONYM: PACIFIC & ATLANTIC LINES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 19 RECTOR STREET
CITY: NEW YORK
STATE: NY 10006
COUNTRY: UNITED STATES OF AMERICA

LICENSE NO.: NA.
NAME NUMBER: 007062
ACRONYM: PACIFIC COMMON CARRIER LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 39–8, 2–CHOME NISHI-SHINBASHI MINATO–KU
CITY: TOKYO
STATE:
COUNTRY: JAPAN
LICENSE NO.: NA.
NAME NUMBER: 00971
ACRONYM: PANATLANTIC U.S.A., INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 336 SUMMER RIDGE DRIVE
CITY: ST CHARLES
STATE: MO 63303
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006733
ACRONYM: PARKLINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: RUE ST. PIERRE 30
CITY: CH–1700 FRIBOURG
STATE:
COUNTRY: SWITZERLAND
LICENSE NO.: NA.
NAME NUMBER: 001001
ACRONYM: PARLING SHIPPING CO.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 22055
CITY: LONG BEACH
STATE: CA 90801
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001002
ACRONYM: PENN YAN EXPRESS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 100 WEST LAKE ROAD
CITY: PENN YAN
STATE: NY 14527
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006734
ACRONYM: PERALTA WESTAWARD LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 80 BROAD STREET
CITY: MONROVIA
STATE:
COUNTRY: LIBERIA
LICENSE NO.: NA.
NAME NUMBER: 001010
ACRONYM: PHOENIX INTERNATIONAL CONTAINER SERVICES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1812 ELMHURST ROAD
CITY: ELK GROVE VILLAGE
STATE: IL 60007
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001016
ACRONYM: POCOCA CONSOLIDATORS (H.K.) LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: WORLD FINANCE CENTER, NORTH TOWER ROOM 1701
CITY: HARBOUR CITY, KNOLOON
STATE:
COUNTRY: HONG KONG
LICENSE NO.: NA.
NAME NUMBER: 006735
ACRONYM: PREMIER CONTAINER LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING
STREET: 2100 TRAVIS ST. SUITE 1300
CITY: HOUSTON
STATE: TX 77002
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002228
ACRONYM: PRIMARY INTERNATIONAL EXPORT CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 330 EAST 39TH STREET—SUITE 15B
CITY: NEW YORK
STATE: NY 10016
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001036
ACRONYM: PRIME CARRIERS INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 6300 N.W. 84TH AVENUE
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001037
ACRONYM: PROGRESSIVE OCEAN LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 700 FIRST STREET
CITY: HARRISON
STATE: NJ 07029
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001039
ACRONYM: PROJECT SHIPPING INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1800 AUGUSTA, SUITE 128
CITY: HOUSTON
STATE: TX 77057
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006123
ACRONYM: PROODOS MARINE CARRIERS
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: BOUBOULINAS 47–49
CITY: PIRAEUS
STATE:
COUNTRY: GREECE
LICENSE NO.: NA.
NAME NUMBER: 001041
ACRONYM: PROSALES TRANSPORT CARIER
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 2050 CENTER AVENUE, SUITE 302
CITY: FORT LEE
STATE: NJ 07024
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006168
ACRONYM: PRUDENTIAL LINES, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING
STREET: ONEL WORLD TRADE CENTER, SUITE 3701
CITY: NEW YORK
STATE: NY 10048
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001042
ACRONYM: PUERTO RICO MARINE DISTRIBUTION
DBA: NA.
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: 1521 GREEN OAK PLACE SUITE 204A
CITY: KINGWOOD
STATE: TX 77339
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002270

ACRONYM: QUINTO SHIPPING COMPANY, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 61
CITY: BELIZE CITY
STATE:
COUNTRY: BELIZE
LICENSE NO.: NA.
NAME NUMBER: 001579

ACRONYM: R.G. CURBELO
DBA: NA.
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: 8496 N.W. 61ST STREET
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006070

ACRONYM: RAMON C. UNGCO
DBA: PORT JERSEY SHIPPING INDUSTRIES
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: 123 VAN WINKLE AVENUE
CITY: JERSEY CITY
STATE: NJ 07306
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005780

ACRONYM: REARDON EXPORT (OCEAN) INC.
DBA: NA.
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 107
CITY: EAST BOSTON
STATE: MA 02128
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000860

ACRONYM: RED OAK INDUSTRIES LTD., INC.
DBA: NA.
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: BOX J
CITY: BLAIRSTOWN
STATE: NJ 07825
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000861

ACRONYM: RED SEA NAVIGATION LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 26 BROADWAY
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000862

ACRONYM: RELIANCE SHIPPING INC.
DBA: NA.
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: 473 PUTNAM AVENUE
CITY: BROOKLYN
STATE: NY 12111
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000868

ACRONYM: REXCO LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 4600 DUKE STREET, SUITE 310
CITY: ALEXANDRIA
STATE: VA 22304
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000871

ACRONYM: ROCCI CORPORATION
DBA: NA.
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: 5111 LEESBURG PIKE, SUITE 100
CITY: FALLS CHURCH
STATE: VA 22041
COUNTRY: JAPAN
LICENSE NO.: NA.
NAME NUMBER: 005719

ACRONYM: ROF EXPRESS LTD.
DBA: NA.
PERSON TYPES: NON–VESSEL OPERATING COMMON CARRIER
STREET: FLAT 8, NEWPORT CENTRE 2/F 116 MA TAU KOK ROAD
CITY: TOKWAWAN, KOWLOON
STATE:
COUNTRY: HONG KONG
LICENSE NO.: NA.
NAME NUMBER: 006726

ACRONYM: ROHDE & LIESENFELD, INC.
DBA: WINDROSE LINE
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: ONE WORLD TRADE CENTER—SUITE 8345
CITY: NEW YORK
STATE: NY 10048
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000879

ACRONYM: ROYAL HAWAIIAN FORWARDING
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 14300 EAST 183RD STREET
CITY: LA PALMA
STATE: CA 90623
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000885

ACRONYM: RUSH INTERNATIONAL ELECTRIC & SHIPPING CO. INC
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1520 WEST 7TH STREET
CITY: LOS ANGELES
STATE: CA 90017
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001750

ACRONYM: SALCO INTERNATIONAL, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 4200 N.W. 35 COURT
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001052

ACRONYM: SAMATOUR SHIPPING CO.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: SAFIA ZAGHLOUL STREET, EL SALAM BOULEVARD
CITY: ALEXANDRIA
STATE:
COUNTRY: EGYPT
LICENSE NO.: NA.
NAME NUMBER: 001060

ACRONYM: SAMBA LINE, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: PANAMA CITY
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 006815

ACRONYM: SAMMI LINE CO. LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 609
CITY: SEATTLE
STATE: WA 98111
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 001064

ACRONYM: SANYU TRANSPORTATION, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 395 WEST HEBER ROAD

CITY: EL CENTRO
STATE: CA 92243
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006029

ACRONYM: SATURNO LINES LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 118
CITY: KINGSTON 15
STATE:
COUNTRY: JAMAICA
LICENSE NO.: NA.
NAME NUMBER: 001074

ACRONYM: SAVE PARCEL SERVICE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1225 6TH STREETVENUE
CITY: SAN FRANCISCO
STATE: CA 94107
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006663

ACRONYM: SCANDINAVIAN N.A. TRANSPORT SERVICES AB
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 2 WORLD TRADE CENTER
CITY: NEW YORK
STATE: NY
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005679

ACRONYM: SCHAEFER AND KREBS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1 EXCHANGE PLACE
CITY: JERSEY CITY
STATE: NY 07302
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006728

ACRONYM: SEA LION CONTAINER LINES INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3455 JASMINE AVENUE #4
CITY: LOS ANGELES
STATE: CA 90034
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 006722

ACRONYM: SEA-MATES LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 414
CITY: GRAND CAYMAN ISLAND
STATE:
COUNTRY: CAYMAN ISLANDS
LICENSE NO: NA.
NAME NUMBER: 006807

ACRONYM: SEA-VAN FREIGHT SERVICES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3 PARK ROW
CITY: NEW YORK
STATE: NY 10038
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 006724

ACRONYM: SEABRIDGE TRANSPORT
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: BAT 15–GARONOR, 93614 ALUNAY
CITY: S/BOIS
STATE:
COUNTRY: FRANCE
LICENSE NO: NA.
NAME NUMBER: 006037

ACRONYM: SEAMOUNT NAVIGATION, S.A.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: APARTADO POSTAL 5366, PANAMA 5
CITY: REPUBLICA DE PANAMA
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO: NA.
NAME NUMBER: 002839

ACRONYM: SEVEN OCEAN SHIPPING, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 440321
CITY: MIAMI
STATE: FL 33144
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 002775

ACRONYM: SEVEN STAR CONTAINER LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1305 OREGON AVENUE
CITY: LONG BEACH
STATE: CA 90813
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 007055

ACRONYM: SIMPLIFIED OVERSEAS PARCEL EXPRESS
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 355 W. CAROB STREET
CITY: COMPTON
STATE: CA 90220
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 006719

ACRONYM: SKS TRADING CO., LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: COLEMAN BLDG., SUITE 208 811 FIRST AVENUE
CITY: SEATTLE
STATE: WA 98104
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 006366

ACRONYM: SOUTH SEA SHIPPING CORP.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 612 E. GRASSY SPRAIN ROAD
CITY: YONKERS
STATE: NY 10710
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 001164

ACRONYM: SOUTHERN CONTAINER LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 7210 N.W. 77 STREET
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 001159

ACRONYM: SOUTHERN PACIFIC SHIPPING INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 20210 DOOGAN AVE.
CITY: COMPTON
STATE: CA 90221
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 001163

ACRONYM: SOUTHWEST PACIFIC CONTAINER LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 51 PITT STREET
CITY: SYDNEY N.S.W. 2000
STATE:

COUNTRY: AUSTRALIA
LICENSE NO: NA.
NAME NUMBER: 006821

ACRONYM: SOVEREIGN LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 15 PARK ROW
CITY: NEW YORK
STATE: NY 10038
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 006059

ACRONYM: SPARTAN CONTAINER LINES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 1089
CITY: GREER
STATE: SC 29651
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 001169

ACRONYM: SPEDITIONSCENTRET
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1. DR. TVAERGADE
CITY: DK1302 COPENHAGEN
STATE:
COUNTRY: DENMARK
LICENSE NO: NA.
NAME NUMBER: 001171

ACRONYM: SPEEDWAY CONTAINER LINE INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: SUITE 421 3605 LONG BEACH BLVD.
CITY: LONG BEACH
STATE: CA 90807
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 001173

ACRONYM: STAR BRIGHT CONTAINER LINE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1401 N.W. 78TH AVENUE, SUITE 201
CITY: MIAMI
STATE: FL 33126
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 006093

ACRONYM: STAR CONSOLIDATORS, LTD
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 409 NORTH OAK STREET
CITY: INGLEWOOD
STATE: CA 90301
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 006776

ACRONYM: STAR SHIPPING LIMITED
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX N–4723
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO: NA.
NAME NUMBER: 001185

ACRONYM: STORAGE & CONSOLIDATORS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 10130 CAPARRA HEIGHTS STATION
CITY: RIO PIEDRAS
STATE: PR 00922
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 001192

ACRONYM: SUDAN LINES
DBA: NA.
PERSON TYPES: CONTROLLED CARRIER
STREET: VIA GENOVA 13
CITY: TRIESTE
STATE:
COUNTRY: ITALY
LICENSE NO: NA.
NAME NUMBER: 001196

ACRONYM: SUDCARGOS
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 17 RUE ROBERT SCHUMANN
CITY: 3218 MARSEILLE
STATE:
COUNTRY: FRANCE
LICENSE NO: NA.
NAME NUMBER: 006094

ACRONYM: SYLVANIA OVERSEAS CORP.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 1007 NORTH AMERICA WAY
CITY: MIAMI
STATE: FL 33132
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO: NA.
NAME NUMBER: 000836

ACRONYM: TAI MARINE & CO., LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 8 FL., NO. 172 FU HSING N. RD.
CITY: TAIPEI
STATE:
COUNTRY: TAIWAN
LICENSE NO.: NA.
NAME NUMBER: 001333

ACRONYM: TBI LIMITED
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 43 CHATAM ROAD
CITY: G/S/, KOWLOON
STATE:
COUNTRY: HONG KONG
LICENSE NO.: NA.
NAME NUMBER: 005775

ACRONYM: TEC LINES, LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 4310 N.W. 36 AVENUE
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006818

ACRONYM: THRIFTCARGO INTERNATIONAL, S.A.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3290 N.W. 79TH AVENUE
CITY: MIAMI
STATE: FL 33122
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000525

ACRONYM: TIC LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1660 ROLLINS ROAD
CITY: BURLINGAME
STATE: CA 94010
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000529

ACRONYM: TRADE WIND SHIPPING CO., INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 15248 S.E. 43 ST. #202
CITY: BELLEVUE
STATE: WA 98006
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002774

ACRONYM: TRAFICOMAR SHIPPING INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 31ST STREET, 3–80

CITY: PANAMA CITY
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 000548

ACRONYM: TRAN OCEAN LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3804 SOUTH OCEAN DRIVE
CITY: HOLLYWOOD
STATE: FL 33019
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007038

ACRONYM: TRANS ANGELO LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 3611 N.W. SOUTH RIVER DRIVE
CITY: MIAMI
STATE: FL 33132
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006817

ACRONYM: TRANS GLOBAL TRADE SERVICES, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 215 LONG BEACH BLVD., STE. 1010
CITY: LONG BEACH
STATE: CA 90802
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005776

ACRONYM: TRANS SYSTEM LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 8055 13TH STREET, SUITE 310
CITY: SILVER SPRING
STATE: MD 20910
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000563

ACRONYM: TRANS WORLD CONTAINER SERVICE, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1 WORLD TRADE CENTER, SUITE 4541
CITY: NEW YORK
STATE: NY 10048
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000565

ACRONYM: TRANS WORLD EXPORT BOXING CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 808 GARFIELD AVENUE
CITY: JERSEY CITY
STATE: NJ 07305
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000566

ACRONYM: TRANS-WORLD ATLANTIC CO., INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: ONE WORLD TRADE CENTER, SUITE 7967
CITY: NEW YORK
STATE: NY 10048
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007039

ACRONYM: TRANSACT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 211 COLLEGE ROAD E.
CITY: PRINCETON
STATE: NJ 08540
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006235

ACRONYM: TRANSACTION LINES CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3000 N.W. 74TH AVENUE
CITY: MIAMI
STATE: FL 33122
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000568

ACRONYM: TRANSAFRICA SHIPPING INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 12502
CITY: ARLINGTON
STATE: VA 22209
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 005786

ACRONYM: TRANSALTIC LINE LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: DEVELOPMENT HOUSE—21 WHARF ROAD
CITY: APAPA
STATE:
COUNTRY: NIGERIA
LICENSE NO.: NA.
NAME NUMBER: 000569

ACRONYM: TRANSCARIBBEAN CONSOLIDATED TRANSPORT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 2500–83RD ST.—BLDG. 10B
CITY: NORTH BERGEN
STATE: NJ 07047
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000574

ACRONYM: TRANSINTER SHIPPING CORPORATION
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 26 BROADWAY—SUITE 1559
CITY: NEW YORK
STATE: NY 10004
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 002856

ACRONYM: TRANSMAR SHIPPING LINES, INC.
DBA: TRANSMAR
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: SUITE 200 3750 N.W. 28TH STREET
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006819

ACRONYM: TRANSMODAL CARGO CARRIERS INTERNATIONAL LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 39 BROADWAY
CITY: NEW YORK
STATE: NY 10006
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000590

ACRONYM: TRANSMODAL CARGO CARRIERS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 43 POTTER LANE
CITY: HALESITE
STATE: NY 11743
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000589

ACRONYM: TRANSTAINER LINES LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER

STREET: 107 WEST SIDE AVENUE
CITY: JERSEY CITY
STATE: NJ 07305
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000612

ACRONYM: TRANSTEC (U.S.), INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: C/O JARDINE AIR CARGO U.S. LTD. 345–347 NORTH OAK STREET
CITY: INGLEWOOD
STATE: CA 90301
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000613

ACRONYM: TRANSTECH, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 32 BRYDEN PLACE
CITY: RIDGEWOOD
STATE: NJ 07450
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000641

ACRONYM: TRANSWORLD SHIPPING GMBH
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: MESSBERGHOF P. O. BOX 105 126
CITY: D–2000 HAMBURG 1
STATE:
COUNTRY: GERMANY FEDERAL REPUBLIC (WEST)
LICENSE NO.: NA.
NAME NUMBER: 000619

ACRONYM: TRAVELER'S OVERSEAS, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 25 JAMES STREET
CITY: NEW HAVEN
STATE: CT 06513
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000620

ACRONYM: TREBOL SHIPPING CO., LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET:
CITY: MONROVIA
STATE:
COUNTRY: LIBERIA
LICENSE NO.: NA.
NAME NUMBER: 000621

ACRONYM: TRIDENT OCEAN SERVICES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 11938 WAVELAND AVENUE
CITY: FRANKLIN PARK
STATE: IL 60131
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006661

ACRONYM: TRIFENT EXPRESS LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1642 EAST BALTIMORE STREET
CITY: BALTIMORE
STATE: MD 21231
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006710

ACRONYM: TSI INTERMODAL
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 21055 WEST ROAD
CITY: TRANTON
STATE: MI
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000499

ACRONYM: TSI SHIPPING (U.S.A.), INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: ONE WORLD TRADE CENTER, SUITE 3171
CITY: NEW YORK
STATE: NY 10048
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007049

ACRONYM: TURBO LINE
DBA: NA.
PERSON TYPES: NON-VESSEL COMMON CARRIER
STREET: 290 NYE AVENUE
CITY: IRVINGTON
STATE: NJ 07111
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000631

ACRONYM: U-S-PANAMA LINES, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 5017 JOSE AUGUSTINE ARANGO
CITY: 691 ZONE 9A
STATE:
COUNTRY: REPUBLIC OF PANAMA
LICENSE NO.: NA.
NAME NUMBER: 000038

ACRONYM: UITERWYK LINES (LAKES)
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 50 SHIRLEY STREET
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 000043

ACRONYM: UITERWYK LINES (REEFER)
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 50 SHIRLEY STREET
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 000044

ACRONYM: UITERWYK LINES (WEST AFRICA, LTD.)
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 50 SHIRLEY STREET
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 000045

ACRONYM: UITERWYK SHIPPING LINES
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 50 SHIRLEY STREET
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 000046

ACRONYM: ULTRAMAR SHIPPING, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 170 BROADWAY
CITY: NEW YORK
STATE: NY 10038
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007043

ACRONYM: UNICO SHIPPING COMPANY, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 439 HARDEE ROAD
CITY: CORAL GABLES
STATE: FL 33146
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.

NAME NUMBER: 006150
ACRONYM: UNION CONTAINER LINE CORP.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 399 WEST VICTORIA STREET
CITY: GARDENA
STATE: CA 90248
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006709
ACRONYM: UNION SHIPPING LINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 3750 N.W. 28TH STREET BAY 307
CITY: MIAMI
STATE: FL 33142
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007052
ACRONYM: UNIQUE SHIPPING CO. LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: BANCO POPULAR CENTER, SUITE 935
CITY: HATO REY
STATE:
COUNTRY: PUERTO RICO
LICENSE NO.: NA.
NAME NUMBER: 000054
ACRONYM: UNITED THAI SHIPPING CORP. LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 306 SILOM ROAD
CITY: BANGKOK
STATE:
COUNTRY: THAILAND
LICENSE NO.: NA.
NAME NUMBER: 006158
ACRONYM: UNIVERSAL CONTAINER LINES
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 1441 WEST 132ND STREET
CITY: GARDENA
STATE: CA 90249
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000076
ACRONYM: VIRALINA WEST AFRICA LINE LTD.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: 39 LONGRIDGE ROAD—EARLS COURT
CITY: LONDON SW5
STATE:
COUNTRY: GREAT BRITAIN
LICENSE NO.: NA.
NAME NUMBER: 000017
ACRONYM: VOYAGER LINES, INC.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 2097
CITY: WESTFIELD
STATE: NJ 07090
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 007056
ACRONYM: VROON B.V.
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 28
CITY: 3550 BRESKENS
STATE:
COUNTRY: THE NETHERLANDS, HOLLAND
LICENSE NO.: NA.
NAME NUMBER: 000029
ACRONYM: WEST AFRICA NAVIGATION
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX N624 (C)
CITY: NASSAU
STATE:
COUNTRY: BAHAMA ISLANDS
LICENSE NO.: NA.
NAME NUMBER: 000092
ACRONYM: WEST INDIES FREIGHT, INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 4795 N.W. 72 AVENUE
CITY: MIAMI
STATE: FL 33166
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000100
ACRONYM: WHITE PASS TRANSPORTATION LIMITED
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: P.O. BOX 4070
CITY: WHITEHOUSE, YUKON TERRITORY K1A 3T1
STATE:
COUNTRY: CANADA
LICENSE NO.: NA.
NAME NUMBER: 000105
ACRONYM: WILLINE
DBA: NA.
PERSON TYPES: OCEAN COMMON CARRIER (VESSEL OPERATING)
STREET: RONALD AMUNDSESGT 5—P.O. BOX 1359, VIKA
CITY: OSLO 1 NORWAY
STATE:
COUNTRY: NORWAY
LICENSE NO.: NA.
NAME NUMBER: 006270
ACRONYM: WORLD & ISLAND TRANSPORT CO., INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 3815 ATLANTIC AVENUE SUITE D
CITY: LONG BEACH
STATE: CA 90807
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000117
ACRONYM: WORLD CONSOLIDATIONS (JAPAN) LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 534
CITY: PALOS PARK
STATE: IL 60464
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000115
ACRONYM: WORLD PORTS OVERSEAS LTD.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 62 CLARADON ROAD
CITY: STATEN ISLAND
STATE: NY 10305
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000119
ACRONYM: WORLD TRANS LINE
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 120 EAST OGDEN AVENUE
CITY: HINSDALE
STATE: IL 60521
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000122
ACRONYM: WORLDWIDE FREIGHT SERVICES INC.
DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: 505 NORTH BELT EAST, SUITE 320
CITY: HOUSTON
STATE: TX 77060
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 000127
ACRONYM: ZEBEC MARITIME

DBA: NA.
PERSON TYPES: NON-VESSEL OPERATING COMMON CARRIER
STREET: P.O. BOX 920673
CITY: HOUSTON
STATE: TX 77292
COUNTRY: UNITED STATES OF AMERICA
LICENSE NO.: NA.
NAME NUMBER: 006133

[FR Doc. 87-28119 Filed 12-8-87; 8:45 am]
BILLING CODE 6730-01-M

Filing and Effective Date of Agreement

The Federal Maritime Commission hereby gives notice, that on November 30, 1987, the following agreement was filed with the Commission pursuant to section 5, Shipping Act of 1984, and was deemed effective that date, to the extent it constitutes and assessment agreement as described in paragraph (d) of section 5, Shipping Act of 1984.

Agreement No.: 201-200063
Title: NYSA-ILA Assessment Agreement
Parties: New York Shipping Association, Inc. International Longshoremen's Association, AFL-CIO
Synopsis: The agreement replaces Agreement No. 201-011077 previously filed with the Commission. It contains essentially the same terms as the predecessor agreement except that it establishes reduced assessment rates for certain specified cargo.

By Order of the Federal Maritime Commission.

Dated: December 3, 1987.

Joseph C. Polking,

Secretary.

[FR Doc. 87-28177 Filed 12-8-87; 8:45 am]
BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200064.
Title: Port of Tampa Lease Agreement.
Parties:

Tampa Port Authority
Transflorida Terminal Corporation

Synopsis: The proposed agreement provides Transflorida terminal Corporation with a lease of property located at Port Sutton, Hillsborough County, Florida for the receiving, storing, handling, mixing and shipping of bulk nitrogen solutions and the transportation of the material necessary and incidental to such operations.

Agreement No.: 224-011073-001.
Title: Tampa Port Authority Terminal Agreement.
Parties:

Tampa Port Authority
Regency Cruises, Inc.

Synopsis: The proposed agreement amends the basic agreement to change the manner in which dockage charges are assessed by the Port Authority to Regency from those published in the Port of Tampa Tariff No. 9 to specific dockage charges set forth in the amendment.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: December 4, 1987.

[FR Doc. 87-28218 Filed 12-8-87; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Banque Nationale De Paris; Application To Engage de Novo in Permissible Nonbanking Activities

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 section 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 31, 1987.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Banque Nationale de Paris*, Paris, France, to engage *de novo* through its subsidiary, BNP Leasing Corporation, Dallas, Texas, in making, acquiring, or servicing loans or other extensions of credit pursuant to § 225.25(b)(1); and leasing personal property or acting as agent, broker or adviser in leasing such property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 3, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-28168 Filed 12-8-87; 8:45 am]
BILLING CODE 6210-01-M

Orbisonia Community Bancorp, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

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 December 31, 1987.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Orbisonia Community Bancorp, Inc.*, Orbisonia, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Community State Bank of Orbisonia, Orbisonia, Pennsylvania.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First National Financial Corporation*, Mt. Pulaski, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the First National Bank of Mt. Pulaski, Mt. Pulaski, Illinois.

2. *Premier Bancorporation, Inc.*, Jackson, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Premier Bank, Jackson, Michigan, the successor by merger of Michigan Bank-Midwest, Jackson, Michigan, and Michigan Bank-Mid South, Litchfield, Michigan. Comments on this application must be received by December 24, 1987.

3. *Will Bancorp, Inc.*, Williamsville, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Williamsville State Bank, Williamsville, Illinois.

C. **Federal Reserve Bank of St. Louis** (Randall C. Summer, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *C.P. Burnett & Sons, Inc.*, Eldorado, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of C.P. Burnett & Sons, Bankers, Eldorado, Illinois.

D. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Bancorp of Louisiana, Inc. Employee Stock Ownership Plan*, West Monroe, Louisiana, to become a bank holding company by acquiring 26.7 percent of the voting shares of First Bancorp of Louisiana, Inc., West Monroe, Louisiana, and First National Bank of West Monore, West Monroe, Louisiana.

Board of Governors of the Federal Reserve System, December 3, 1987.

James McAfee

Associate Secretary of the Board.

[FR Doc. 87-28169 Filed 12-8-87; 8:45 am]

BILLING CODE 6210-01-M

New Hampshire Savings Banks Corp., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a previous **Federal Register** notice (FR Doc. 87-21487) published at page 45693 of the issue for Tuesday, December 1, 1987.

Under the Federal Reserve Bank of Dallas, the entry for First Delhi Corporation is revised to read as follows:

A. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Delhi Corporation*, Delhi, Louisiana; to acquire 51 percent of the voting shares of Security Bancshares Incorporated, Monroe, Louisiana, and thereby indirectly acquire Security Bank, Monroe, Louisiana.

Comments on this application must be received by December 18, 1987.

Under the Federal Reserve Bank of San Francisco, the entry for Baldi Bros. Construction Co. Retirement Trust is revised to read as follows:

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Baldi Bros. Construction Co.*, Beaumont, California; to become a bank holding company by acquiring 100 percent of the voting shares of Gateway Western Bank, Beaumont, California.

Comments on the application must be received by December 18, 1987.

Board of Governors of the Federal Reserve System, December 3, 1987.

James McAfee

Associate Secretary of the Board.

[FR Doc. 87-28167 Filed 12-8-87; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Establishment; Mental Health Acquired Immunodeficiency Syndrome Research Review Committee

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776) the Administrator, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), announces the establishment of the Mental Health Acquired Immunodeficiency Syndrome Research Review Committee, NIMH, on December 1, 1987.

The duration of this committee is continuing unless formally determined by the Administrator, ADAMHA, that termination would be in the best public interest.

Date: December 3, 1987.

Donald Ian Macdonald,

Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 87-28166 Filed 12-8-87; 8:45 am]

BILLING CODE 4160-20-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-010-88-4322; GP8-033]

Lakeview District Grazing Advisory Board; Meeting

Summary: Notice is hereby given, in accordance with Pub. L. 92-463 that the Lakeview District will hold a meeting on January 20, 1988. The meeting will take place at 10:00 A.M. in the conference room of the Bureau of Land Management office located at 1000 South 9th Street, P.O. Box 151, Lakeview, Oregon 97630.

The agenda will center on the following information items:

1. Range Improvements
2. Wetlands MFP Amendment/EA
3. Monitoring Update
4. Allotment Recategorization
5. Reorganization
6. Ecological Site Inventory
7. Budget
8. Grazing Fees

The meeting is open to the public. Anyone wishing to attend and/or make written or oral statements to the board is requested to contact the District Manager at the above address before January 15, 1988. Summary minutes of the meeting will be available for review within 30 days following the meeting.

Date: November 30, 1987.

Ralph Culbertson,

Acting District Manager.

[FR Doc. 87-28242 Filed 12-8-87; 8:45 am]

BILLING CODE 4310-33-M

Minerals Management Service

Development Operations Coordination Document; Odeco Oil and Gas 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 Odeco Oil and Gas Company, Unit Operator of the Ship Block 113 Federal Unit Agreement No. 14-08-001-2931, has submitted a DOCD describing the activities it proposes to conduct on the Ship Shoal Block 113 Federal unit. 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 Dulac, Louisiana.

DATE: The subject DOCD was deemed submitted on November 25, 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: Mr. Al Durr; Minerals Management Service; Gulf of Mexico OCS Region; Production and Development; Development and Unitization Section; Unitization Unit; Telephone (504) 736-2659.

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 DOCD 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: November 30, 1987.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 87-28224 Filed 12-8-87; 8:45 am]

BILLING CODE 4310-MR-M

Bureau of Reclamation

Change in Discount Rate for Water Resources Planning

AGENCY: Bureau of Reclamation; Interior.

ACTION: Notice of change in discount rate for water resources planning.

SUMMARY: This notice sets forth that the discount rate to be used in Federal water resources planning for fiscal year 1988 is 8⅝ percent.

DATE: This discount rate is to be used for the period October 1, 1987, through and including September 30, 1988.

FOR FURTHER INFORMATION CONTACT: Dr. Norman H. Starler, Bureau of Reclamation, Department of the Interior, Washington, DC 20240. Telephone 202/343-5605.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 8⅝ percent for fiscal year 1988.

This rate has been computed in accordance with Section 80(a), Pub. L. 93-251 (88 Stat. 34) and 18 CFR 704.39, which (1) specify that the rate shall be based upon the average yield during the preceding fiscal year on interest bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity; and (2) provide that the rate shall not be raised or lowered more than one-quarter of one percent for any year. The Treasury Department calculated the specified average yield to be 8.47 percent. Since the rate in fiscal year 1987 was 8⅞ percent, the rate for fiscal year 1988 is 8⅝ percent.

The rate of 8⅝ percent shall be used by all Federal agencies in the formulation and evaluation of water and related land resources plans for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

Date: November 24, 1987.

J. Austin Burke,

Acting Commissioner.

[FR Doc. 87-28082 Filed 12-8-87; 8:45 am]

BILLING CODE 4310-31-M

INTERNATIONAL TRADE COMMISSION

Certain Dental Prophylaxis Methods, Equipment and Components Thereof; Commission Decision Not To Review Two Initial Determinations Terminating Seven Respondents and Investigation

AGENCY: International Trade Commission.

ACTION: Nonreview of two initial determinations (IDs) terminating seven respondents and the investigation.

SUMMARY: The Commission has determined not to review two IDs, one terminating respondent EMDA Fabrik Elektro-Medizinischer from the above-captioned investigation on the basis of a settlement agreemeent and the other terminating, with prejudice, the six remaining respondents in the investigation—Dabi-Atlante S.A., Deldent Ltd., Electro Medical Systems S.A., S-T Products, Kromadent Co., Inc., and Healthco International Inc.—and terminating the investigation.

FOR FURTHER INFORMATION CONTACT: Laurie Horvitz, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523-0143.

SUPPLEMENTARY INFORMATION: This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

On September 29, 1987, complainants Dentsply International Inc. and Dentsply Research and Development Corp. (collectively "Dentsply") and respondent EMDA Fabrik Elektro-Medizinischer ("EMDA") filed a joint motion requesting termination of the investigation with respect to EMDA on the basis of a settlement agreement. The Commission investigative attorney filed a public interest statement in support of the motion.

On October 29, 1987, the presiding administrative law judge (ALJ) issued an ID (Order No. 17) granting the joint motion. No petitions for review or agency or public comments were received.

On August 13, 1987 and September 2, 1987, Dentsply moved for termination of respondents Dabi-Atlante S.A. ("Dabi"), Deldent Ltd. ("Deldent"), Electro Medical Systems S.A., ("EMS"), S-T Products ("S-T"), Kromadent Co., Inc. ("Kromadent"), and Healthco International Inc. ("Healthco") from the investigation. Respondent EMS opposed the motion to terminate Dabi, Deldent, and EMS. The Commission investigative attorney supported the motions.

On October 30, 1987, the ALJ issued an ID (Order No. 18) terminating, with prejudice, Dabi, Deldent, EMS, S–T, Kromadent and Healthco and terminating the entire investigation. No petitions for review or agency comments were received.

Copies of the nonconfidential version of the IDs and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–002.

By order of the Commission.

Issued: November 30, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–28258 Filed 12–8–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–276]

Certain Erasable Programmable Read Only Memories, Components Thereof, Products Containing Such Memories and Processes for Making Such Memories; Commission Decision Not to Review an Initial Determination Amending Complaint and Notice of Investigation to Add a Respondent

AGENCY: International Trade Commission.

ACTION: Amendment of complaint and notice of investigation to add a respondent.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 2) amending the complaint and notice of investigation in the above-captioned investigation to add a respondent.

FOR FURTHER INFORMATION CONTACT: Michael J. Buchenhorner, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1626.

SUPPLEMENTARY INFORMATION: This section is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 210.53 (19 CFR 210.53).

On October 13, 1987, complainant filed a motion (Motion No. 276–3) to amend the complaint and notice of investigation to add General Instrument Corporation as an additional respondent. The presiding administrative law judge issued an ID granting the motion on October 27, 1987. No petitions for review of the ID were filed nor were any comments received from Government agencies.

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: November 30, 1987.

[FR Doc. 87–28259 Filed 12–8–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–267]

Certain Minoxidil Powder, Salts and Compositions for Use in Hair Treatment; Commission Decision Not to Review Initial Determinations Terminating Two Respondents on the Basis of Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Termination of respondents Future Marketing and Associates, Inc. and Professional Compounding Centers of America on the basis of settlement agreements.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review two initial determinations (IDs) issued on the above-captioned investigation terminating respondents Future Marketing and Associates, Inc., and Professional Compounding Centers of America on the basis of settlement agreements.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–3395.

SUPPLEMENTARY INFORMATION: On October 30, 1987, the presiding administrative law judge issued two IDs (Orders Nos. 28 and 30) granting joint motions of complainant The Upjohn Company and, respectively, respondents Future Marketing and Associates, Inc. and Profession Compounding Centers of America to terminate the investigation with respect to those respondents on the basis of settlement agreements. No petitions for review of the ID and no government agency or public comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.53(h).

Copies of the IDs and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: December 2, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–28260 Filed 12–8–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–267]

Certain Minoxidil Powder, Salts and Compositions for Use in Hair Treatment; Commission Decision Not to Review Initial Determination Terminating Respondent on the Basis of a Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Termination of respondent Riahom Corporation on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) terminating respondent Riahom Corporation in the above-captioned investigation on the basis of a settlement agreement. The Commission's action is not to be interpreted as adopting certain dicta appearing in the ID, viz., from page 2, paragraph 4 through page 4, paragraph 1.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–3395.

SUPPLEMENTARY INFORMATION: On November 3, 1987, the presiding

administrative law judge issued an ID (Order No. 31) granting the joint motion of complaint The Upjohn Company and respondent Riahom Corporation to terminate the investigation with respect to Riahom Corporation on the basis of a settlement agreement. No petitions for review of the ID and no government agency or public comments were received.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and 19 CFR 210.53(h).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.
Issued: December 2, 1987.

Kenneth R. Mason,

Secretary.

[FR Doc. 87–28261 Filed 12–8–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–266]

Certain Reclosable Plastic Bags and Tubing; Issuance of Temporary Exclusion Order

AGENCY: International Trade Commission.

ACTION: The Commission has determined to issue a general temporary exclusion order in the above-captioned investigation.

AUTHORITY: The authority for the Commission's action is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§210.53–210.58 of the Commission's Rules of Practice and Procedure (19 CFR 210.53–210.58).

SUMMARY: Having determined that the issues of remedy, the public interest, and bonding are properly before the Commission, and having reviewed the written submissions filed on remedy, the public interest, and bonding, as well as those portions of the record relating to those issues, the Commission has determined to issue a general temporary exclusion order prohibiting entry into the United States, except under bond or license, of (1) reclosable plastic bags and tubing manufactured according to a process which, if practiced in the United States, there is reason to believe would infringe claim 1 of U.S. Letters Patent 3,945,872, and (2) reclosable plastic bags and tubing with respect to which there is reason to believe they infringe U.S. Trademark Registration No. 946,120.

The Commission has further determined that the public interest factors enumerated in section 337(e) (19 U.S.C. 1337(e)) do not preclude issuance of the aforementioned general temporary exclusion order and that the bond during the pendency of the investigation should be in the amount of 460 percent of the entered value of the articles concerned.

FOR FURTHER INFORMATION CONTACT: Paul R. Bardos, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: On March 25, 1987, Minigrip, Inc. (Minigrip) filed a complaint and a motion for temporary relief under section 337, alleging a violation of section 337 in the unlawful importation and sale of certain reclosable plastic bags and tubing manufactured abroad according to a process which, if practiced in the United States, would infringe claims 1–5 of U.S. Letters Patent 3,945,872 and bearing a color line mark infringing U.S. Trademark Registration No. 946,120, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

On August 31, 1987, the presiding administrative law judge issued an initial determination (ID) granting in part complainant's motion for temporary relief. On October 2, 1987, Commission determined not to review the ID. Notice of the Commission's decision not to review the ID was published in the **Federal Register**, 52 FR 38284 (October 15, 1987). The parties and interested members of the public were requested to file briefs on remedy, the public interest, and bonding. Complainant, certain respondents, the Commission's investigative attorney, and one nonparty submitted briefs. No other submissions were received.

Copies of the Commission's Action and Order, the Commission's Opinion in support thereof, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: November 30, 1987.

[FR Doc. 87–28262 Filed 12–8–87; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–190]

Certain Softballs and Polyurethane Cores Therefore; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Juan S. Cockburn, Esq., of the Office of Unfair Import Investigations will be the Commission investigative attorney in the above-cited investigation instead of Steven H. Schwartz, Esq.

The Secretary is requested to publish this notice in the **Federal Register.**

Arthur Wineburg,

Director, Office of Unfair Import Investigations.

Dated: December 3, 1987.

[FR Doc. 87–28263 Filed 12–8–87; 8:45 am]

BILLING CODE 7020–02–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–70 (Sub-No. 2)]

Findings; Florida East Coast Railway Co., Abandonment in Dade County, FL

The Commission has found that the public convenience and necessity permit Florida East Coast Railway Company to abandon its 20.1-mile line of railroad between milepost 376.0, near Kendall, and milepost 396.1, near Florida City, in Dade County, FL.

A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to continue; and (2) the assistance likely would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The offeror shall type the following notation in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: December 3, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons. Commissioner Simmons commented with a separate expression. Commissioner Andre concurred in the result with a separate expression. Vice Chairman Lamboley will submit a separate expression at a later date.

Noreta R. McGee,

Secretary.

[FR Doc. 87-2825 Filed 12-8-87; 8:45 am]

BILLING CODE 7035-01M

[Docket No. AB-10 (Sub-No. 47)]

Norfolk and Western Railway Co.; Abandonment and Discontinuance Between Decatur and Farmdale Junction in Mason, DeWitt, Logan and Tazewell Counties, IL; Findings

The Commission has issued a certificate authorizing the Norfolk and Western Railway Company (N&W) to: (1) Abandon (a) its 36.28-mile line of railroad between Moroa (milepost 107.72) and a point north of Hittle, IL (milepost 144.0); (b) its 4.89-mile line of railroad between Morton (milepost 163.0) and Farmdale Junction, IL (milepost 167.89); and (c) its 2.66-mile line of railroad between Forsyth (milepost 8.38) and Emery, IL (milepost 11.04), a total of 43.83 miles, and (2) discontinue service over an 11.3-mile line of railroad owned by the Illinois Central Gulf Railroad Company (ICG) between Decatur (Valuation Station 4863+96, north of ICG milepost 754), and Maroa (Valuation Station 5460+70, north of ICG milepost 765).

The abandonment certificate will become effective 30 days after publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: December 3, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-28194 Filed 12-8-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31145]

Exemption From 49 U.S.C. 11322; Mort Lowenthal

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts Mort Lowenthal from the requirements of 49 U.S.C. 11322 for Mr. Lowenthal, a director of MidSouth Rail Corporation and MidLouisiana Rail Corporation, to become a director of Montana Rail Link, Inc.

DATES: This exemption will be effective on January 11, 1988. Petitions to stay must be filed by December 21, 1987, and petitions for reconsideration must be filed by December 31, 1987.

ADDRESSES: Send petitions referring to Finance Docket No. 31145 to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

Petitioner's representative: Mark M. Levin, Weiner, McCaffrey, Brodsky & Kaplan, P.C., 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 Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 289-4357/4359 (DC Metropolitan area), (assistance for the hearing impaired is available through TDD services (202) 275-1721 or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters).

Decided: December 2, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-28142 Filed 12-8-87; 8:45 am]

BILLING CODE 7035-01-M

Release of Waybill Data For Use In Publication of A Book Entitled "Railroad Traffic in the United States—1986"

The Commission has received a request from ALK Associates, Inc. for permission to use certain data from the Commission's 1986 Waybill Sample. ALK requests permission to extract certain data from the 1986 ICC Master Waybill Sample to distribute as part of a book entitled "Railroad Traffic in the United States—1986." The remainder of the book will consist of extracts from the 1986 ICC Public Use Waybill File (PUWF). The book will be available to the general public. It will be similar in content to the 1984 and 1985 volumes of the same title. Both the 1984 and the 1985 volumes were derived solely from the Public Use Waybill Files of those years. The change in format of the PUWF for 1986 requires ICC permission to produce equivalent information for 1986.

The information requested is:

1. Orginating and terminating net tonnage by State, for each of the 20 AAR "CS-54" commodity groups.

2. Net tonnage by State-to-State pairs, for each of the 20 "CS-54" commodity groups, including interchange States.

3. Carloads by State-to-State pairs, for the following 12 broad cartype groupings: (1) Plain Box Cars, (2) Equipped Box Cars, (3) Insulated Box Cars, (4) Refrigerated Cars, (5) Open-Top Hoppers, (6) Covered Hoppers, (7) Gondolas, (8) Plain Flat Cars, (9) Auto Racks, (10) Intermodal Flats, (11) Tank Cars, (12) Other Car Types.

4. Number of trailers or containers by State-to-State pairs, for all intermodal TOFC/COFC traffic as a whole.

The information is requested in four separate files, and in summary form only to prevent cross-referencing between the files, or between this data and the Public Use Waybill File.

The Commission requires rail carriers to file waybill sample information if in any of the past three years they terminated on their lines at least: (1) 4,500 revenue carloads or (2) 5 percent of revenue carloads in any one State (49 CFR Part 1244). From this waybill information, the Commission has developed a Public Use Waybill File that has satisfied the majority of all our waybill data requests while protecting the confidentiality of proprietary data submitted by the railroads. However, if confidential waybill data are requested, as in this case, we will consider releasing the data only after certain protective conditions are met and public notice is given. More specifically, under

the Commission's current policy for handling waybill requests, we will not release any confidential waybill data until after: (1) Public notice is provided so affected parties have an opportunity to object and (2) certain requirements designed to protect the data's confidentiality are agreed to by the requesting party [Ex Parte No. 385 (Sub-No. 2), 52 FR 12415, April 16, 1987].

Accordingly, if any parties object to this request, they should file their objections (an original and 2 copies) with the Director of the Commission's Office of Transportation Analysis (OTA) within 14 calendar days of the date of this notice. They should also include all grounds for objections to the full or partial disclosure of the requested data. The Director of OTA will consider these objections in determining whether to release the requested waybill data. Any parties who objected will be timely notified of the Director's decision.

Contact: James A. Nash, (202) 275-6864.

Noreta R. McGee,

Secretary.

[FR Doc. 87-28143 Filed 12-8-87; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 86-79]

Denial of Applications; Richard L. Rogers, M.D.

On September 29, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed two Orders to Show Cause to Richard L. Rogers, M.D. (Respondent). One Order to Show Cause was directed to Respondent at 201 E. Proctor Street, Mullins, South Carolina and proposed to deny his application for registration executed on July 9, 1986, because such registration would be inconsistent with the public interest. The second Order to Show Cause was directed to the Respondent at the Carolina Urgent Care Center, 551 N. Winstead Avenue, Rocky Mount, North Carolina and proposed to deny his applications for registration executed on May 8, 1986, and May 23, 1986, because such registration would be inconsistent with the public interest. The factors which evidenced that registration of Respondent would be inconsistent with the public interest. The factors which evidenced that registration of Respondent would be inconsistent with the public interest included that: (1) Respondent issued prescriptions for controlled substances in 1982 and 1983 for no legitimate medical purpose and outside the scope of professional practice; (2) Respondent issued prescriptions for controlled substances for the purpose of maintaining an individual's dependence on those substances without being registered to do so; (3) Respondent indicated on his May 8, 1986, application for registration that he had not surrendered a previous DEA registration when, in fact, he did so on September 4, 1985; and (4) Respondent's controlled substances registration in the State of South Carolina was restricted on June 27, 1986, with Respondent not permitted to handle Schedule II controlled substances in that state.

Respondent requested a hearing by letter dated October 30, 1986. Following prehearing filings, a hearing was scheduled for April 29, 1987, in Washington, DC. Respondent was notified of the hearing date in the Prehearing Ruling issued by Administrative Law Judge Francis L. Young on March 13, 1987. Respondent sent a letter to Judge Young dated March 26, 1987, indicating that he could not attend the hearing on April 29, 1987, and requesting that it be rescheduled. The hearing was rescheduled to April 28, 1987, and Respondent was notified of that fact by letter dated April 20, 1987. Respondent then sent a letter dated April 24, 1987, indicating that he would be unable to appear at the hearing, and withdrawing his request for a hearing. On May 13, 1987, the Administrative Law Judge terminated the proceedings before him. Since Respondent has withdrawn his request for a hearing, the Administrator now enters his final order in this matter based on the investigative file. 21 CFR 1301.57.

The Administrator finds that an investigation was conducted by the Narcotic and Drug Control Division of the Bureau of Drug Control, South Carolina Department of Health and Environmental Control. The investigation revealed that Respondent had been issuing prescriptions for controlled substances to individuals for no legitimate medical purpose and outside the scope of professional practice. Between September 13, 1982, and July 5, 1983, Respondent prescribed the following controlled substances to an individual with a drug dependency problem: 17 prescriptions for Talwin, totalling 1,683 dosage units; 4 prescriptions for Ritalin, totalling 192 dosage units; and several prescriptions for Preludin.

Other individuals with drug dependency problems also received prescriptions from Respondent. One individual received at least 38 prescriptions for Dilaudid, totalling over 3,100 dosage units between August 1982 and November 1983. Another individual received at least 61 prescriptions for Dilaudid, totalling over 5,000 dosage units, between September 1982 and November 1983.

The investigation further revealed that between November 1982 and May 1983, Respondent issued prescriptions for Schedule II controlled substances for nonmedical purposes to persons who were not physically present at the time of the issuance of the prescriptions.

As a result of the investigation, the South Carolina Department of Health and Environmental Control issued to Respondent an Order to Show Cause and Notice of Prehearing Conference, and a Notice of Immediate Suspension of Controlled Substances Registration. Notwithstanding the Notice of Immediate Suspension, Respondent continued to write prescriptions for controlled substances. Between December 1, 1983, and January 18, 1984, Respondent wrote approximately 70 prescriptions for Schedule II, III, IV, and V controlled substances, totalling approximately 6,000 dosage units. On February 7, 1984, Respondent was arrested for writing prescriptions for controlled substances after a Consent Order was issued prohibiting such prescribing. The charges were subsequently dropped and Respondent was ordered to enter a Pre-Trial Intervention Program.

On March 12, 1985, the South Carolina Department of Health and Environmental Control informed Respondent that his failure to cease and desist from unlawful prescribing after the summary suspension of his controlled substances privileges constituted sufficient evidence that it would be detrimental to the public interest and a danger to the public health for Respondent to obtain reinstatement of his state registration at that time.

Respondent voluntarily surrrendered DEA Certificate of Registration AR4871922 on September 4, 1985.

An Administration Consent Order Relating to Controlled Substances Registration, signed by Respondent and the Commissioner of the South Carolina Department of Health and Environmental Control, became effective on June 27, 1986. The Order provided that Respondent's South Carolina Controlled Substances Registration would be reinstated in a probationary status as to Schedule III, IV, and V only. Respondent's registration for Schedule II controlled

substances would continue to be suspended for a period of five years.

Sometime after September 1985, Respondent moved to North Carolina. The North Carolina Medical Board, unaware of either the disciplinary proceedings in South Carolina or Respondent's surrender of his DEA registration number, authorized Respondent to practice in North Carolina. Respondent unlawfully transferred his surrendered DEA Certificate of Registration AR4871922 from South Carolina to North Carolina and continued to practice under the surrendered registration number in North Carolina.

While in North Carolina Respondent attempted to renew his surrendered DEA registration number. When this attempt failed, Respondent submitted an application for registration dated May 8, 1986, indicating that he had not surrendered a previous Controlled Substances Act registration when in fact he had done so on September 4, 1985.

After learning that the North Carolina medical authorities and DEA were aware of the previous surrender of his DEA Certificate of Registration, Respondent submitted another application which mentioned the surrender of his DEA Certificate of Registration. This application was dated May 23, 1986. Respondent submitted a third application for registration dated July 9, 1986.

The Administrator concludes that the registration of Respondent would be inconsistent with the public interest. The record clearly shows that Respondent willfully violated the law by issuing prescriptions for controlled substances outside the scope of his professional practice and for no legitimate medical purpose. Moreover, Respondent issued prescriptions for narcotic controlled substances for the purpose of maintaining an individual's dependence on such substances without being properly registered to do so. Based on his actions, the State of South Carolina restricted Respondent's state controlled substances registration. Respondent is not permitted to handle Schedule II controlled substances in that state for a period of five years. It is also clear that Respondent continued to practice under his surrendered DEA Certificate of Registration number until that number expired and could not be renewed. Respondent then attempted to obtain a new DEA registration number by falsifying the application. Based upon the foregoing, the Administrator finds that it is not in the public interest for Respondent to have a DEA registration.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) hereby orders that the applications for a DEA Certificate of Registration, executed by Respondent on May 8, 1986, May 23, 1986, and July 9, 1986, be, and they hereby are, denied. This order is effective January 8, 1988.

Dated: December 4, 1987.

John C. Lawn,

Administrator.

[FR Doc. 87-28241 Filed 12-8-87; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Convervation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by January 8, 1987. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the **Federal Register** on July 24, 1987.

The application received is as follows:

1. *Applicant:* Werner Zehnder, Society Expeditions Cruises, Inc., Seattle, Washington 98121.

Activity for Which Permit Requested: The applicant seeks permission to salvage dead specimens of native mammals or native birds for scientific study and educational purposes.

Location: Antarctic Peninsula and offshore islands.

Dates: December 1987-April 1989.

Charles E. Myers,

Permit Office.

[FR Doc. 87-28225 Filed 12-8-87; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: New.

2. The title of the information collection: 10 CFR Part 62—Criteria and Procedures for Granting Emergency Access to Non-Federal and Regional Low-Level Waste Disposal Facilities

3. The form number if applicable: Not Applicable

4. How often the collection is required: The information is only required to be submitted when a low-level waste generator requests emergency access to an oerating low-level radioactive waste disposal facility.

5. Who will be required or asked to report: Low-level radioactive waste generators, or states, seeking emergency access to an operating low-level radioactive waste disposal facility.

6. An estimate of the number of responses: One every three years.

7. An estimate of the total number of hours needed to complete the requirement or request: 680 hours per response.

8. An indication of whetehr section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: 10 CFR Part 62 sets out the information to be provided to the NRC by any low-level radioactive waste generator, or state, seeking emergency access to an operating low-level radioactive waste disposal facility pursuant to section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1986.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Vartkes L. Broussalian, (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 3rd day of December 1987.

For the Nuclear Regulatory Commission.

William G. McDonald,

Director, Office of Administration and Resources Management.

[FR Doc. 87–28211 Filed 12–8–87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–293]

Environmental Assessment and Finding of No Significant Impact; Boston Edison Co.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of 10 CFR Part 50, Appendix E, to the Boston Edison Company (BECo/licensee) for the Pilgrim Nuclear Power Station located at the licensee's site in Plymouth County, Massachusetts.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant a schedular exemption from certain specific requirements of Appendix E of 10 CFR Part 50. Specifically an exemption was requested from section IV.F.3 which requires that each licensee at each site shall exercise with offsite authorities such that State and local government emergency plans for each operating reactor site are exercised biennially, with full or partial participation by States and local governments, within the plume exposure pathway Emergency Planning Zone (EPZ).

The exemption would be responsive to the licensee's request dated September 17, 1987.

The Need for the Proposed Action

The proposed exemption is needed because the Commonwealth of Massachusetts, the local governments within the EPZ and the two emergency reception center communities are in the process, with the assistance of the licensee, of implementing numerous improvements in their offsite emergency preparedness programs. The improvement effort is in response to a Federal Emergency Management Agency (FEMA) Interim Finding issued August 4, 1987. That finding stated that offsite radiological emergency planning and preparedness for Massachusetts was inadequate to protect the health and safety of the public in the event of an accident at the Pilgrim Nuclear Power Station. The licensee has informed the NRC that the improvement effort will continue until early 1988 and that, in view of the extensive ongoing efforts, the Commonwealth and local governments have indicated that they are not able to fully participate in an exercise during calendar year 1987.

The last exercise conducted pursuant to section IV.F.3 of Appendix E to 10 CFR Part 50 was held in September 1985. Literal compliance with section IV.F.3 would not be possible without Commonwealth and local government participation.

Environmental Impact of the Proposed Action

The proposed exemption constitutes a schedular exemption from conduct of an offsite full participation exercise in calendar year 1987.

Since the last full participation biennial exercise at Pilgrim (in September 1985), the Commonwealth has participated on a limited basis with the licensee in the December 1986 exercise and the quarterly onsite drills in 1987. The March and June 1987 drills also included limited participation by several of the towns within the EPZ. The towns within the EPZ have also cooperated in the full scale siren test conducted by FEMA in September 1986. The Commonwealth has also participated in full participation exercises at the Yankee Nuclear Power Station in June 1987 and is scheduled to participate in a full participation exercise at the Vermont Yankee Nuclear Generating Station December 2, 1987.

The requested exemption is a temporary one and is necessary because ongoing emergency preparedness efforts will not be completed before early 1988. The licensee has made a good faith effort to comply with the regulation by assisting in the ongoing improvements to the Commonwealth and local offsite emergency response programs. The extensive efforts required to upgrade the offsite plans, implement the changes and conduct training preclude the conduct of a meaningful and effective full participation exercise in 1987. The probability of an accident will not be increased and the post-accident radiological releases will not be greater than previously determined due to the proposed exemption, and the NRC will determine that there is adequate assurance of safety before plant restart is approved. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

The proposed exemption does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternative Use of Resources

This action involves no use of resources not previously considered in the Final Environmental Statement for the Pilgrim Nuclear Power Station.

Agencies and Persons Contacted

On August 4, 1987, FEMA provided information on the status of emergency preparedness at Pilgrim. This information was considered by the NRC in the evaluation of the requested exemption.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's letter dated September 17, 1987. This letter is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC., and at the Plymouth Public Library, 11 North Street, Plymouth County, Massachusetts, 02360.

Dated at Bethesda, Maryland this 3rd day of December, 1987.

For the Nuclear Regulatory Commission.

Morton B. Fairtile,

Acting Director, Project Director I–3, Division of Reactor Projects I/II.

[FR Doc. 87–28222 Filed 12–8–87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206, 50-361 and 50-362]

Proposed Corporate Restructuring; Southern California Edison Co., et al.

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the proposed corporate restructuring of Southern California Edison Company (SCE), the majority owner and operator of the San Onofre Nuclear Generating Station (SONGS), Units 1, 2, and 3. By letter dated August 25, 1987, and supplemental letter dated December 3, 1987, SCE informed the Commission that it has begun the process of implementing a corporate restructuring which will result in the creation of a holding company (referred to as "SCE Holding Company," although no formal name has yet been selected). The common stock of SCE will be converted on a share-for-share basis into common stock of the holding company. SCE Holding Company will own all of the outstanding common stock of SCE. Following the restructuring SCE will continue to be the licensee of the SONGS nuclear plants and no transfer of the operating licenses will be effected. After the restructuring is complete, SCE will remain a public utility providing the same utility services as it did prior to the restructuring. Control of the operating licenses for the SONGS nuclear plants, now held by SCE and other plant co-workers, will remain with SCE and the same owners and will not be affected by the restructuring. The current SCE Chairman of the Board of Directors and Chief Executive Officer will also be Chairman of the Board of the SCE Holding Company. SCE's Vice President of Nuclear Engineering, Safety and Licensing, and SCE's Vice President and Site Manager of SONGS, will retain the same responsibilities as they have now, and will have no duties, assignments or responsibilities within SCE Holding Company. Thus, there will be no significant change in ownership, management, or sources of funds for operation of the SONGS units, according to the proposed plan.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license, after notice to interested persons, upon the Commission's determination that the holder of the license following the transfer is qualified to have the control of the license and that the transfer of such control is otherwise consistent with applicable provisions of law, regulations and orders of the Commission.

The August 25 and December 3, 1987 letters from SCE are available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, DC and at the General Library, University of California at Irvine, Irvine, California 92713.

Dated at Bethesda, Maryland, this 4th day of December, 1987

For the Nuclear Regulatory Commission.

Harry Rood,

Senior Project Manager, Project Directorate V, Division of Reactor Projects-III, IV, V and Special Projects

[FR Doc. 87-20223 Filed 12-8-87; 8:45 am]

BILLING CODE 7590-01-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Members of Performance Review Board

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Notice.

SUMMARY: This document gives notice of a list of Performance Review Board members. This document replaces the notice published on April 2, 1985 (50 FR 13111).

EFFECTIVE DATE: December 9, 1987.

FOR FURTHER INFORMATION CONTACT: Paul M. Lyons, Executive Director, Occupational Safety and Health Review Commission, 1825 K Street, NW., Washington, DC 20006, (202) 634-7940.

OSHRC Performance Review Board Members:

Paul M. Lyons
John J. O'Mara
Gary J. Edles

Dated: December 1, 1987.

E. Ross Buckley,

Chairman.

[FR Doc. 87-28226 Filed 12-8-87; 8:45 am]

BILLING CODE 7600-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

December 3, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

American Oil & Gas Corp.
Common Stock, $.04 Par Value (File No. 7-0758)
Americus Trust for Amoco Shares Prime (File No. 7-0759)
Americus Trust for Amoco Shares Scores (File No. 7-0760)
Americus Trust for Amoco Shares Units (File No. 7-0761)
American Petrofina, Co.
Common Stock, $1.00 Par Value (File No. 7-0762)
American Precision Industries, Inc.
Common Stock, $.66 2/3 Par Value File No. 7-0763)
Arundel Corporation (The)
Common Stock, No Par Value (File No. 7-0764)
Armatron International, Inc.
Common Stock, $1.00 Par Value (File No. 7-0765)
American Science & Engineering, Inc.
Common Stock, $.66 2/3 Par Value (File No. 7-0766)
Astrex, Inc.
Common Stock, $.16 2/3 Par Value (File No. 7-0767)
Equity Incom Fund (The)
Common Stock, No Par Value (File No. 7-0768)
Action Corporation
Common Stock, $.33 1/3 Par Value (File No. 7-0769)
Americus Trust for AT & T Shares Series 2, Prime (File No. 7-0770)
Americus Trust for AT & T Shares Series 2, Units (File No. 7-0771)
Alliance Tire & Rubber Co., Ltd.
Class A Common Stock, $2.00 Par Value (File No. 7-0772)
ARC International Corporation
Common Stock, No Par Value (File No. 7-0773)
Cross (A.T.) Co.
Class A Common Stock, $1.00 Par Value (File No. 7-0774)
Alba-Waldensian, Inc.
Common Stock, $2.50 Par Value (File No. 7-0775)
Alamco, Inc.
Common Stock, $1.00 Par Value (File No. 7-0776)
Arizona Commerce Bank
Common Stock, No Par Value (File No. 7-0777)
American Maize-Product Company
Class A Common Stock, $.80 Par Value (File No. 7-0778)
American Maize-Product Company
Class B Common Stock, $.80 Par Value (File No. 7-0779)
Baldwin Securities Corporation
Common Stock, $.01 Par Value (File No. 7-0780)
Banister Continental Ltd.
Common Stock, No Par Value (File

No. 7–0781)
Bank Building & Equipment Corporation of America
Common Stock $1 1/3 Par Value (File No. 7–0782)
Belden & Blake Energy Corporation
Common Stock, No Par Value (File No. 7–0783)
Blessings Corporation
Common Stock, $2.13 Par Value (File No. 7–0784)
Bancroft Convertible Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–0785)
Flanigan's Enterprises, Inc.
Common Stock, $.10 Par Value (File No. 7–0786)
Beard Oil Company
Common Stock, $.3 1/3 Par Value (File No. 7–0787)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 24, 1987, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28187 Filed 12–8–87; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Incorporated

December 3, 1987.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following securities:

William Companies, Inc. (The)
Common Stock, $1.00 Par Value (File No. 7–0755)
WorldCorp, Inc. (Holding Co)
Common Stock, $1.00 Par Value (File No. 7–0756)
The Ohio Mattress Co.
Common Stock, 1.00 Par Value (File No. 7–0757)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 24, 1987, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28188 Filed 12–8–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–25168; File No. SR–NYSE–87–33]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by New York Stock Exchange, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 24, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("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 proposed rule change would extend the effectiveness of NYSE Rule 103A until December 31, 1987.

The intent of Rule 103A is to encourage a high level of market quality and performance in Exchange listed securities. Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stock(s) if the specialist has consistently received evaluations by floor brokers on the quarterly Specialist Performance Evaluation Questionnaire (the "SPEQ") which are below a level of acceptable performance as specified in the Rule.

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 and discussed any comments it received on 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

(1) Purpose

The purpose of the proposed rule change is to extend the effectiveness of NYSE Rule 103A to December 31, 1987.

As described in more detail in File No. SR–NYSE–81–11, Rule 103A authorizes the Market Performance Committee of the NYSE to withdraw NYSE approval of a member's registration as specialist in one or more stocks if the specialist has consistently received evaluations by floor brokers on the quarterly SPEQ which are below a level of acceptable performance as specified in the Rule.

As described in File No. SR–NYSE–85–14, and File No. SR–NYSE–86–19, the Example conducted a pilot program to test revisions to the current SPEQ and its associated processes.

The Market Performance Committee's Subcommittee on Performance Measures and Procedures (the "Subcommittee") has concluded its analysis of data produced by the revised SPEQ, and has developed additional measures and standards of specialist performance, such as DOT turnaround performance, to be incorporated into a revised Rule 103A. The Exchange filed for approval to implement a pilot program to test the revisions to Rule 103A developed by the Subcommittee in

-SR-NYSE-87-25 [1] which is pending before the Commission.

The Exchange is requesting this extension of current Rule 103A so that the Rule may remain in effect while the Commission considers the proposed revisions to the Rule previously filed. The Exchange continues to view the current Rule as providing a basis for ongoing performance improvement initiatives, such as counseling of specialist units by the Market Performance Committee, which has proven to be effective in improving both individual and overall specialist performance on the Exchange. The Exchange intends that the Market Performance Committee will continue its counseling procedures during the period of the Commission's consideration of proposed rule change SR-NYSE-87-25. Upon Commission approval to implement a pilot program to test revisions to the Rule, the Exchange will notify its members that revised Rule 103A is effective and supercedes current Rule 103A.

(2) Basis Under the Act for Proposed Rule Change

The statutory basis for the proposed rule change in section 6(b)(5) of the Act which, among other things, requires Exchange rules to be designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulations, clearing, settling and processing information with respect to and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

Since Rule 103A has proven to be an effective means of improving specialist performance, thereby adding to the overall quality of the NYSE market, the Exchange requests that the Commission find good cause to approve the proposed rule change on an accelerated basis since the effectiveness of the current Rule expired on September 30, 1987.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission 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 witheld from the public in accordance with the provisions of 5 U.S.C. 52, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to the file number in the capition above and should be submitted by December 30, 1987.

V. Conclusion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6 and the rules and regulations thereunder, in that it willl permit the current Rule 103A pilot program to remain in effect while the Comission considers for approval the NYSE's proposal to commence a two-year pilot program to test revisions to Rule 103A. The Commission anticipates final action of the proposal in the near future.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day afer date of publication of notice thereof in that it will enable Rule 103A to remain in effect on an uninterrupted basis.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change is approved, effective, nunc pro tunc, September 30, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

Dated: December 2, 1987.

[FR Doc. 87-28227 Filed 12-8-87; 8:45 am]

BILLING CODE 8010-01-M

[1] *See*, Securities Exchange Act Rel. No. 24919 (September 15, 1987) 52 FR 35821.

[Release No. IC-16157; (811-4657) (812-6869)

Application; Hopper Soliday Corp.

Date: December 4, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 ("1940 Act").

Applicant: Hopper Soliday Corporation.

Relevant 1940 Act Sections: Order requested pursuant to sections 6(c) and 8(f).

Summary of Application: Applicant seeks an order exempting it from all provisions of the 1940 Act and terminating its registration as an investment company under the 1940 Act.

Filing Dates: The application was filed on July 27, 1987, and amended on September 8 and November 23, 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 December 29, 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; Applicant, c/o Martin E. Lybecker, Esq., Ropes & Gray, Suite 700, 1001 22nd Street, NW., Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Thomas Mira, Staff Attorney (202) 272-3033, or Brion R. Thompson, Special Counsel (202) 272-3016 (Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person, or the SEC's commercial copier (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. Applicant was incorporated under Maryland Law as "Decision/Capital Fund, Inc." and registered as a diversified, closed-end management investment company in July, 1986. Applicant was formed for the purpose of acquiring, holding, managing and disposing of equity-related securities of banks, thrift institutions, and their holding companies. Applicant states that its investment policies and restrictions hampered the amount and kind of investments it was able to make and that it was deemed necessary to adopt a new business strategy to afford Applicant greater flexibility in making investment decisions.

2. On July 6, 1987, an overwhelming majority of Applicant's shareholders approved a change in Applicant's business strategy, thereby permitting Applicant to acquire all of the outstanding common shares of the investment banking and brokerage firm, Hopper Soliday & Co., Inc. ("Hopper"), pursuant to a Stock Purchase Agreement which had been entered into on April 24, 1987. Upon consumation of the acquisition, Applicant agreed to change its name to "Hopper Soliday Corporation" and to diligently seek deregistration as an investment company. Applicant's shareholders also approved a proposal to change the nature of Applicant's business so as to cease to be an investment company and to deregister under the 1940 Act. In the proxy materials disseminated prior to the shareholders' meeting, the shareholders were informed that if they were to approve the proposal to change the nature of Applicant's business (a) Applicant would conduct the major portion of its operations through majority or wholly-owned financial service and other subsidiaries, and (b) Applicant would apply for deregistration as an investment company.

3. In accordance with Applicant's new business objectives, Applicant has sold a significant portion of its portfolio of investment securities, and more than 60% of its assets now consist of cash, non-investment securities, and shares of Hopper, its wholly-owned subsidiary. As of November 23, 1987, 31.62% of Applicant's total assets (exclusive of government securities and cash items) consisted of "investment securities" within the meaning of section 3(a)(3) of the 1940 Act. Thus, Applicant concludes that it is presently not an investment company as defined in section 3(a)(3) of the 1940 Act. Applicant currently derives nearly all of its income from the operations of Hopper, and from its ownership of non-investment securities. In addition, Applicant's management has engaged and continues actively to engage in activities consistent with its new business strategy of becoming a financial holding company.

4. As part of its stated business objectives, Applicant has elected to its Board of Directors a former director of Hopper. By the terms of the agreement to acquire Hopper, two other directors of Hopper will join Applicant's Board, and three directors of Applicant will join the Board of Directors of Hopper. Because a substantial amount of Applicant's assets now consists of cash, non-investment securities, and shares of Hopper, Applicant's Board now spends almost all of its time engaged in the management of Hopper's operations and considering how the remainder of Applicant's assets can be used to further Applicant's current business objectives. It is anticipated that Applicant's officers and directors will devote no more than 15 percent of their time to "managing" Applicant's remaining investment securities and other securities.

5. By changing its investment policies, Applicant will lose eligibility to claim special tax treatment under Subchapter M of the Internal Revenue Code. Hence, the granting of the requested order will not result in any further change in Applicant's tax treatment. Moreover, the loss of favorable tax treatment upon ceasing to operate as an investment company was carefully disclosed in the proxy materials disseminated prior to the shareholders' meeting at which deregistration under the 1940 Act was approved.

Applicant's Legal Analysis

1. Without conceding that it is an investment company under section 3(a)(1) of the 1940 Act, Applicant requests an order pursuant to section 6(c) of the 1940 Act exempting it from all provisions thereof, and, pursuant to section 8(f) of the 1940 Act, terminating its registration under said Act. In support of the requested order, Applicant asserts that it is not the type of entity intended to be regulated under the 1940 Act. In this regard, Applicant notes that its wholly-owned subsidiary, Hopper, is excluded from the definition of an investment company by virtue of section 3(c)(2) because it is a broker-dealer. In addition, section 3(c)(6) of the 1940 Act excludes certain entities that operate as financial holding companies, which is the type of business Applicant has decided to pursue. To avoid any uncertainty that might arise because of the fact that holding companies of broker-dealers are not specifically excluded under section 3(c)(6), Applicant requests an order under section 6(c) exempting it from all provisions of the 1940 Act so that the SEC may then deregister it under section 8(f).

2. Applicant asserts that it is no longer an investment company as section 3(a) has been interpreted, and that there is no continuing public interest in requiring Applicant to be registered under the 1940 Act. Applicant's shareholders overwhelmingly approved its new business strategy and, thus, deregistration would be consistent with the interests of its shareholders. Also, Applicant's shareholders remain protected by the Securities Exchange Act of 1934 and the self-regulatory framework administered by the New York Stock Exchange as a result of Applicant's listing on that exchange. Finally, Applicant asserts that the abuses the 1940 Act are designed to address are no more applicable to Applicant's new business strategy than they would be to any other operating company or financial holding company. Accordingly, Applicant contends that the granting of the requested exempting order is appropriate in the public interest and consistent with the protection of investors and the purposes of the 1940 Act, and that the SEC should issue an order declaring that Applicant has ceased to be an investment company.

Applicant's Conditions

If the requested order is granted Applicant expressly consents to the following conditions:

1. Applicant will conduct its business in a manner that will not cause it to fall within the definition of an investment company under section 3(a)(1) or 3(a)(3) of the 1940 Act.

2. Applicant will dispose of all remaining investment securities as soon as reasonably practicable consistent with the fiduciary duties owed to its shareholders.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28228 Filed 12–8–87; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35-24513]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

December 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 December 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 address 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 be become affective.

NEES Energy, Inc. (70-7178)

NEES Energy, Inc. ("NEES Energy"), 25 Research Drive, Westborough, Massachusetts 01582, the energy management subsidiary for New England Electric System ("NEES"), a registered holding company, has filed a post-effective amendment to its declaration pursuant to sections 6(a) and 7 of the Act and Rule 50(a)(2) thereunder.

By prior Commission order, NEES Energy was authorized to enter into a credit agreement ("Agreement") with the Bank of Nova Scotia and the Bank of Nova Scotia International Limited to provide for short-term borrowings in amounts not exceeding $10 million outstanding at any one time prior to December 31, 1988 (HCAR No. 23951, December 17, 1985). However, that order expressly limited NEES Energy's actual borrowing authority under the Agreement to $10 million through December 31, 1987, without further Commission approval, so that it would correspond with NEES' authority to make loans and/or additional capital contributions to NEES Energy through December 31, 1987 (HCAR No. 23639, March 22, 1985). NEES Energy now proposes to make further borrowings under the Agreement up to an aggregate of $10 million outstanding at any one time through December 31, 1988.

The Columbia Gas System, Inc. (70-7276)

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary, TriStar Ventures Corporation ("TriStar Ventures"), both located at 20 Montchanin Road, Wilmington, Delaware 19807, have filed a post-effective amendment to an application-declaration pursuant to sections 6(b), 9(a), 10, 12(b) and 13(b) of the Act and Rules 45, 87, 90 and 91 thereunder.

By orders dated September 26, 1986 (HCAR No. 24199) and November 5, 1986 (HCAR No. 24199-A), TriStar Ventures was authorized to issue and sell up to $25 million of common stock, $25 par value to Columbia and/or unsecured installment promissory notes ("Notes") to Columbia or to nonaffiliated third parties and guaranteed by Columbia, the proceeds of which were to be used to invest in qualifying congeneration facilities ("Qualifying Facilities") as defined under the Public Utility Regulatory Policies Act of 1978. It is now proposed through December 31, 1989 that TriStar Ventures establish from time-to-time multiple, wholly owned subsidiaries for the purpose of investing in Qualifying Facilities, and that Columbia invest in TriStar Ventures a total aggregate principal amount at any one time outstanding of up to $50 million in the form of Common Stock, Notes and/or short-term borrowings from the Columbia system money pool.

Northeast Utilities (70-7304)

Northeast Utilities ("NU"), a registered holding company, and its subsidiaries, Western Massachusetts Electric Company ("WMECO") and the Quinnehtuk Company, each located at 174 Brush Hill Avenue, West Springfield, Massachusetts 01098, The Connecticut Light and Power Company, Northeast Utilities Sevice Company, The Rocky River Realty Company, and Northeast Nuclear Energy Company, each located at Selden Street, Berlin, Connecticut 06037, and Holyoke Water Power Company, located at Canal Street, Holyoke, Massachusetts 01040, have filed a post-effective amendment pursuant to sections 6(a), 7, 9(a), 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50 thereunder.

By order dated December 23, 1986 (HCAR No. 24282), WMECO had been authorized to effect short-term borrowings through December 31, 1988, in an amount not to exceed $60 million. By supplemental order dated February 10, 1987 (HCAR No. 24316), WMECO had been authorized to increase its short-term borrowings through April 30, 1987 to $75 million.

WMECO now proposes to increase its short-term borrowings through March 31, 1988 in an amount not to exceed $85 million. WMECO's projections indicate that short-term debt levels will exceed the currently authorized $60 million level in December, 1987, and that at various times in the first quarter of 1988 WMECO's short-term debt levels will exceed $75 million.

General Public Utilities Corporation (70-7473)

General Public Utilities Corporation, 100 Interpace Parkway, Parsippany, New Jersey 07054 ("GPU"), a registered holding company, has filed an application-declaration pursuant to sections 9(a), 10 and 12(c) of the Act and Rule 42 thereunder.

In order to reduce common stock equity rations to levels (not in excess of 45%) which GPU and its subsidiaries consider appropriate for the next several years, GPU proposes to repurchase from time to time through December 31, 1989 up to 2 million shares of its common stock, par value $2.50 per share. The timing of such repurchases will depend upon then existing market conditions and the anticipated capital needs of GPU and its subsidiaries. GPU presently has outstanding 62,863,643 shares (exclusive of 28,074 shares held in treasury) of common stock.

Alabama Power Company (70-7476)

Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291 a subsidiary of The Southern Company, a registered holding company, has filed a declaration pursuant to section 12(d) of the Act and Rule 44 thereunder.

Alabama and Alabama Electric Cooperative, Inc. (AEC) have entered into a transmission service agreement pursuant to which Alabama will deliver power for Alabama proposes to sell, at AEC's request, certain electrical equipment, including current transformers, potential transformers, meter cabinets and associated facilities, to AEC for $400,000 in cash. Such equipment is used for the delivery of power under the transmission service

agreement. The conveyance includes a Trustee's release of the equipment from Alabama's first mortgage indenture lien.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G Katz,

Secretary.

[FR Doc. 87-28185 Filed 12-8-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-24514]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

December 3, 1987.

Notice is hereby given that the following filing has been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application and/or declaration for complete statements of the proposed transactions summarized below. The application and/or declaration 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 and/or declaration should submit their views in writing by December 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 ordered issued in the matter. After said date, the application and/or declaration, as filed or as amended, may be granted and/or permitted to become effective.

National Fuel Gas Company, et al. (70-7478)

Notice of Amendment of Articles of Incorporation. Order Authorizing Proxy Solicitation.

National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company and a New Jersey corporation, and its subsidiary companies, National Fuel Gas Distribution Corporation, Penn-York Energy Corporation, Empire Exploration, Inc. and Enerop Corporation (collectively, "Subsidiary Corporations"), each located at 10 Lafayette Square, Buffalo, New York 14203, have filed a declaration pursuant to sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder.

National, a New Jersey corporation, and the Subsidiary Corporations, each a New York corporation, propose to amend their respective certificates of incorporation ("Certificates"), subject to shareholder approval. National and the Subsidiary Corporations seek to limit the personal monetary liability of directors, and in the case of National, officers for a period of two years, of these corporations in accordance with recent amendments to the New Jersey Business Corporation Act and the New York Business Corporation Law. The Subsidiary Companies also propose to make certain additional changes to their respective Certificates. National has filed proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation of proxies for voting by its shareholders on the proposal to amend its Certificate be accelerated as provided in Rule 62. National proposes to mail the notice of meeting proxy statement and proxy to its shareholders on or about January 4, 1988, with a specified meeting date of February 18, 1988. The Subsidiary Companies will each seek the consent of National, their sole shareholder, to make such amendments and to make certain additional changes to their respective Certificates.

It appearing to the Commission that National's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith, pursuant to Rule 62:

It is ordered, that the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith, pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-28186 Filed 12-8-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. ICC-16155; Filed No. 812-6891]

Securities Fund Annuities, Inc.

December 2, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 (the "1940 Act").

Applicants: Securities Fund Annuities, Inc. ("SFA") and Securities Fund Retirement Annuity Separate Account (the "Separate Account").[1]

Relevant 1940 Act Sections: Exemption requested under section 6(c) from sections 26(a)(2) and 2(c)(2).

Summary of Application: Applicants seek an order to permit SFA to deduct from the Separate Account the mortality and expense risk charges imposed under certain variable annuity contracts issued by SFA.

Filing Date: The application was filed on October 7, 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 asked to be notified if a hearing is ordered. Any request must be received by the SEC by 5:30 p.m., on December 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 Applicants with the request, either personally or by mail, and also send a copy 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; Securities Fund Annuities, Inc., P.O. Box 33030, 700 Central Avenue, St. Petersburg, Florida 33733-3628.

FOR FURTHER INFORMATION CONTACT: Staff Attorney Wendell Faria at (202) 272-3450 or Special Counsel Lewis B. Reich at (202) 272-2601 (Division of Investment Management, Office of Insurance Products and Legal Compliance).

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300)).

Applicants' Representations:

1. The Separate Account was established by SFA pursuant to Florida law to fund the Securities Fund Retirement Annuities (the "Annuities"). The Separate Account is registered as a

[1] As of the date of this Notice, SFA was in the process of changing its name to Templeton Funds Annuity Company, and the Separate Account to Templeton Funds Retirement Annuity Separate Account.

unit investment trust under the 1940 Act. A registration statement on Form N–4 under the Securities Act of 1933, as amended, has been filed to register the offering of the Annuities. The Separate Account presently invests solely in the shares of the Templeton Variable Annuity Fund (the "Fund").

2. For assuming certain risks under the Annuities, SFA imposes expense risk and morality risk charges in the amount of 1.1% annually of the total net assets of the Separate Account. These charges are allocable 0.6% of the average annual net assets to cover expense risk, and 0.5% to cover the mortality risk. Applicants represent that the mortality and expense risk charges cannot be increased once the Annuities once are issued.

3. Applicants represent that the expense risk and mortality risk charges are reasonable in relation to the risks assumed by SFA under the Annuities, are consistent with the protection of investors insofar as they are designed to be competitive while not exposing SFA to undue risk of loss, and fall within the range of similar charges imposed under competitive variable annuity products.

4. Applicants represent that the expense risk and mortality risk charges are reasonable in amout as determined by industry practice with the respect to comparable annuity products. Applicants state that this representation is based on their analysis of publicly available information about similar industry practices, taking into consideration such factors as current charge levels and the existence of expense charge guarantees and guaranteed annuity rates.

5. Applicants represent that the Separate Account's proposed distribution financing arrangement will benefit the Separate Account and the owners of the Annuities.

Applicants' Conditions: If the requested order is granted Applicants agree to the following conditions:

1. SFA will maintain at its home office and make available to the Commission a memorandum setting forth in detail the products analyzed in the course of, and the methodoogy and results of, SFA's comparative survey of competitive annuity products.

2. SFA will maintain at its home office and make available to the Commission upon request a memorandum setting forth the basis of its conclusion that the Separate Account's distribution financing arrangement will benefit the Separate Account and investors.

3. The Separate Account will invest only in open-end management investment companies which have undertaken to have a board of directors, a majority of whom are not interested persons of the open-end management company, formulate and approve any plan pursuant to Rule 12b–1 under the 1940 Act to finance distribution expenses.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–28189 Filed 12–8–87; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under the Office of Management and Budget

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 by January 8, 1988. 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. 83), supporting statement, 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 Steet, N.W, 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: Procurement Automated Source System Company, Profile and Validation of Pass Registration

Form No.: SBA 1167, 1395

Frequency: On occasion

Description of Respondents: The Small Business Act, as amended, requires SBA to make a complete inventory of all productive facilities of small business concerns and to coordinate the most effective utlization of their productive capacity.

Annual Responses: 140,000

Annual Burden Hours: 15,000

William Cline,

Chief, Administrative Information Branch.

[FR Doc. 87–28253 Filed 12–8–87; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2296]

Declaration of Disaster Loan Area; Federated States of Micronesia

As a result of the President's major disaster declaration on November 25, 1987, I find that the State of Truk in the Federated States of Micronesia Constitutes a disaster loan area because of damage from Typhoon Nina beginning on or about November 21, 1987. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on January 25, 1988, and for economic injury until the close of business on August 25, 1988, at: Disaster Area 4 Office, Small Business Administration, 77 Cadillac Drive, Suite 158 P.O. Box 13795, Sacramento, California 95853 or other locally announced locations.

The interest rates are:

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)—9.000%

The number assigned to this disaster is 229606 for physical damage and for economic injury the number is 657500.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: December 2, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87–28254 Filed 12–8–87; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2297]

Declaration of Disaster Loan Area; Louisiana

As a result of the President's major disaster declaration on November 30, 1987. I find that the Parishes of

Avoyelles, Caddo, Grant, Madison, and Rapides and the adjacent Parishes of Catahoula, DeSoto, Franklin, LaSalle, and Winn in the State of Louisiana constitute a disaster loan area because of damage from tornadoes and severe flooding on November 15–19, 1987. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on January 29, 1988, and for economic injury until the close of business on August 30, 1988, at: Disaster Area 3 Office, Small Business Administration, 2306 Oak Lane, Suite 110, Grand Prairie, Texas 75051 or other locally announced locations.

The interest rates are:

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)—9.000%

The number assigned to this disaster is 229712 for physical damage and for economic injury the number is 657600.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Date: December 2, 1987.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 87–28255 Filed 12–8–87; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date December 4, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0310
Form Number: ATF REC 5120/3
Type of Review: Revision
Title: Records Related to Decolorizing Wine, Including the Use of Activated Carbon

Description: ATF requires that wine that is treated on wine premises with activated carbon or a similar decolorizing material be identified and specific records be maintained. ATF uses this information to validate the Federal excise tax due to the U.S. Government and to ensure the integrity of the product as wine for consumer protection.

Respondents: Businesses or other for-profit, Small Businesses or organizations
Estimated Burden: 325 hours

Clearance Officer: Robert Masarsky (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87–28170 Filed 12–8–87; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: December 4, 1987.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Papework 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 regarding these information collections should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0023
Form Number: 720
Type of Review: Resubmission
Title: Quarterly Federal Excise Tax Return

Description: Form 720 is used to report excise taxes due from retailers and manufacturers on the sale or manufacture of various articles to report taxes on facilities and services, and taxes on certain products and commodities (gasoline and windfall profit taxes, etc.). It enables IRS to monitor excise tax liability for various categories on a single form and to collect the tax quarterly in compliance with the law and regulations (Internal Revenue Code section 6011).

Respondents: Individuals or households, Business or other for-profit
Estimated Burden: 469,859 hours

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87–28171 Filed 12–8–87; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to the Office of Management and Budget for Review

Date: December 4, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–0021
Form Number: 709–A
Type of Review: Extension
Title: United States Short Form Gift Tax Return

Description: Form 709–A is used to report gifts that would be taxable except that they are "split" between husband and wife. The form is a simplified version of Form 709, designed to relieve these gift/taxpayers of the burden of filing Form 709. IRS uses the information to assure that "gift-splitting" was properly elected.

Respondents: Individuals or households
Estimated Burden: 53,857 hours

Clearance Officer: Garrick Shear (202) 535–4297, Internal Revenue Service Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

Clearance Officer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

Departmental Reports Management Officer.

[FR Doc. 87–28172 Filed 12–8–87; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 236
Wednesday, December 9, 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).

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 52 FR 45429, Friday, November 27, 1987.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time) Tuesday, December 8, 1987.

CHANGE IN THE MEETING: The Time of the Meeting has been Changed to 10:00 a.m.

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer (Acting), Executive Secretariat, (202) 634–6748.

Dated and Issued: December 4, 1987.

Cynthia C. Matthews,

Executive Officer (Acting), Executive Secretariat.

[FR Doc. 87–28249 Filed 12–4–87; 4:45 pm]

BILLING CODE 6750–06–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:06 p.m. on Tuesday, December 1, 1987, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider: (1) Matters relating to the possible failure of certain insured banks; and (2) a request for financial assistance, pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 2, 1987.

Federal Deposit Insurance Corporation.

Margaret M. Olsen,

Deputy Executive Secretary.

[FR Doc. 87–28341 Filed 12–7–87; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

December 3, 1987.

TIME AND DATE: 2:30 p.m., Thursday, December 10, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Utah Power & Light Company, Mining Division,* Docket No. WEST 87–130–R, etc. (Issues include Utah Power's petition for interlocutory review.)
2. *Southern Ohio Coal Company,* Docket Nos. WEVA 86–35–R, etc. (Continuation of Commission's consideration of previously discussed matter.)
3. Consideration of possible revisions to Commission precedural Rules 35–38. 29 CFR 2700.35 through 2700.38.

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87–28378 Filed 12–7–87; 3:48 pm]

BILLING CODE 6735–01–M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Wednesday, December 9, 1987 at 10:30 a.m.

PLACE: Room 117, 701 E Street, NW., Washington, DC 20436.

STATUS: OPEN TO THE PUBLIC.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Inv. 751–TA–14 (Liquid Crystal Display Television Receivers from Japan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

Kenneth R. Mason,

Secretary.

November 30, 1987.

[FR Doc. 87–28264 Filed 12–7–87; 8:49 am]

BILLING CODE 7020–02–M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Wednesday, December 16, 1987 at 10:00 a.m.

PLACE: Room 117, 701 E Street NW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Invs. 731–TA–367/370 (Final) (Color Picture Tubes from Canada, Japan, the Republic of Korea, and Singapore)—briefing and vote.
6. Invs. 731–TA–385 & 386 (Preliminary) (Granular polytertrafluoroethylene resin from Italy and Japan)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

Kenneth R. Mason,

Secretary.

November 30, 1987.

[FR Doc. 87–28265 Filed 12–7–87; 8:49 am]

BILLING CODE 7020–02–M

federal register

Wednesday
December 9, 1987

Part II

Federal Trade Commission

16 CFR Part 453

Trade Regulation Rule; Funeral Industry Practices; Advance Notice of Proposed Rulemaking

FEDERAL TRADE COMMISSION

16 CFR Part 453

Trade Regulation Rule; Funeral Industry Practices

AGENCY: Federal Trade Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Trade Commission announces its intention to begin a rulemaking amendment proceeding for the trade regulation rule concerning funeral industry practices ("Funeral Rule" or "Rule"). The Funeral Rule requires that the Commission initiate a rulemaking amendment proceeding four (4) years after the effective date of the Rule. The proceeding will address whether the Funeral Rule should remain in effect without changes, or should be amended or repealed. The Commission invites public comment on how the Funeral Rule has affected consumers, funeral providers and others, and what changes, if any, should be made to the Rule.

DATES: Written comments will be accepted until January 25, 1988.

ADDRESS: Written comments should be addressed to the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, DC 20580. All comments should be captioned: "Comment on Advance Notice of Proposed Rulemaking—Funeral Rule, FTC File No. 215–66."

FOR FURTHER INFORMATION CONTACT: Ra'ouf M. Abdullah, Attorney, (202) 326–3024, Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Part A—Background Information

This notice is being published pursuant to section 18 of the Federal Trade Commission Act, 15 U.S.C. 57a *et. seq.*, the provisions of Part 1, Subpart B of the Commission's Rules of Practice, 16 CFR 1.7, and 5 U.S.C. 551, *et. seq.* This authority permits the Commission to promulgate, amend and repeal trade regulation rules that define with specificity acts or practices that are unfair or deceptive in or affecting Commerce within the meaning of section 5(a)(1) of the FTC Act, 15 U.S.C. 45. The Funeral Rule declares that it is an unfair or deceptive act or practice for funeral providers to: (1) Fail to furnish price information to purchasers; (2) require consumers to purchase unwanted and unnecessary items; and (3) embalm a deceased human remains for a fee without authorization. In addition, the Funeral Rule declares it is a deceptive act or practice for a funeral provider to misrepresent: (1) Embalming requirements; (2) cremation requirements; (3) grave vault or grave liner requirements; (4) legal and cemetery requirements; (5) preservation and protective value features of funeral goods and services; and (6) cash advance charges for items paid for by the funeral provider on the consumer's behalf. The Rule sets forth the following remedial measures that must be taken by funeral providers to avoid engaging in the unfair or deceptive acts or practices described above.

Under the Funeral Rule, funeral providers must: (1) Disclose price and other information over the telephone to persons who call the funeral home and inquire about the offerings or prices of funeral goods and services; (2) disclose written price information in the form of a general price list, a casket price list and an outer burial container price list to persons who inquire in person about funeral arrangements or the prices of funeral goods and services;[1] (3) give customers a written statement, after the selection of funeral goods and services, showing prices of each of the items selected, the total price for the funeral, cash advance estimates or actual costs, if known, and any legal, cemetery and crematory requirements that compel the purchase of any items or services for the particular funeral; (4) make truthful representations regarding legal and other requirements that compel the purchase of particular items or services; (5) permit consumers to select and purchase only those goods and services they desire (instead of offering goods and services only in predetermined packages); (6) seek to obtain express permission before embalming the deceased for a fee; (7) refrain from misrepresenting the protective and preservative value of funeral goods and services; (8) disclose whenever they charge a fee for arranging cash advance purchases; and (9) make unfinished wood boxes or alternative containers available for direct cremation, if the funeral provider offers direct cremation.

The Funeral Rule was promulgated on September 24, 1982,[2] and became fully effective on April 30, 1984.[3] A unique feature of the Funeral Rule is its requirement that the Commission initiate a rulemaking amendment proceeding four (4) years after the effective date of the Rule. This provision, set forth in § 453.10 of the Rule, states:

> No later than four years after the effective date of this rule, the Commission shall initiate a rulemaking amendment proceeding pursuant to section 18(d)(2)(B) [of the FTC Act] [4] to determine whether the rule should be amended or terminated. The Commission's final decision on the recommendations of this proceeding shall be made no later than eighteen months after the initiation of the proceedings.[5]

Having been duly promulgated, the Rule enjoys a presumptive validity and the Commission need not develop additional evidence to justify retaining the Rule. However, the Commission would require substantial evidence in the rulemaking record to justify amending or repealing the Rule.

Part B—Objectives

The objective of this rulemaking amendment proceeding is to determine whether the Commission's Funeral Rule

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[1] The Rule allows funeral providers to place the information from the casket and outer burial container price lists on the general price list. This combined list must be offered to persons who inquire in person about funeral arrangements or the cost of funeral goods and services.

[2] 47 FR 42760 (Sept. 24, 1982).

[3] The Funeral Rule had two effective dates. Those portions of the Funeral Rule that prohibit certain oral or written representation became effective on January 1, 1984. 48 FR 45537 (Oct. 6, 1983). The remainder of the Rule—the portions that impose affirmative obligation on funeral providers—became effective April 30, 1984. *Id.*

N.B. The effective date of § 453.3(b)(1)(ii) of the Rule was changed from January 1, 1984, to April 30, 1984. 49 FR 564 (Jan. 5, 1984).

Because the recordkeeping and disclosure requirements of the Funeral Rule include information collection requirements as defined by the Office of Management and Budget's ("OMB") Paperwork Reduction Act implementing rules, 5 CFR Part 1320, the Commission submitted the Rule to OMB for review. The Funeral Rule's information collection requirements were reviewed and approved by the OMB on December 18, 1984.

At that time the Commission estimated that the Rule imposed a reporting and recordkeeping burden of 177,000 hours on some 22,000 firms. The burden estimate is based on the assumption that each firm that must comply with the Rule would spend approximately seven hours per year making disclosures and 1 hour per year keeping records required by the Rule. These estimates do not include amounts of time and effort by funeral providers that would be spent making disclosures or keeping records that would be done in the ordinary course of business in the absence of any rule.

[4] Section 18(d)(2)(B) of the FTC Act states, in part:

> A substantive amendment to, or repeal of, a rule promulgated under subsection (a)(1)(B) shall be prescribed, and subject to judicial review, in the same manner as a rule prescribed under such subsection * * *.

[5] In the Statement of Basis and Purpose for the Funeral Rule ("SBP"), 47 FR 42260, 42299 (Sept. 24, 1982) the Commission states that the early review procedure is designed to ensure that there is a need to continue the Funeral Rule after the Rule has had an opportunity to correct the market defects the Commission identified.

should be continued without change, amended or repealed. To assist the Commission in reaching its determination, the Commission will seek evidence on the following factual issues: (1) Whether the benefits of the Funeral Rule are greater than its costs; (2) whether the present funeral market is sufficiently self-regulating, in conjunction with state and local law, so that the Rule is no longer needed; (3) whether the Rule has operated as expected; and (4) whether the Rule has contributed to an increase in competition in the funeral industry.

Part C—Alternative Actions

The Commission will consider a number of alternatives to leaving the Funeral Rule in effect as it is. This part of the notice discusses several alternatives. One possible alternative would be to repeal the Rule and allow the performance of the funeral industry to be guided by competitive forces and state and local authorities. Another alternative would be to amend or repeal specific provisions of the Rule. A third alternative would be to expand the Rule to cover funeral transactions by persons not presently subject to the Funeral Rule or to cover additional substantive areas. A fourth alternative would be to limit the Rule's coverage to at-need transactions and exclude pre-need arrangements from coverage. In connection with the at-need—pre-need issue, the Commission is considering whether the two markets can be readily distinguished.

At this time, the Commission has not determined whether changes to the Rule are warranted. The following is a list of some of the possible modifications to the Funeral Rule that the Commission will likely consider.

Telephone Disclosure Requirements

The Rule requires funeral providers to disclose that price information is available over the telephone to persons who telephone and ask about prices, terms or conditions. In addition, funeral providers must provide over the telephone any price information requested that is readily available. The Commission anticipated that these provisions would make price information more available to consumers. The Commission is considering whether these provisions have been effective and whether it should amend or repeal the telephone disclosure requirements.

Embalming Provisions

The Rule requires funeral providers to seek to obtain prior, express approval before charging consumers for embalming. Funeral providers are also required to refrain from misrepresenting the need for embalming and must disclose in writing the reasons it is necessary if they represent to consumers that embalming is non-declinable. The Commission is considering whether these provisions have been effective or whether it should consider amending or repealing these embalming provisions.

Anti-Tying Provisions

The Rule prohibits funeral providers from requiring consumers to purchase unwanted items as a condition of purchasing desired items, except as required by law or permitted by the Rule.[6] This provision permits consumers to purchase caskets from providers other than the one performing the funeral. To cover the costs associated with handling consumer-supplied merchandise, some funeral providers charge handling fees. These charges are not prohibited by the Rule. The Commission is considering whether the anti-tying provisions have been effective in preventing consumer injury and fostering competition. For example, the Commission is considering whether, in certain situations, handling fees are being used to unreasonably restrict consumers' right to obtain caskets elsewhere and, thus, to prevent price competition in the marketing of caskets. The Commission is also considering whether it should otherwise amend or repeal the anti-tying provisions.

Written Price Disclosures

The Rule requires funeral providers to give consumers one or more price lists that show the itemized prices of the following funeral goods and services: Acknowledgment cards, automobile equipment usage, caskets and alternative containers, embalming, outer burial containers, preparation of the body, professional services of the funeral director and staff, use of facilities, and transportation of the deceased. In addition, the lists disclose potentially important consumer rights. The Rule does not mandate a specific format for the price lists. These lists must be given to consumers prior to the showing of the goods and, in some cases, the consumers can retain the lists. The Commission is considering whether these provisions have been effective, whether it should amend or repeal these provisions or whether it should consider changing the timing for the disclosure of the lists, the information disclosed on the lists, or the persons entitled to receive the lists. The Commission is further considering whether funeral providers should be required to use a standard format to display these prices.

Misrepresentations

The Funeral Rule prohibits funeral providers from misrepresenting that state or local law requires consumers to purchase embalming, caskets for cremation, grave liners or grave vaults, or any other funeral goods or funeral services. In addition, the Rule prohibits funeral providers from misrepresenting the preservative or protective features of funeral goods and services and misrepresenting whether the consumer will be charged for the service of procuring cash advance items.

The Commission is considering whether it should amend or repeal the misrepresentation provisions or the provisions requiring written and oral disclosures that are intended to prevent misrepresentations.

Definition of Funeral Provider

The Funeral Rule applies only to "funeral providers." The Rule defines a funeral provider as any person, partnership or corporation that sells or offers to sell funeral goods *and* funeral services to the public. The Rule defines funeral goods as the goods sold directly to the public for use in connection with funeral services. The Rule defines funeral services as: (1) Those services used to care for and prepare deceased human bodies for burial, cremation, entombment or other final disposition; and (2) those services used to arrange, supervise or conduct a funeral ceremony or the final disposition of deceased human bodies. Persons that sell or offer to sell only funeral goods or only funeral services are not considered funeral providers for the purposes of the Rule and thus, are not subject to its provisions.

Thus, for example, parties that sell only caskets or outer burial containers (grave liners and vaults) are not subject to the requirement under the Rule to disclose price information. The Commission is considering whether there is a basis for extending the Rule to persons that sell or offer to sell funeral goods *or* funeral services, or specifying that certain transactions of funeral providers would or would not be covered by the Funeral Rule.

State Exemption Petitions

The Rule permits any state to petition the Commission for statewide exemption from the Rule. Such petitions are granted if the Commission

[6] The anti-tying provisions also require that those funeral providers that offer direct cremation must offer unfinished wood boxes or alternative containers for use in direct cremations.

determines that: (a) The state has a requirement in effect that applies to the same transactions as the Funeral Rule and (b) the state requirement offers consumers an equivalent or greater overall level of protection. The exemption exists in that state as long as the state administers and enforces its requirements effectively. The consequence of an exemption is that the Rule no longer applies in the state. The Commission is considering whether it should modify the provision, or more clearly define terms such as "overall level of protection," and "effectively."

Pre-Need and Prearranged Funerals

The Rule applies to funeral transactions whether those transactions are entered into at the time of need or prior to any perceived need on the part of the consumer. At the time of need, consumers may be mourning the death of a loved one and have limited time to make arrangements. These conditions may not exist in a pre-need market. However, pre-need consumers may not have access to information about prices, legal requirements, and the right to select only those goods and services they want in an unregulated market. The Commission is considering whether the Rule should continue to cover funeral transactions that are made prior to the time of need. The Commission is also considering whether there are, in fact, important differences between the pre-need and the at-need markets and whether funeral providers can readily distinguish between a pre-need and an at-need consumer.

Part D—Request for Comments

Members of the public are invited to comment on any issues or concerns they believe are relevant or appropriate to the Commission's review of the Funeral Rule.[7] In this section, the Commission identifies a number of issues on which it solicits public comment. The identification of issues is designed to assist the public in commenting on relevant matters and should not be construed as a limitation on the issues on which public comment is sought.

In addition, the Commission solicits public comment on related issues of public interest involving the Rule's effect on small entities and the paperwork burden it imposes.

Thus, pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* the Commission solicits comments and data on whether, and the extent to which, the Funeral Rule has had a significant economic impact on small entities, and if it has, whether and how the Rule should be amended to minimize such economic impact.

Finally, pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501–3518, the Commission seeks public comment on the information collection requirements of the Rule to determine whether the Rule imposes unnecessary recordkeeping and disclosure requirements.

Recommendations to Commenters

A comment that includes the reasoning or basis for a proposition will likely be more persuasive than a comment without supporting information. Accordingly, commenters are asked to explain their answers and provide any supporting evidence. The Commission requests that factual data upon which the comments are based be submitted with the comments.

Note to Commenters: Please indicate the question number to which each comment refers, if any.

Consumer Experiences

(1) How, if at all, has the Rule affected: (a) The relative proportion of consumers who prearrange funerals; or (b) pre-need funeral marketing by funeral providers?

(2) How, if at all, has the Rule affected the relative proportion of consumers who contact more than one funeral home before deciding which one to use?

(3) How, if at all, has the Rule benefited consumers by: (1) Alerting consumers to the importance of price information and ensuring they obtain information at the critical point of choosing a provider; (2) providing information about different purchase options; (3) protecting consumers from injurious misrepresentation; (4) providing written statements of itemized charges, total charge and items selected at the conclusion of the discussion of the arrangement; (5) requiring authorization prior to embalming; and (6) prohibiting providers from conditioning the purchase of a wanted item on the purchase of an unwanted item? (b) What costs, if any, has the Rule imposed on consumers?

Funeral Industry and Marketing

(4) How have prices changed (in total and for specific funeral goods and services) since the Funeral Rule commenced in 1984? To what extent, if at all, are any such changes in the total prices or individual prices for funeral goods and services attributable to the Rule? To the extent possible in your answer, please provide specific information on the total and individual prices of funeral goods and services prior to and after the commencement of the Rule.

(5) (a) How, if at all, have the relative proportions of the following types of funerals changed since the Rule commenced: (1) Ground burials; (2) cremations; (3) above ground entombment; or (4) other dispositions? (b) To what extent are any changes attributable to the Rule?

(6) (a) How, if at all, have the relative proportions of the following types of services or dispositions changed since the Rule commenced: (1) Funerals that included embalming; (2) cremations that utilized caskets; or (3) funerals that included any other specific funeral goods or services (for example—a hearse, viewing room, flower car or family car)? (b) To what extent, if at all, are any such changes attributable to the Rule?

(7) (a) How, if at all, since the Rule commenced have the following factors changed: (1) The number and sizes of funeral homes in the industry; (2) the ability of new funeral homes to enter the industry; (3) mergers in the funeral industry; (4) profits of funeral providers? (b) To what extent, if at all, are any such changes listed above attributable to the Rule?

(8) What costs attributable to the Rule have funeral providers incurred in: (a) Discussing funeral prices, terms, and conditions over the telephone with consumers; (b) arranging funerals; (c) obtaining prior permission to embalm; (d) providing price information to consumers who request it in person; or (e) providing written statements of itemized charges to consumers at the time arrangements are made?

(9) Are any of the Rule's provisions especially costly or difficult to comply with?

(10) How, if at all, has the Rule benefited funeral providers?

Scope of the Rule's Coverage

(11) (a) Should the Rule's definition of a funeral provider as: "any person, partnership or corporation that sells or offers to sell funeral goods and funeral services to the public" be changed? (b) If so, how should it be changed? (c) Are funeral homes that compete with sellers of only funeral goods or only services (which are not covered by the Rule) placed at a competitive disadvantage because the funeral homes must comply

[7] Comments to this notice need not adhere to any particular standard. However, in preparing comments to the Notice of Proposed Rulemaking, which should be published in the Spring of 1988, interested parties ought to review the evidentiary criteria articulated by the Commission in the Statement of Basis and Purpose for the Credit Practices Rule, 49 FR 7740, 7742 (Mar. 1, 1984) (text and n. 4).

with the Rule? (d) Are consumers being injured by the fact that the Rule covers only sellers of funeral goods and services?

(12) (a) Should the Rule apply to pre-need or prearranged funeral contracts? (b) Why should pre-need and at-need consumers be treated differently? (c) Can a funeral provider readily distinguish between a pre-need and an at-need customer or will this complicate compliance with the Rule?

(13) (a) Should the Rule be expanded to cover additional areas that are not currently subject to the Rule? (b) If so, what additional areas should the Rule address?

(14) (a) How, if at all, has the Rule affected the cremation industry? (b) Should the Commission amend the Rule to include within its scope unfair and deceptive practices by crematories, if any, that are not currently covered by the Rule?

Compliance

(15) To what degree have funeral providers complied with the Rule's:

(a) Telephone disclosure provisions;

(b) Price list provisions;

(c) Misrepresentation provisions;

(d) Anti-tying provisions;

(e) Embalming provisions;

(f) Cremation provisions; and

(g) Clear and conspicuous disclosure provisions;

(16) (a) Please specify what difficulties, if any, funeral providers have encountered in complying with the Rule. (b) What effect have any such difficulties had on funeral providers': (1) Ability to provide consumers with funeral goods and services; (2) costs of providing consumers with funeral goods and services; or (3) ability to compete with one another and with others?

Disclosure Requirements

(17) (a) Should the Commission amend or repeal the Rule's requirements that: (1) Funeral providers tell persons who telephone the funeral home and inquire about prices, terms or conditions, that price information is available over the telephone; and (2) funeral providers provide price and other readily available information over the telephone to persons who request it? (b) How, if at all, should they be changed?

(18) Should the Commission amend the Funeral Rule to require that all funeral providers adopt a standard format for the information required on the general price list?

(19) (a) Should the Commission amend or repeal the list of items disclosed on the general price list? (b) How, if at all, should the list be changed?

(20) (a) Should the Commission amend or repeal the requirement that funeral providers give consumers the price lists at the beginning of any discussion of prices or arrangements? (b) How, if at all, should the requirement be changed?

Misrepresentation Provisions

(21) (a) Should the Commission amend or repeal the subjects (legal, cemetery and crematory requirements, cremation requirements, cash advance charges, embalming requirements, product and service performance claims) covered by the misrepresentation provisions of the Rule? (b) What changes, if any, should be made?

Anti-Tying Provisions

(22) How, if at all, have handling fees for consumer-supplied merchandise affected consumer choice and price competition in the funeral industry?

(23) Should the Commission repeal or amend the requirement that funeral providers: (a) Allow consumers to purchase only those goods and services they want; (b) make unfinished wood boxes or alternative containers available for direct cremations?

Embalming Authorization

(24) (a) Should the Commission amend or repeal the requirement that funeral providers seek to obtain prior express approval before embalming deceased human remains for a fee? (b) How, if at all, should that requirement be amended?

Clear and Conspicuous Disclosure Requirement

(25) (a) Should the Commission amend or repeal the language of the Rule's requirement that funeral providers make all disclosures required by the Rule in a clear and conspicuous manner? (b) How, if at all, should that provision be amended?

General Issues

(26) Should the Commission retain the Rule unchanged?

(27) Should the Commission repeal the Rule? If your answer supports repeal, please provide a statement of the costs and benefits to consumers and funeral providers that you reasonably expect will result from repeal of the Rule.

State Exemptions and State Law

(28) Under what circumstances or situations, if any, should the Commission grant partial exemptions from trade regulation rules?

(29) (a) When evaluating the overall level of protection provided by a state law that is the basis of a petition for exemption from the Rule, should the Commission's consideration be limited to those state laws that are similar to Funeral Rule provisions (*e.g.*, price disclosure requirements), or should the Commission also consider the protection afforded by state law provisions that do not parallel Funeral Rule provisions (*e.g.*, bonding or escrow requirements)? (b) Should the Commission's determination of the overall level of protection afforded by state law be based on a provision-by-provision comparison of individual state and Funeral Rule requirements, or should the state requirements and Funeral Rule be considered as a whole? (c) How, if at all, should the state's administration and enforcement of its requirements affect the Commission's determination of the overall level of protection afforded to consumers by the State?

(30) When the Commission denies an exemption petition, both the Funeral Rule and state law usually remain in effect. What if the Commission has considered and rejected a requirement imposed by a state? If the Commission concludes that a state requirement fails to provide an equivalent "overall level of protection" to consumers because it is too burdensome, is that state requirement preempted because it conflicts with the Funeral Rule?

(31) How has the Rule affected state or local laws and regulations that cover the practices of funeral providers? Specifically, how, if at all, has the Rule: (a) Created conflicts or difficulties with existing state or local laws and regulations; (b) hampered enforcement of such laws; (c) affected the rights and obligations of consumers or funeral providers under such laws; or (d) affected compliance by funeral providers with such laws?

(32) Have there been changes in state or local laws or regulations that have affected the need for the Funeral Rule?

(33) What other modifications of or issues related to the Funeral Rule would you want the Commission to consider in this review proceeding?

Regulatory Flexibility

(34) How, if at all, has the Funeral Rule affected small businesses and the relative proportion of small businesses in the industry?

(35) Has the Rule had a significant economic impact (whether cost or benefit) on a substantial number of small entities? Please describe in detail any such significant impact, whether you believe it is beneficial or detrimental. For example, please state how many small entities have been substantially impacted; how and why they constitute a substantial number of

small entities; and explain how and why such economic impact is significant.

(36)(a) What burdens, if any, does compliance with the Rule place on small entities? (b) To what extent are the burdens (referred to in part (a) above) ones that small entities would also experience under standard and prudent business practice (such as normal competition for business)?

(37) What changes to the Rule, if any, would minimize the economic effect on small entities?

(38) To what extent does the Rule overlap, duplicate or conflict with other federal, state or local government rules?

(39) Have technology, economic condition, or other factors changed in the area affected by the Rule (the offering and selling of funeral goods and services to the public) since the Rule's promulgation in 1982? If so, what have been the changes and what effect do such changes have on the Rule, its continued need, its enforcement, funeral providers' compliance, and on the persons subject to the Rule?

Paperwork Burden Reduction

(40) Approximately how many hours per year have funeral providers spent making disclosures required by the Rule that would not be spent in the ordinary course of business absent the Rule?

(41) Approximately how many hours per year have funeral providers spent keeping records required by the Rule that would not be kept in the ordinary course of business absent the Rule?

(42) Could the Rule's requirements be changed to accomplish its disclosure goals at a reduced paperwork burden? Please explain how the Rule could be changed and provide a rationale for the change.

(43) Could the Rule's requirements be changed to accomplish its recordkeeping goals at a reduced paperwork burden? Please explain how the Rule could be changed, provide a rationale for the change and provide any supporting information.

(44) Are there any provisions of the Rule that preclude funeral providers from using developing technologies (e.g., office automation) to assist in complying with its requirements? Please explain which provisions have this effect, how they have this effect, and how it can be remedied.

List of Subjects in 16 CFR Part 453

Funerals, Trade practices.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 87-28140 Filed 12-8-87; 8:45 am]

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federal register

Wednesday
December 9, 1987

Part III

Environmental Protection Agency

40 CFR Part 35

Treatment of Indian Tribes as States; Grants to Indian Tribes for Wellhead Protection and Sole Source Aquifer Demonstration Programs; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[FRL-3251-8]

Treatment of Indian Tribes as States; Grants to Indian Tribes for Wellhead Protection and Sole Source Aquifer Demonstration Programs

AGENCY: Office of Water, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Safe Drinking Water Act Amendments of 1986 (Pub. L. 99–339) authorize EPA to treat Indian tribes as States, and to provide grants to Indian tribes to develop and implement Sole Source Aquifer Demonstration and Wellhead Protection Programs, sections 1427 and 1428, respectively. This proposed rule establishes procedures for determining eligibility of Indian tribes to apply for treatment as States and, if found eligible, to apply to receive approval of and grants for Wellhead Protection and/or Sole Source Aquifer Demonstration programs.

DATES: Written comments must be submitted on or before January 25, 1988. A public hearing will be held in Denver, Colorado, on January 13, 1988, beginning at 9:00 a.m. in the Rocky Mountain Room, EPA, Region VIII (5th floor), 999 18th Street, Denver, CO 80202–2405.

ADDRESSES: Send written comments to Project Officer, Indian Tribe Regulation, Office of Ground-Water Protection (WH–550G), EPA, 401 M Street SW., Washington, DC 20460. A copy of the comments and supporting documents will be available for review during normal business hours at the Public Reference Unit, EPA, Room 2404, 401 M Street SW., Washington, DC 20460. It is requested that anyone planning to attend the public hearing (especially those who plan to make statements) register in advance by either calling Kirsten Oravec at (202) 382–7077 or by writing to the attention of Ms. Oravec at EPA (WH–550G), 401 M Street SW., Washington, DC 20460. Persons planning to make statements at the hearing are encouraged to submit written copies of their remarks at the time of the hearing.

FOR FURTHER INFORMATION CONTACT: Norma Hughes, Office of Ground-Water Protection (WH–550G), Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; 202/382–7077.

SUPPLEMENTARY INFORMATION:

I. Statutory Requirements for Indian Programs

The Safe Drinking Water Act Amendments of 1986 (Amendments), 42 U.S.C. 300f *et seq*, enacted on June 19, 1986, include Section 1451 entitled "Indian Tribes." The Amendments authorize EPA to treat Indian tribes as States, delegate primary enforcement responsibility for the Public Water Supply and Underground Injection Control Programs to such tribes, and allow grant and contract assistance to such Indian tribes to carry out functions provided for by the Safe Drinking Water Act (SDWA). The Amendments require EPA to promulgate regulations within eighteen months after enactment, *i.e.*, by December 19, 1987, specifying those provisions of the SDWA where it is appropriate to treat Indian tribes as States. The Administrator proposes that it is appropraite to treat Indian tribes as States under section 1427 of the SDWA "Sole Source Aquifer Demonstration Program" (SSAD) and Section 1428 of the SDWA "State Programs to Establish Wellhead Protection Areas" (WHP).

Section 1451 establishes three tests an Indian Tribe must meet before treatment as a State is authorized: (1) The Indian Tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers; (2) the functions to be exercised by the Indian Tribe are within the area of the Tribal Government's jurisdiction; and (3) the Indian Tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of the Act and of all applicable regulations.

II. Background

This proposal would implement Federal policy statements regarding Indian tribes. On January 24, 1983, President Reagan signed a Federal Indian Policy Statement providing for treatment of tribal governments on a government-to-government basis and supporting the principle of self-determination and local decision-making by Indian tribes. EPA responded to the President's statement by developing a discussion paper entitled "Administration of Environmental Programs on Indian Lands" in July 1983 and subsequently developing the EPA "Indian Policy Statement and Implementation Guidelines" in November 1984. EPA's policy is "to give special consideration to tribal interests in making Agency policy and to ensure the close involvement of tribal governments in making decisions and managing the environmental programs affecting reservation lands." In practice, EPA policy is to work directly with tribal governments as independent authorities for reservation affairs, and not as political subdivisions of States.

This proposal addresses Indian administration of two of the four programs contained within the SDWA. The SDWA was enacted on December 17, 1974 (Pub. L. 93–523 and amended in 1977 (Pub. L. 95–190), 1979 (Pub. L. 96–63), 1980 (Pub. L. 96–502), and 1986 (Pub. L. 99–339). The statute protects the quality of drinking water supplies and ground water throughout the United States by establishing four major programs: Public Water Systems ("PWS"), Underground Injection Control ("UIC"), WHP and SSAD. The PWS program establishes drinking water quality standards; the UIC program protects ground water by regulating the injection of fluids into the ground; the WHP program assists States in the development and implementation of a program to protect, from contamination, the wellhead areas around public water supply wells; and the SSAD program assists States in the development of a program to protect "critical aquifer protection areas" within "sole source aquifers." EPA has already proposed a separate rule for Indian PWS and UIC programs [52 FR 28112, July 27, 1987].

EPA formed a workgroup in August 1986 to draft regulations that would implement section 1451 of the SDWA. In October 1986, the workgroup circulated draft material on a proposed rule for the PWS and UIC programs to States and Indian tribes for comment. Much of the language in §§ 35.655 and 35.4015 of this proposal pertaining to eligibility for the treatment of a tribe as a State for purposes of the WHP and SSAD programs, is similar to the current proposed rule for PWS and UIC programs.

III. Discussion of This Proposed Rule

This proposal would allow Indian tribes to become eligible to submit for approval their applications for a WHP program and apply for grants to develop and/or implement WHP programs. It would also allow Indian tribes to submit for approval their applications for a SSAD program and to apply for grants to develop and/or implement SSAD programs as States. Since Indian tribes may currently apply for an SSAD program and associated funding as a municipal government, the proposed rule thereby eliminates the need for tribes to apply jointly with a Governor of a State which they must do if they opt to apply as a municipal government.

This proposal would establish two changes to Part 35 "State and Local Assistance" by amending Subpart A for Indian WHP programs and adding a new Subpart K for Indian SSAD programs. The proposed amendment to Subpart A and proposed Subpart K contain two important elements for Indian WHP and/or SSAD program(s). The first element would establish criteria and procedures for Indian tribes to apply to EPA for treatment as a State. An Indian tribe must be designated by EPA for treatment as a State before it is eligible to submit an application for approval of a WHP program to EPA and to apply for associated funding. Similarly, if a tribe opts for treatment as a State with respect to the SSAD program (as opposed to making application for the program as a municipality), then it must be found qualified for treatment as a State before it is eligible to submit an application for approval of an SSAD program and to apply for associated funding. The requirements a tribe must meet under Subparts A and K are identical. The second element discusses specific grant provisions for the development and/or implementation of tribal SSAD and WHP programs. This proposal does not establish requirements for approval of a proposed tribal WHP or SSAD program different from the requirements applicable to States because EPA believes it is appropriate to apply such requirements to Indian tribes.

A. Treatment of a Tribe as a State

Currently, States may apply for grants to support SSAD program(s) under section 1427 of the SDWA and WHP program(s) under section 1428 of the SDWA. It is EPA's intention in this proposal, which addresses the WHP and SSAD program (and a preceding proposal relating to the PWS and UIC programs), that, generally, Indian tribes which meet the requirements for treatment as a State, may apply for the program approvals and grants under the SDWA. Once an Indian tribe is treated as a State for purposes of a WHP or SSAD program, EPA will review a tribe's program approval or grant application in the same manner as a State application except as noted in this proposal.

As discussed below, one of the requirements for treatment as a State is that a tribe show jurisdiction over the functions encompassed by a particular program or grant. It is possible for a tribe to demonstrate the necessary jurisdiction for one program or grant while not demonstrating the appropriate jurisdiction for the other programs and grants under the SDWA. Accordingly, under this proposed rule, EPA would accept applications from tribes for treatment as a State on a program-by-program basis. For example, a tribe may show the appropriate jurisdiction and otherwise qualify for treatment as a State in order to apply for a WHP program grant. That tribe would not automatically by treated as a State for any other programs or grants in the SDWA until EPA approved a separate application. However, designation for treatment as a State relating to a WHP or SSAD program grant would operate as State designation for the whole WHP or SSAD program, since EPA would analyze tribal jurisdiction over the regulated activities of the whole program.

As is the case for States, the Indian tribe must have its own legal authorities to administer a program under the SDWA; EPA does not delegate its own authority. Nothing in this proposal is intended to alter any pre-existing authority or immunity any Indian tribe may have with respect to third parties.

To assist the Administrator in determining whether an Indian tribe should be treated as a State, pursuant to the eligibility criteria of section 1451(b)(1) of the SDWA, this proposal would require Indian tribes to provide specific information within four categories. This information includes:

(1) Evidence that a tribe is recognized by the Secretary of the Interior. Periodically, the Secretary of the Interior publishes a list of federally recognized tribes. The applicant may use this list or other documentation to show that it has Federal recognition;

(2) A narrative statement that it is currently "carrying out substantial governmental duties and powers" over a defined area. EPA considers the phrase "carrying out substantial governmental duties and powers" to relate to whether the applicant performs essential governmental functions traditionally performed by a sovereign government. Such functions may include, but are not limited to, the power to tax, the power of eminent domain, and the police power (*i.e.*, the power to provide for the public health, safety, and general welfare of the affected population). Accordingly, the applicant must provide a narrative statement describing the governmental functions currently performed by the tribal governing body including, but not limited to, the exercise of the police power; taxation, and the exercise of the power of eminent domain. This interpretation of "carrying out substantial governmental duties and powers" is consistent with the Internal Revenue Service's interpretation of similar language (*i.e.*, "substantial governmental functions") found in the Indian Governmental Tax Status Act of 1982 (Pub. L. 97–473). Each applicant must also provide copies of a currently effective tribal constitution or currently effective tribal codes, ordinances, and/or tribal resolutions (or other types of documents specified in the proposed regulation) showing the specific manner in which the applicant is presently performing the types of functions set forth in its narrative statement;

(3) A map and/or legal description of the area over which the Indian tribe asserts jurisdiction for the purpose of its proposed WHP or SSAD program(s); copies of currently effective provisions of tribal codes and ordinances and currently effective tribal resolutions (or other types of documents specified in the proposed rule) which establish the basis for the jurisdictional assertions; a description of the nature or subject matter of the asserted jurisdiction; and a description of the locations of the proposed wellhead protection area(s) (WHPA) or critical aquifer protection area(s) (CAPA) it proposes to regulate. This information will assist EPA in verifying that a tribe has the necessary jurisdiction to implement the program(s);

(4) A description of the Indian tribe's capability to administer a WHP or SSAD program. EPA's determination of whether a tribe is "reasonably expected to be capable" will consider six factors: (a) The tribe's previous managerial experience; (b) the existence of environmental or publish health programs administered by the tribe; (c) its accounting and procurement systems; (d) mechanisms in place for carrying out the executive, legislative, and judicial functions of the tribal government; (e) the relationship between regulated entities and/or the administrative agency of the tribal government which is, or will be, enforcing the program(s); and (f) a description of the technical and administrative capabilities of the staff to administer and manage either program. The statement of the tribe's previous management experience should include information of the type to indicate that the tribe has the managerial expertise to effectively administer, WHP and/or SSAD program. Types of information that EPA will use to evaluate managerial experience are contracts authorized under the Indian Self-Determination Act (Pub. L. 93–638), the Indian Mineral Development Act (Pub. L. 97–382), or the Indian Sanitation Facility Construction Activity Act (Pub. L. 86–121). EPA will require information on the tribe's executive, legislative, and judicial functions to ensure that the tribe

has the capability to enact enforceable drinking water, public health, land use, or other activities/regulations relevant to WHP and/or SSAD programs, to effectively administer and enforce such activities or regulations, and to adjudicate alleged violations of those regulations. EPA's evaluation of the tribe's capability will also consider the existing or proposed tribal agency which will assume authority for the program(s) and the relationship between that tribal governmental agency and potential regulated parties. In many cases, it may be tribal activity within a WHPA or CAPA that is to be controlled under the program(s). If and when the tribe would have to enforce either program, a conflict of interest may arise since the tribal governing body would be regulating itself. This circumstance will not, however, preclude a tribe from being treated as a State. EPA will require the tribe to address the conflict (e.g., by the creation of an independent tribal utility authority) before its program(s) would be approved.

EPA considered whether any aspects of the eligibility requirements would exclude smaller Indian tribes. To address the concern of small tribes, EPA will consider applications by a group or consortium of tribes within the same geographic area. However, each such applicant must still meet all the eligibility requirements to be treated as a State, particularly the jurisdictional requirement.

This proposal would also establish procedures for EPA's review of a tribe's application for treatment as a State under the WHP and SSAD programs. A tribe's application is complete when it has submitted all the information required in the proposed §§ 35.655 and/or 35.4015. Within thirty days of a receipt of a complete application, EPA will notify all appropriate governmental entities of the receipt of the Indian tribe's application and the substance of the tribe's jurisdictional assertion. Each of the governmental entities so notified shall have thirty days after receipt of the notice to submit its comments to EPA. Comments will be limited solely to the issue of the tribe's assertion of jurisdiction. EPA will not consider comments directed to whether the tribe meets EPA's other requirements for treatment as a State.

If a tribe's assertion of jurisdiction is subjected to a competing or conflicting claim, the Administrator, after consultation with the Secretary of the Interior, or his designee, may determine the validity of any challenge to the tribe's jurisdictional claim. In making such a determination, the Administrator shall take into consideration all comments submitted to EPA.

If the Administrator determines that a tribe meets all the requirements of proposed subpart A or subpart K, such determination then makes the tribe eligible to apply as a State for approval of a WHP or SSAD program and to apply for associated funding.

B. Program Grants

Sections 1427 and 1428 of the SDWA authorize grants to States to develop and/or implement SSAD and WHP programs. Such grants are not an entitlement and EPA's denial of a grant application by an Indian tribe qualified for treatment as a State is not a denial of a right. EPA allocates WHP or SSAD program grants based on the total amount of appropriated available funds for any one Federal fiscal year (October 1 to September 30). Once program funding is determined through the budgetary process, that level of funding becomes "fixed" for that fiscal year. Because of this situation, the Agency may not have adequate funding to award to eligible tribes the grant amount requested by each tribe.

EPA's Office of Ground-Water Protection issued WHP grant guidance on June 19, 1987 which is to be used by all applicants (including Indian tribes) seeking WHP grant funds (see Guidance for Applicants for State Wellhead Protection Program Assistance Funds under the Safe Drinking Water Act, EPA, June 1987).

This proposal addresses grant eligibility requirements for Indian WHP and SSAD programs and other aspects of these two grant programs for Indian tribes. It expands the list of jurisdictions potentially eligible to apply for and receive WHP grants (by including Indian tribes that meet the requirements of § 35.655) and SSAD grants (by allowing Indian tribes to apply as States rather than municipalities).

EPA proposes to reserve up to three percent of the annual WHP grant fund appropriation for Indian tribes. These reserved funds will be used for grants to such tribes that are developing (or implementing) WHP programs. The proposal does not address a separate SSAD funding reserve for Indian tribes. EPA believes that, since Congress intended the SSAD program to be a competitive program to "demonstrate" unique or innovative ground-water protection programs, and not a formula-based grant program, Indian tribes should compete for SSAD funds with all other applicants. The proposed 3 percent reserve represents a substantial increase over the amount that would be allocated if EPA only considered the WHP grant formula which considers, among its primary criteria, number of community water systems using ground water, population, volume of ground water withdrawals, and land area. EPA believes this increase is justified because developing and implementing a program for a small number of WHP areas requires relatively more resources per WHP area than in larger State programs. EPA is proposing to establish the Indian reserve in fiscal year (FY) 1988 (beginning October 1, 1987). For FY 1988, the President has requested Congress to appropriate $8 million for WHP programs. The WHP grant formula, resulted in allocations of approximately 1.8% ($164,000) of the available funds for Indian tribes. The rule proposes to reserve up to 3% ($240,000).

Tribes should apply for financial assistance as early as possible in any given fiscal year since WHP funds will be subject to reallocation under § 35.155 of the existing grant regulation. EPA's WHP grant guidance (and SSAD guidance when it is issued) also addresses other aspects of applying for and administering program grant funds. Allowable costs will be determined in accordance with OMB Circular No. A-87—"Cost Principles for State and Local Governments."

Where "treatment of Indian tribes as identical to States is inappropriate, administratively infeasible or otherwise inconsistent" with the Act, section 1451(b)(2) authorizes EPA to include in the "regulations promulgated" under section 1451 "other means for administering the provisions" applicable to States. EPA believes that it is inappropriate to apply, to Indian tribes, several of the grant provisions applicable to States. These are discussed below.

Currently, the maximum amount of Federal matching funds which may be used for SSAD programs is limited in section 1427(j) to a maximum 50 percent of program costs. Because Indian tribes will be able to use in-kind contributions, EPA anticipates that most Indian tribes will be able to meet the 50 percent local share requirement for SSAD. However, in cases where the tribe has met the other grant eligibility requirements and demonstrates that it does not have adequate funds (including Federal monies authorized by statute to be used as a match) or in-kind contributions to meet the 50 percent requirement, EPA may consider increasing the Federal share up to a maximum of 75 percent.

Similarly, the maximum amount of Federal matching funds which may be used for WHP programs is limited in

section 1428(k) to 90 percent, although EPA is authorized to establish a match requirement between 50 and 90 percent. EPA has established a 90 percent Federal share for States during FY 1988 and will decrease that percentage 10 percent each FY thereafter for both development and implementation costs. For a tribe that can demonstrate that it does not have adequate funding or in-kind contributions (as above), EPA may consider maintaining, each FY, a maximum Federal share of 90 percent for development costs. For implementation costs, however, the maximum Federal share will be no greater than 80 percent.

EPA considered how long Indian tribes should be eligible to receive development grants for WHP programs. Section 1428(d) of the SDWA establishes how long States may receive funds for development activities. The current program requirements allow States three years from enactment of the Amendments, or June 1989. This rule proposes one extra year for Indian tribes to receive funds for the development of WHP programs. EPA recognizes that, currently, many Indian environmental control programs are in an earlier stage of development than corresponding State programs. Consequently, the additional time for tribes to develop a new program is warranted.

C. Other Issues—Alaska Native Villages

The SDWA definition of "Indian Tribe" does not mention Alaska Native Villages. One reading of the legislative history of the Amendments indicates that Congress intended to exclude Alaska Native Villages from coverage under the "Indian Tribes" provision (section 1451). The Senate definition of "Indian tribal organization" in S. 124 (*i.e.*, the bill containing the Safe Drinking Water Act Amendments, as passed by the Senate) specifically included Alaska Native Villages. However, Congress' decision to adopt the House definition of "Indian Tribe" (which did not include Alaska Native Villages) suggests that Congressional intent was to exclude Alaska Native Villages from the definition of "Indian Tribe."

The Agency also notes that in section 101 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) Congress defined "Indian Tribe" to include Alaska Native Villages. The Amendments and SARA were both enacted by the same session of Congress. EPA believes this contrast in definitions is additional evidence of Congressional intent to exclude Alaska Native Villages from the scope of the SDWA Amendments.

In summary, based on the legislative history of the SDWA Amendments and comparisons with SARA, it appears that the SDWA definition of "Indian Tribe" does not include Alaska Native Villages. Consequently, under this proposal, Alaska Native Villages would not be eligible to apply for treatment as a State for approval of a WHP and/or SSAD program and for associated funding.

IV. Request for Public Comment

EPA requests public comments and information on all aspects of this proposal, including the issues identified in the preamble.

V. Other Regulatory Requirements

A. Compliance With Executive Order 12291

Executive Order 12291 [46 FR 13193, February 9, 1981] requires that a regulatory agency determine whether a new regulation will be "major" and, if so, that a Regulatory Impact Analysis be conducted. A major rule is defined as a regulation which 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, Federal, State and local government agencies, or geographic regions; or

(3) 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.

Since the proposed rule does not meet the definition of a major regulation, the Agency is not conducting a Regulatory Impact Analysis. The proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to these comments will be available for viewing at the EPA's Public Reference Unit, Room 2404, 401 M Street SW., Washington, DC 20460.

B. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA (ICR No. 1431) and a copy may be obtained from Eric Strassler, Information Policy Branch; EPA; 401 M St., SW. (PM-223); Washington, DC 20460, or by calling (202) 382-2709. Submit comments on the information collection requirements to EPA and: Timothy Hunt, Office of Information and Regulatory Affairs; OMB; 726 Jackson Place, NW.; Washington, DC 20503. The final rule will respond to any OMB or public comments on the information collection requirements.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act requires that Federal Agencies prepare Regulatory Flexibility Analyses assessing the impacts of proposed rules on entities such as small businesses, small organizations, and small governmental jurisdictions. Such analysis is not required, however, when the head of an agency certifies that a proposed rule will not have a significant economic impact on a substantial number of small entities.

EPA considers the information required by this rule to be the minimum necessary to effectively treat Indian tribes as States for purposes of WHP and SSAD programs. Any additional economic impact on the public resulting from implementation of the proposed regulation is expected to be negligible since activities within "wellhead areas" or "critical aquifer protection areas" will be limited to areas within tribal jurisdiction. Even then, many activities within these "areas" are already subject to some form of regulation or control. Accordingly, I certify that these proposed rules, if promulgated, would not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 35

Administrative practices and procedures, Grant programs, environmental protection, Indians, Intergovernmental relations, Reporting and recordkeeping requirements, Water Pollution control.

Date: December 2, 1987.

Lee M. Thomas,

Administrator.

Therefore it is proposed that 40 CFR, Chapter I, Part 35, be amended as follows:

PART 35—STATE AND LOCAL ASSISTANCE

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

Authority: 42 U.S.C. 300f *et seq.*

2. Section 35.105 is amended to add, in alphabetical order, a new definition for "Indian tribe" and "State" to read as follows:

§ 35.105 Definitions.

* * * * *

"Indian tribe." Within the context of Wellhead Protection Program assistance, any Indian tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.

* * * * *

"State." Within the context of Wellhead Protection Program assistance, one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian tribe treated as a State.

* * * * *

3. Subpart A is amended by adding the undesignated center heading "Wellhead Protection (sections 1428 and 1451)" and §§ 35.650 through 35.670 to read as follows:

Wellhead Protection (Sections 1428 and 1451)

Sec.

Wellhead Protection (Sections 1428 and 1451)

§ 35.650 Purpose.

Section 1428 and 1451(a)(3) of the Safe Drinking Water Act authorize assistance to States, including Indian tribes treated as States, for Wellhead Protection programs.

§ 35.655 Treatment of an Indian tribe as a State.

(a) *Requirements for treatment as a State.* The Administrator may treat an Indian tribe as a State, for purposes of making such tribe eligible to submit its Wellhead Protection program for EPA review and to apply for associated funding, if that tribe meets the following criteria:

(1) the Indian tribe is recognized by the Secretary of the Interior;

(2) the Indian tribe has a governing body "carrying out substantial governmental duties and powers" over any area (*i.e.*, is currently performing governmental functions to promote the health, safety, and welfare of the affected population within a defined geographic area);

(3) the Indian tribe demonstrates that the functions to be performed in administering a Wellhead Protection Program are within the scope of its jurisdiction;

(4) the Indian tribe demonstrates reasonable capability to effectively administer ("in a manner consistent with the terms and purposes" of the Act and all applicable regulations) a Wellhead Protection program by the existence of management and technical skills necessary to develop and administer a Wellhead Protection program; by the existence of institutions to exercise executive, legislative, and judicial functions; by a history of successful managerial performance of public health or environmental programs; and by acceptable accounting and procurement procedures.

(b) *Request by an Indian tribe for a determination of treatment as a State.* An Indian tribe may apply to the Administrator for a determination that it qualifies for treatment as a State pursuant to section 1451 of the Act. The application shall be concise and describe how the Indian tribe will meet each of the requirements of paragraph (a) of this section. The application shall include the following information:

(1) A showing that the tribe is recognized by the Secretary of the Interior;

(2) A descriptive statement demonstrating that the tribal governing body is currently "carrying out substantial governmental duties and powers" over a defined area. This statement shall, at a minimum, include:

(i) A description of the types of governmental functions currently performed by the tribal governing body, such as, but not limited to, the exercise of police powers affecting (or relating to) the health, safety, and welfare of the affected population; taxation; and the exercise of the power of eminent domain;

(ii) Copies of currently effective tribal laws such as but not limited to, tribal constitutions, by-laws, charters, executive orders, codes, ordinances, and/or resolutions showing the specific manner in which the applicant is performing the types of functions set forth in its descriptive statement. If governance is based upon tribal custom, this fact should be described in detail;

(3) A statement of jurisdiction which includes, at a minimum:

(i) A description of the functions expected to be exercised by the Indian tribe in implementing the Wellhead Protection Program, specifically the means by which control of contaminant sources may be addressed;

(ii) A map or legal description of the area over which the Indian tribe asserts regulatory jurisdiction, a list of all documents submitted pursuant to paragraph (b)(2)(ii) of this section which supports the tribe's jurisdictional assertions, a description of the nature or subject matter of the asserted jurisdiction, and a description of the Wellhead Protection area(s) the tribe proposes to regulate:

(4) A narrative statement describing the capability of the Indian tribe to administer a Wellhead Protection program. The statement shall include:

(i) A description of the Indian tribe's previous management experience including, but not limited to, the management of contracts authorized under the Indian Self-Determination Act (25 U.S.C. 450 *et seq.*), the Indian Mineral Development Act (25 U.S.C. 2101 *et seq.*), or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a);

(ii) A list of existing environmental or public health programs administered by the tribal governing body and a copy of related laws, regulations, and policies;

(iii) A description of the Indian tribe's accounting and procurement systems;

(iv) A description of the existing, or proposed, administrative entity which will assume responsibility for the program, including a description of the relationship between this entity and regulated entities;

(v) A description of the entities which exercise the executive, legislative, and judicial functions of the tribal government necessary to carry out a Wellhead Protection Program;

(vi) A description of the technical and administrative abilities of the staff to administer and manage an effective Wellhead Protection Program.

(c) *Procedure for processing an Indian tribe's application for treatment as a State.* (1) The Administrator shall process an application for treatment of an Indian tribe as a State submitted pursuant to paragraph (b) of this section in a timely manner. The Administrator shall promptly notify the applicant of the receipt of the application.

(2) Within 30 days after receipt of the application for treatment of the Indian tribe as a State, the Administrator shall notify all appropriate governmental entities. Notice shall include information on the substance and bases of the tribe's jurisdictional assertions.

(3) Each governmental entity so notified by the Administrator shall have 30 days from receipt of the notice to comment upon the tribe's assertion of jurisdiction. Comments shall be limited to the Indian tribe's assertion of jurisdiction.

(4) If a tribe's asserted jurisdiction is subjected to a competing or conflicting claim, the Administrator, after consultation with the Secretary of the Department of the Interior, or his

designee, may determine the validity of any challenge to the tribe's jurisdictional claim. In making such a determination, the Administrator shall take into account all comments submitted to EPA.

(5) If the Administrator determines that a tribe meets the requirements of this section, the Indian tribe will be treated as a State for the purpose of applying for approval of a Wellhead Protection Program and associated funding.

§ 35.660 Indian tribe allotment and reserve.

Up to 3 percent of the Wellhead Protection Program allotment shall be reserved for all Indian tribes.

§ 35.665 Development grants for Indian tribes.

The Administrator may continue to award section 1428(k) funds to an Indian tribe after June 19, 1989, but no later than June 19, 1990, for the purpose of developing a tribal Wellhead Protection Program.

§ 35.670 Maximum Federal share.

The Administrator may increase for an Indian tribe the maximum Federal share applicable to States based upon application and demonstration by the tribe that it does not have adequate funds (including Federal funds authorized by statute to be used as a match) or in-kind contributions to meet the currently prevailing percent requirement. In no case shall the Federal share be greater than either of the two following percentages: for development costs, ninety percent; for implementation costs for fiscal years after FY 1988, eighty percent.

4. Part 35 is amended to add a new Subpart K to read as follows:

Subpart K—Treatment of Indian Tribes as States for Sole Source Aquifer Demonstration Program

Sec.

35.4005 Purpose.

35.4010 Definitions.

35.4015 Treatment of an Indian tribe as a State.

35.4020 Maximum Federal share.

Authority: 42 U.S.C. 300f *et seq.*

Subpart K—Treatment of Indian Tribes as States for Sole Source Aquifer Demonstration Program

§ 35.4005 Purpose.

Section 1427 and 1451(a)(3) of the Safe Drinking Water Act authorize assistance to Indian tribes treated as States for Sole Source Aquifer Demonstration programs.

§ 35.4010 Definitions

"Governor." The governor or highest executive official of a State, including the highest executive official or executive body of an Indian tribe that is treated as a State under this section.

"Indian tribe." Any Indian tribe having a Federally recognized governing body carrying out substantial governmental duties and powers over a defined area.

"Municipality." A city, town, or other public body created by or pursuant to State law, or an Indian tribe which does not meet the requirements of § 35.4015 for treatment as a State.

"State." One of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or an Indian tribe treated as a State.

§ 35.4015 Treatment of an Indian tribe as a State.

(a) *Requirements for treatment as a State.* The Administrator may treat an Indian tribe as a State, for purposes of making such tribe eligible to apply for approval of a Sole Source Aquifer Demonstration Program and associated funding, if that tribe meets the following criteria:

(1) The Indian tribe is recognized by the Secretary of the Interior;

(2) The Indian tribe has a governing body "carrying out substantial governmental duties and powers" over any area. This requirement means that the governing body of the tribe is currently performing governmental functions to promote the health, safety, and welfare of the affected population within a defined geographic area;

(3) The Indian tribe demonstrates that the functions required to administer a Sole Source Aquifer Demonstration program are within the scope of its jurisdiction;

(4) The Indian tribe demonstrates reasonable capability to effectively administer ("in a manner consistent with the terms and purposes" of the Act and all applicable regulations) the Sole Source Aquifer Demonstration program by the existence of management and technical skills necessary to develop and administer a Sole Source Aquifer Demonstration program; by the existence of institutions to exercise executive, legislative, and judicial functions; by a history of successful managerial performance of public health or environmental programs; and by acceptable accounting and procurement procedures.

(b) *Request by an Indian tribe for a determination of treatment as a State.* An Indian tribe may apply to the Administrator for a determination that it qualifies for treatment as a State pursuant to section 1451 of the Act. The application shall be concise and describe how the Indian tribe will meet each of the requirements of paragraph (a) of this section. The application shall include the following information:

(1) A showing that the tribe is recognized by the Secretary of the Interior;

(2) A descriptive statement demonstrating that the tribal governing body is currently "carrying out substantial governmental duties and powers" over a defined area. This statement shall include, at a minimum:

(i) A description of the types of governmental functions currently performed by the tribal governing body, such as, but not limited to, the exercise of police powers affecting (or relating to) the health, safety, and welfare of the affected population; taxation; the exercise of the power of eminent domain;

(ii) Copies of currently effective tribal laws, such as, but not limited to, tribal constitutions, by-laws, charters, executive orders, codes, and/or resolutions showing the specific manner in which the applicant is performing the types of functions set forth in its descriptive statement. If governance is based upon tribal custom, this fact should be described in detail;

(3) A statement of jurisdiction which includes, at a minimum:

(i) A description of the functions to be exercised by the Indian tribe in implementing the Sole Source Aquifer Demonstration Program, including specifically the means by which control of contaminant sources may be addressed;

(ii) A map or legal description of the area over which the Indian tribe asserts regulatory jurisdiction, a list of all documents submitted pursuant to paragraph (b)(2)(ii) of this section which supports the tribe's asserted jurisdiction, a description of the nature or subject matter of the asserted jurisdiction, and a description of the proposed critical aquifer protection area(s) the tribe proposes to regulate;

(4) A narrative statement describing the capability of the Indian tribe to administer a Sole Source Aquifer Demonstration Program. The statement shall include:

(i) A description of the Indian tribe's previous management experience including, but not limited to, the management of contracts authorized under the Indian Self-Determination Act (25 U.S.C. 450 *et seq.*, the Indian Mineral

Development Act (25 U.S.C. 2101 *et seq.*), or the Indian Sanitation Facility Construction Activity Act (42 U.S.C. 2004a);

(ii) A list of existing environmental or public health programs administered by the tribal governing body and a copy of related laws, regulations, and policies;

(iii) A description of the tribe's accounting and procurement systems;

(iv) A description of the existing, or proposed, administrative entity which will assume responsibility for the program, including a description of the relationship between this entity and regulated entities;

(v) A discription of the entities exercising executive, legislative and judicial functions of the tribal government necessary to carry out a Sole Source Aquifer Demonstration Program;

(vi) A description of the technical and administrative abilities of the staff to administer and manage an effective Sole Source Aquifer Demonstration Program.

(c) *Procedure for Processing an Indian tribe's application for treatment as a State.* (1) The Administrator shall process an application for treatment of an Indian tribe as a State submitted pursuant to paragraph (b) of this section in a timely manner. The Administrator shall promptly notify the applicant of the receipt of the application.

(2) Within 30 days after receipt of the application for treatment of the Indian tribe as a State, the Administrator shall notify all appropriate governmental entities. Notice shall include information of the substance and bases of the tribe's jurisdictional assertion.

(3) Each governmental entity so notified by the Administrator shall have 30 days from receipt of the notice to comment upon the tribe's assertion of jurisdiction. Comments shall be limited to the Indian tribe's assertion of jurisdiction.

(4) If a tribe's asserted jurisdiction is subjected to a competing or conflicting claim, the Administrator, after consultation with the Secretary of the Department of the Interior, or his designee, may determine the validity of any challenge to the tribe's jurisdictional claim. In making such a determination, the Administrator shall take into account all comments submitted to EPA.

(5) If the Administrator determines that an Indian tribe meets the requirements of this section, the tribe will be treated as a State for the purposes of applying for approval of a Sole Source Aquifer Demonstration Program and associated funding.

§ 35.4020 Maximum Federal share.

The Administrator may increase for an Indian tribe the 50-percent maximum Federal share applicable to States based upon application and demonstration by the tribe that it does not have adequate funds (including Federal funds authorized by statute to be used as a match) or in-kind contributions to meet the 50-percent requirement. In no case shall the Federal share be greater than 75 percent.

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federal register

Wednesday
December 9, 1987

Part IV

Department of Education

34 CFR Part 333

Technology, Educational Media, and Materials for the Handicapped Program; Notice of Proposed Rulemaking and Notices

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 333

Technology, Educational Media, and Materials for the Handicapped Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to issue regulations implementing Part G of the Education of the Handicapped Act (EHA), as added by Pub. L. 99–457. The proposed regulations govern selection of projects and centers for funding.

DATES: Comments must be received on or before January 8, 1988.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Linda Glidewell, Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs, Division of Innovation and Development, 400 Maryland Avenue SW. (Switzer Building, Room 3094–M/S 2313), Washington, DC 20202.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: Linda Glidewell. Telephone: (202 732–1099.

SUPPLEMENTARY INFORMATION: The purpose of the new Part G is to advance the use of new technology, media, and materials in the education of students with handicaps and the provision of early intervention services to infants and toddlers with handicaps. In creating a new Part G, Congress expressed the intent that the projects and centers funded under that part should be primarily for the purpose of "enhancing research and development advances and efforts being undertaken by the public or private sector, and to provide necessry linkages to make more efficient and effective the flow from research and development to application." It should be noted that the listing of entities eligible to participate under this program includes public agencies and private nonprofit and for-profit organizations. Because of the private sector emphasis in this program, it is appropriate to make it clear that private entities are eligible. Also, unless their eligibility is explicit in the regulations, profit making enterprises may assume they are ineligible, because they are not generally eligible under other EHA programs. These regulations specify selection criteria only for research, evaluation, development, and demonstration projects. If other types of projects are funded, the Secretary will specify the selection criteria to be used in a future rulemaking action. Public Law 99–457 repealed EHA section 653 authorizing Centers on Educational Media and Materials for the Handicapped, and the proposed regulations will supersede the existing regulations at 34 CFR Part 333, which implemented section 653.

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.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

States and State agencies are not defined as "small entities" in the Regulatory Flexibility Act. The small entities that would be covered by these regulations are small local educational agencies, institutions of higher education, public agencies and private nonprofit or for-profit organizations receiving Federal financial assistance under this program. However, the regulations would not have a significant economic impact on the small entities affected because the regulations would not impose excessive regulatory burdens or require unnecessary Federal supervision. The regulations would impose minimal requirements to ensure the proper expenditure of program funds.

Paperwork Reduction Act of 1980

Sections 333.21 and 333.22 contain information collection requirements. As required by section 3504(h) of the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these proposed regulations to The Office of Management and Budget (OMB) for its review. Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC. 20503; Attention: James D. Houser

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Room 3522, 300 C Street, SW., (Switzer Building), Washington, DC., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

To assist the Department in complying with the specific requirements of Executive Order 12291 and the Paperwork Reduction Act of 1980 and their overall requirement of reducing regulatory burden, and Secretary invites comment on whether there may be further opportunities to reduce any regulatory burdens found in these proposed regulations.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the regulations in this document would 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 333

Education, Education of handicapped, Educational facilities, Government contracts.

(Catalog of Federal Domestic Assistance Number 84.180; Technology, Educational Media, and Materials for the Handicapped Program)

Dated: November 16, 1987.

William J. Bennett,

Secretary of Education.

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by revising Part 333 to read as follows:

PART 333—TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR THE HANDICAPPED PROGRAM

Subpart A—General

Sec.

Authority: 20 U.S.C. 1461–1462, unless otherwise noted.

Subpart A—General

§ 333.1 What is the Technology, Educational Media, and Materials for the Handicapped Program?

The purpose of this progam is to support projects and centers for advancing the availability, quality, use, and effectiveness of technology, educational media, and materials in the education of children and youth with handicaps and the provision of early intervention services to infants and toddlers with handicaps.

(Authority: 20 U.S.C. 1461)

§ 333.2 Who is eligible for an award?

The Secretary may award grants or contracts, or enter into cooperative agreements with, institutions of high education, State and local educational agencies, public agencies, and private nonprofit or for-profit organizations.

(Authority: 20 U.S.C. 1461)

§ 333.3 What activities may the Secretary fund?

The Secretary may fund activities that carry out the purpose of the program. These activities may include, but are not limited to, the following:

(a) Conducting research or evaluation on the need, use, design features, implementation, and effectiveness of technology, educational media, and materials.

(b) Demonstrating the effectiveness and the efficient implementation and use of technology, educational media, and materials.

(c) Designing and developing new technology, educational media, and materials.

(d) Adapting, modifying, and evaluating existing technology, educational media, and materials.

(e) Assisting the public and private sectors by providing advice and information to promote the development, use, distribution, and marketing of technology, educational media, and materials.

(f) Disseminating information through such means as publications, telecommunications, conferences, or presentations on the availability, quality, use, and effectiveness of technology, educational media, and materials.

(Authority: 20 U.S.C. 1461)

§ 333.4 What priorities may the Secretary establish?

(a) Each year the Secretary may select as a priority one or more of the types of activities listed in § 333.3.

(b) The Secretary announces these priorities in a notice published in the **Federal Register**.

(Authority: 20 U.S.C. 1461)

§ 333.5 What regulations apply to this program?

(a) The following regulations apply to grants and cooperative agreements under this program:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions that Apply to Department Regulations), and Part 78 (Education Appeal Board).

(2) The regulations in this Part 333.

(b) Any contracts awarded under this program are subject to the Federal Acquisiton Regulation (FAR) in 48 CFR Chapter 1 and the Department of Education Acquisition Regulation (EDAR) in 48 CFR Chapter 34.

(Authority: 20 U.S.C. 1461)

§ 333.6 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1: Applicant, Application, Award, EDGAR, Fiscal year, Grant, Grantee, Local educational agency, Nonprofit, Private, Project, Project period, Public, Secretary, State educational agency.

(Authority: 20 U.S.C. 1461)

(b) *Definitions in 34 CFR Part 300.* The following terms used in this part are defined in 34 CFR 300.5, 300.13, and 300.14: Handicapped children, Related services, Special education.

(Authority: 20 U.S.C. 1401(a)(1), (16), (17), 1461)

(c) *Definitions in 34 CFR Part 303.* The following terms used in this part are defined in 34 CFR 303.10 and 303.13: Early intervention services, Infants and toddlers with handicaps.

(Authority: 20 U.S.C. 1472(1))

§§ 333.7–333.9 [Reserved]

Subpart B—[Reserved]

Subpart C—How Does the Secretary Make an Award?

§ 333.20 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in §§ 333.21 or 333.22, as applicable.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score for each criterion is indicated in parentheses.

(Authority: 20 U.S.C. 1461)

§ 333.21 What selection criteria does the Secretary use to evaluate applications for research or evaluation activities?

The Secretary uses the following criteria to evaluate applications for research and evaluation projects:

(a) *Importance.* (15 points) The Secretary reviews each application to determine the extent to which the proposed project addresses national concerns in light of the purposes of this part, and considers the significance of the problem or issue to be addressed.

(b) *Technical soundness.* (30 points)

(1) The Secretary reviews each application to determine if the approach is technically and programmatically sound.

(2) The Secretary looks for—

(i) High quality in the design of the project;

(ii) Technical soundness of the research or evaluation plan, including if appropriate—

(A) The design;

(B) The proposed sample;

(C) The instrumentation; and

(D) The data analysis.

(c) *Plan of operation.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary looks for—

(i) An effective plan of management that ensures proper and efficient administration of the project;

(ii) A clear description of how the objectives of the project relate to the purpose of the program;

(iii) The way the applicant plans to use its resources and personnel to achieve each objective; and

(iv) How the applicant will ensure that project participants who are otherwise eligible to participate are

selected without regard to race, color, national origin, or gender.

(d) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary considers—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (d)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(3) To determine personnel qualifications, the Secretary considers experience and training in fields related to the objectives of the project, and any other qualifications that pertain to the quality of the project.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application to determine that the applicant plans to devote adequate resources for the project.

(2) The Secretary considers the extent to which—

(i) The facilities that the applicant plans to use are adequate;

(ii) The equipment and supplies that the applicant plans to use are adequate; and

(iii) The applicant demonstrates necessary access to target population necessary to conduct the research or evaluation.

(f) *Impact.* (5 points) The Secretary reviews each application to determine—

(1) The probable impact of the proposed project in educating or providing early intervention services to infants, toddlers, children, and youth with handicaps; and

(2) The contribution that the project findings or products will make to current knowledge or practice.

(g) *Dissemination.* (5 points) The Secretary reviews each application to determine the extent to which the findings and products will be disseminated to, and used for the benefit of appropriate target groups.

(h) *Budget and cost-effectiveness.* (10 points)

(1) The Secretary reviews each application to determine if the project has an adequate budget and is cost effective.

(2) The Secretary considers the extent to which—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(Authority: 20 U.S.C. 1461)

§ 333.22 What selection criteria does the Secretary use to evaluate applications for development or demonstration activities?

The Secretary uses the following criteria to evaluate applications for development and demonstration projects:

(a) *Importance.* (20 points)

(1) The Secretary reviews each application to determine the extent to which the proposed project addresses national concerns in light of the purposes of this part.

(2) The Secretary considers—

(i) The significance of the problem or issue to be addressed;

(ii) The potential impact of the proposed project for providing innovative advancements to the problem or issue; and

(iii) Previous research findings related to the problem or issue.

(b) *Technical soundness.* (30 points)

(1) The Secretary reviews each application to determine the quality and technical soundness of the plan of operation for the project.

(2) The Secretary looks for—

(i) High quality in the conceptual design of the project;

(ii) A clear specification of the procedures to be followed in carrying out the project; and

(iii) The extent to which the methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that can be quantified.

(c) *Plan of operation.* (15 points)

(1) The Secretary reviews each application to determine the quality of the plan of operation for the project.

(2) The Secretary looks for—

(i) An effective plan of management that insures proper and efficient administration of the project;

(ii) The way the applicant plans to use its resources and personnel to achieve each objective; and

(iii) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(d) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for assuring adequate performance measurement of project progress.

(Cross Reference: 34 CFR 75.590, Evaluation by the grantee)

(e) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the qualifications of the key personnel the applicant plans to use on the project.

(2) The Secretary considers—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (e)(2)(i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(3) To determine personnel qualifications, the Secretary considers experience and training, in fields related to the objectives of the project, and any other qualifications that pertain to the quality of the project.

(f) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application to determine that the applicant plans to devote adequate resources to the project.

(2) The Secretary considers the extent to which—

(i) The facilities that the applicant plans to use are adequate;

(ii) The equipment and supplies that the applicant plans to use are adequate; and

(iii) The applicant demonstrates access to subjects necessary to conduct the proposed project.

(g) *Marketing and dissemination.* (10 points)

(1) The Secretary reviews each application to determine if there are adequate provisions for marketing or disseminating results.

(2) The Secretary considers—

(i) The provisions for marketing, replicating, or otherwise disseminating the results of the project; and

(ii) Provisions for making materials and techniques available to the populations for whom the project would be useful.

(h) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application to determine if the project has an adequate budget and is cost effective.

(2) The Secretary considers the extent to which—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(Authority: 20 U.S.C. 1461)

§§ 333.23–333.29 [Reserved]

Subpart D—What Conditions Must be Met After an Award?

§ 333.30 What materials must be submitted by the grantee?

The Secretary may require any grantee engaged in the development of materials to submit a copy of those materials.

(Authority: 20 U.S.C. 1461)

§§ 333.31–333.39 [Reserved]

Subpart E—[Reserved]

[FR Doc. 87–28243 Filed 12–8–87; 8:45 am]
BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

Invitation of Applications for New Awards for Fiscal Year 1988

Title of Program: Technology, Educational Media, and Materials.

CFDA No.: 84.180.

Purpose: To promote the educational advancement of persons with handicaps through the use of educational media, materials, and technology.

Applicable Regulations: (a) When adopted in final form, the Notice of Proposed Rulemaking for the Technology, Educational Media, and Materials for the Handicapped Program (34 CFR 333) published in this issue of the **Federal Register**, (b) the Education Department General Administrative regulations, 34 CFR Parts 74, 75, 77, and 78, and (c) when adopted in final form, the Annual Funding Priorities for this program. A notice of proposed annual funding priorities is published in this issue of the **Federal Register**. Applicants should prepare their applications based on the proposed regulations and the proposed priorities. If there are substantive changes made when the final regulations or final annual funding priorities are published, applicants will be given the opportunity to amend or resubmit their applications.

For Applications or Information Contact: Linda Glidewell, U.S. Department of Education, Office of Special Education Programs, Division of Innovation and Development, 400 Maryland Avenue SW., (Switzer Building, Room 3094–M/S 2313), Washington, DC 20202.

Telephone: (202) 732–1099.

Program Authority: 20 U.S.C. 1461.

Supplementary Information and Requirements: None.

Dated: December 4, 1987.

Madeleine Will,

Assistant Secretary, Office of Special Education and Rehabilitative Services.

APPLICATION NOTICES FOR FISCAL YEAR 1988

Title and CFDA Number	Deadline for transmittal of applications	Available funds	Estimated range of awards	Estimated size of awards	Estimated number of awards	Project period in months
Research on Technology—Administration and Management (CFDA No. 84.180C)	02/19/88	$800,000	$75,000–$110,000	$100,000	8	Up to 24.
Innovative Cooperative Models to Expand Technology Benefits (CFDA No. 84.180A)	03/11/88	600,000	75,000–110,000	100,000	6	Up to 24.

[FR Doc. 87–28244 Filed 12–8–87; 8:45 am]
BILLING CODE 4000–01–M

Office of Special Education and Rehabilitative Services

Technology, Educational Media, and Materials for the Handicapped Program

AGENCY: Department of Education.

ACTION: Notice of Proposed Annual Funding Priorities.

SUMMARY: The Secretary proposes to establish annual funding priorities for the Technology, Educational Media, and Materials for the Handicapped Program to ensure effective use of program funds and to direct funds to areas of identified need during fiscal year 1988.

DATE: Comments must be received on or before January 8, 1988.

ADDRESS: Comments should be addressed to: Linda Glidewell, Division of Innovation and Development, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW. (Switzer Building, Room 3094—M/S 2313), Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Linda Glidewell. Telephone: (202) 732–1099.

SUPPLEMENTARY INFORMATION: Awards under the Technology, Educational Media, and Materials for the Handicapped Program are authorized under Part G of the Education of the Handicapped Act which was established by section 317 of the Education of the Handicapped Act Amendments of 1986. The purpose of this program is to advance the use of new technology, media, and materials in the education of students with handicaps and the provision of early intervention services to infants and toddlers with handicaps. In creating a new Part G, Congress expressed the intent that the projects and centers funded under that part should be primarily for the purpose of enhancing research and development advances and efforts being undertaken by the public or private sector, and to provide necessary linkages to make more efficient and effective the flow from research and development to application.

Proposed Priorities

In accordance with the Education Department General Administrative Regulations (EDGAR) at 34 CFR 75.105(c)(3), and subject to available funds, the Secretary proposes to give an absolute preference to each application submitted in response to one of the following priorities. An absolute preference is one under which the Secretary selects only those applications that meet the described priorities. Each application must provide satisfactory assurance that the recipient will use funds made available to conduct one of the following activities:

Priority 1: Research on Technology—Administration and Management

This priority supports research projects that examine the use of technology in the effective administration and management of special education. The purpose of this priority is to determine what conditions exist and what the current or potential role of technology is in effective decision-making, coordination, and planning in administration and management.

Over the past six years, the Office of Special Education Programs (OSEP) has funded many technology projects in the areas of research and development of technology. However, the majority of the work has focused on the use of technology for instruction. Discussions with persons in the field and evaluation of current literature indicate a need to support research in administrative areas. Little systematic research has been done on the role technology now plays or could potentially play in effective administration. It is intended that this priority examine administrative issues.

Possible areas of exploration might include how technology and technology-related issues affect: (1) District-wide and school-based decision-making and planning; (2) coordination between special education and regular education; (3) data collection and use; or (4) assessment and placement patterns. Applications submitted under this priority must provide a research design that clearly builds on past technology

implementation studies, outlines the background or reasons for the research questions chosen, identifies the critical variables in the study area chosen, clearly describes expected outcomes and how the success of these outcomes will be measured, describes the procedures for analyzing data collected, and outlines a variety of dissemination avenues for information about successful approaches discovered.

Priority 2: Innovative Cooperative Models to Expand Technology Benefits

This priority supports projects that improve cooperative interagency activities among State and local educational agencies, public health agencies, and other relevant agencies having potential to provide statewide or interstate access to and use of technology to meet the early intervention, educational, vocational, and transitional needs of individuals with handicaps. Technology, if available and used knowledgeably, has enormous potential for improving the educational opportunities for individuals with handicaps. Technology may also enhance the ability of the target population to live independently and find suitable employment. Due to the expense involved in providing access to technology or delivering technology-based services on an individual basis or to a small group of people, handicapped populations have not benefited from current technology.

In recognition of this problem, this proposed priority would support projects that provide a means for demonstrating and stimulating potential statewide or interstate service delivery models which encourage a broad planning base across State agencies. The cooperative model to be developed by these projects must include a statement of need to justify the focus and potential impact of the project, as well as describe the planning, implementation, and evaluation process. By creating a State or interstate planning base across agencies, it is anticipated that individuals with handicaps will have greater access to current technology through: (1) Assistive devices (i.e., augmentative communication, mobility scanners); (2) peripheral interface devices needed to provide access to commercially available technologies (i.e., voice synthesizers, switches); (3) technology applications for improving services (i.e., braille, large-print materials, telecommunications); (4) technology assessment and engineering (i.e., custom fitting); or (5) funding for the purchase of appropriate technology. Applications must include letters of intent to participate from all agencies that will be involved.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed priorities. All comments submitted in response to these priorities will be available for public inspection, during and after the comment period, in Room 3522, Switzer Building, 330 C Street, SW., Washington, DC 20202 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. 1461)

(Catalog of Federal Domestic Assistance No. 84.180; Technology, Educational Media, and Materials for the Handicapped Program)

Dated: November 16, 1987.

William J. Bennett,

Secretary of Education.

[FR Doc. 87-28245 Filed 12-8-87; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
December 9. 1987

Part V

The President

Providing for the Restoration of Law and Order in the State of Georgia:

Proclamation 5748 of November 24, 1987

Executive Order 12616 of November 24, 1987

Accompanying Statement

Federal Register
Vol. 52, No. 236
Wednesday, December 9, 1987

Presidential Documents

Title 3—

The President

Statement To Accompany Proclamation 5748 and Executive Order 12616 [1]

The following Proclamation and Executive Order were signed by the President because of the possibility that existed on November 24, 1987, that the situation at the Federal prison in Atlanta would deteriorate further and that the use of force to free the hostages would be necessary. That situation never arose, and a negotiated settlement was reached. Therefore, the use of units and members of the Armed Forces of the United States to suppress the violence described in the Proclamation and Executive Order was never required.

[FR Doc. 87-28423
Filed 12-8-87; 10:50 am]
Billing code 3195-01-M

[1] **Editorial note:** The following letter, addressed to the Director of the Office of the Federal Register, accompanied the statement.

Dear Mr. Byrne:

Attached is a statement to accompany Proclamation 5748 and Executive Order 12616.

The document is forwarded for publication in the **Federal Register.**

Sincerely,

Ronald Geisler

Executive Clerk

THE WHITE HOUSE,

Washington, December 7, 1987.

Presidential Documents

Executive Order 12616 of November 24, 1987

Providing for the Restoration of Law and Order in the State of Georgia

WHEREAS I have today issued Proclamation No. 5748 pursuant in part to the provisions of Chapter 15 of Title 10 of the United States Code; and

WHEREAS the conditions of domestic violence and disorder described therein continue, and the persons engaging in such acts of violence have not dispersed;

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and as Commander in Chief of the Armed Forces by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. Units and members of the Armed Forces of the United States will be used to suppress the violence described in the proclamation and to restore law and order in the vicinity of Atlanta, Georgia.

Sec. 2. The Secretary of Defense is authorized to use such of the Armed Forces as may be necessary to carry out the provisions of Section 1. To that end, he is authorized to call into the active military service of the United States units or members of the National Guard, as authorized by law, to serve in an active duty status for an indefinite period and until relieved by appropriate orders. Units or members may be relieved subject to recall at the discretion of the Secretary of Defense.

In carrying out the provisions of this order, the Secretary of Defense shall observe such law enforcement policies as the Attorney General may determine.

Sec. 3. Until such time as the Armed Forces shall have been withdrawn pursuant to Section 4 of this order, the Attorney General is further authorized (1) to coordinate the activities of all Federal agencies assisting in the suppression of violence and in the administration of justice in the vicinity of Atlanta, Georgia and (2) to coordinate the activities of all such agencies with those of state and local agencies similarly engaged.

Sec. 4. The Secretary of Defense is authorized to determine when Federal military forces shall be withdrawn from the disturbance area. Such determinations shall be made in the light of the Attorney General's recommendations as to the ability of civil authorities to resume full responsibility for the maintenance of law and order in the affected area.

Ronald Reagan

THE WHITE HOUSE,
November 24, 1987.

[FR Doc. 87-28425
Filed 12-8-87; 10:52 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 5748 of November 24, 1987

Law and Order in the State of Georgia

By the President of the United States of America

A Proclamation

I have been informed that certain persons, in unlawful combination and conspiracy, have engaged in the violent criminal seizure and detention of persons and property in the vicinity of Atlanta, Georgia. Their actions have made it impracticable to enforce certain laws of the United States there by the ordinary course of judicial proceedings.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, do command all persons engaged in such acts of violence to cease and desist therefrom and to disperse and retire peaceably to their abodes forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of November, 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. 87-28424
Filed 12-8-87; 10:51 am]
Billing code 3195-01-M

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H.R. 1748/Pub. L. 100-180

National Defense Authorization Act for Fiscal Years 1988 and 1989. (Dec. 4, 1987; 101 Stat. 1019; 230 pages) Price: $6.50

S. 1452/Pub. L. 100-181

Securities and Exchange Commission Authorization Act of 1987. (Dec. 4, 1987; 101 Stat. 1249; 17 pages) Price: $1.00