AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-12-87
Vol. 52 No. 7
Pages 1179-1312

# federal register

Monday
January 12, 1987

**Briefings on How To Use the Federal Register—**
For information on briefings in Washington, DC, Portland, OR, Los Angeles, CA, and San Diego, CA, see announcement on the inside cover of this issue.

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## THE FEDERAL REGISTER
## WHAT IT IS AND HOW TO USE IT

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

**WHO:** The Office of the Federal Register.

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

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

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

### WASHINGTON, DC

**WHEN:** January 29; at 9 am.

**WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.

**RESERVATIONS:** Mildred Isler 202–523–3517

### PORTLAND, OR

**WHEN:** February 17; at 9 am.

**WHERE:** Bonneville Power Administration
Auditorium,
1002 N.E. Holladay Street,
Portland, OR.

**RESERVATIONS:** Call the Portland Federal Information Center on the following local numbers:

Portland 503–221–2222
Seattle 206–442–0570
Tacoma 206–383–5230

### LOS ANGELES, CA

**WHEN:** February 18; at 1:30 pm.

**WHERE:** Room 8544, Federal Building,
300 N. Los Angeles Street,
Los Angeles, CA.

**RESERVATIONS:** Call the Los Angeles Federal Information Center, 213–894–3800

### SAN DIEGO, CA

**WHEN:** February 20; at 9 am.

**WHERE:** Room 2S31, Federal Building,
880 Front Street, San Diego, CA.

**RESERVATIONS:** Call the San Diego Federal Information Center, 619–293–6030

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# Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 300

[Docket No. 86-351]

### Incorporation by Reference; Plant Protection and Quarantine Treatment Manual

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This document gives notice that an updated version of the "Plant Protection and Quarantine Treatment Manual" (PPQ Treatment Manual) is now on file at the office of the Federal Register and that the Japanese Beetle Program Manual has been removed from incorporation by reference (7 CFR 300). This rule also clarifies the purpose of the incorporation by reference and includes additional places where copies of the PPQ Treatment Manual may be examined. These changes are necessary to keep the PPQ Treatment Manual in compliance with changes by the Environmental Protection Agency (EPA) on pesticide usage and because incorporation by reference of the Japanese Beetle Program Manual is no longer necessary.

**EFFECTIVE DATES:** This final rule becomes effective January 12, 1987. The incorporation by reference of the PPQ Treatment Manual listed in the regulations was approved by the Director of the Federal Register as of June 15, 1978.

**FOR FURTHER INFORMATION CONTACT:** E. Elliott Crooks, Senior Staff Officer, Regulatory Services Staff, Plant Protection and Quarantine, APHIS, USDA, Room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

**SUPPLEMENTARY INFORMATION:**

### Background

On June 20, 1978, incorporation by reference of the PPQ Treatment Manual, of the Animal and Plant Health Inspection Service was published in the **Federal Register.** The PPQ Treatment Manual contains information on procedures for applying treatments and treatment schedules to allow the movement of articles under domestic and foreign plant quarantines and regulations.

Since that time many changes to the PPQ Treatment Manual have been made in order to keep the procedures and schedules in conformity with revisions that have been issued by EPA on the use of pesticides. In addition, some new treatment schedules have been developed by PPQ and the Agricultural Research Service of the U.S. Department of Agriculture and added to the PPQ Treatment Manual. Since the PPQ Treatment Manual is referenced in various quarantines and regulations in Chapter III, Title 7 of the CFR, it is necessary to revise Part 300 to show the current printing and revisions of this manual and to ensure that the current revision is incorporated by reference and used.

Also on June 20, 1978, incorporation by reference of the Japanese Beetle Program Manual was published in the **Federal Register.** This manual contained the treatment procedures and treatment schedules approved to move articles that were regulated under the Japanese Beetle Quarantine and Regulations (7 CFR 301.48 *et seq.*). Subsequent to incorporation by reference, the Japanese Beetle Regulations were changed to require treatment only for aircraft departing from regulated airports. The treatments used for such aircraft were already included in the PPQ Treatment Manual, and, therefore, it is no longer necessary to have the Japanese Beetle Program Manual incorporated by reference in the Code of Federal Regulations. This document removes the Japanese Beetle Program Manual from the list of incorporated materials incorporated by reference in the Code of Federal Regulations.

This document also clarifies the language in § 300.1 to clearly indicate that treatments in the incorporated material are required for the movement of articles regulated by 7 CFR Parts 301, 318, and 319.

Section 300.2 is revised to indicate additional locations where the incorporated materials may be reviewed and to make clear that the PPQ officers may provide the information contained in the incorporated material to any interested person.

### Executive Order 12291 and Regulatory Flexibility Act

This final rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." It has been determined that this rule will not have a significant effect on the economy; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause 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.

All changes in the PPQ Treatment Manual have been made because of a change in the use of the pesticide by EPA, the addition of a new treatment which has proven efficacious, or a revision in the supervision of a treatment by PPQ personnel.

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

### List of Subjects in 7 CFR Part 300

Incorporation by reference, Plant diseases, Plant pests.

Accordingly, Title 7, Chapter III is amended as follows:

1. Part 300 is revised to read as follows:

## PART 300—INCORPORATION BY REFERENCE

Sec.

300.1 Statement of incorporation.
300.2 Availability of material incorporated.
300.3 List of materials incorporated by reference.

**Authority:** 1 CFR 51.

**§ 300.1 Statement of incorporation.**

The Animal and Plant Health Inspection Service incorporates by reference the materials listed in § 300.3 of this part for use in Title 7 of the Code of Federal Regulations. Notice of changes will be published periodically in the Federal Register.

**§ 300.2 Availability of material incorporated.**

(a) The materials incorporated by reference in § 300.3 of this part are available as follows:

Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, Hyattsville, MD 20782

Field Offices of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture (Addresses of which may be found in local telephone directories)

Office of the Federal Register Library, 1100 L Street NW., Room 8401, Washington, DC 20408

(b) Copies may be obtained by writing to the Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

(c) Plant Protection and Quarantine (PPQ) officers may furnish any information contained in the PPQ Treatment Manual to any interested person.

**§ 300.3 List of materials incorporated.**

Plant Protection and Quarantine Treatment Manual (as reprinted May 1985, and including all revisions issued through April 1986). The treatments specified in this manual are required to authorize the movement of certain articles regulated by domestic quarantines and regulations in Parts 301 and 318 of 7 CFR and articles in Foreign Quarantine Notices in Part 319 of 7 CFR.

Done at Washington, DC, this 2nd day of January 1987.

**W.F. Helms,**

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

[FR Doc. 87-378 Filed 1-9-87; 8:45 am]

BILLING CODE 3410-34-M

## 7 CFR Part 301

**[Docket No. 86-360]**

## Citrus Canker—Compensation for Destroyed Plants; Affirmation of Interim Rule

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule.

**SUMMARY:** We are affirming without change an interim rule that amended the citrus canker regulations by providing compensation for scion plants and seed plants that were destroyed pursuant to orders that were issued by inspectors. We further amended the regulations by providing that compensation will be paid for all plants that are listed in § 301.75-15 of the regulations and that were destroyed pursuant to orders issued by inspectors through January 29, 1986. This action is necessary because rates of compensation for these plants had not been established at the time the destruction orders were issued.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Ron Johnson, Acting Assistant Director, Survey and Emergency Response Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service; USDA, Room 611 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

**SUPPLEMENTARY INFORMATION:**

### Background

The interim rule published September 4, 1986 (51 FR 31605-31606), in the **Federal Register**, was effective on the date of publication, and comments were solicited for 60 days ending November 3, 1986. No comments were received. The facts presented in the interim rule still provide a basis for the amendment.

### Executive Order 12291 and Regulatory Flexibility Act

This rule is issued in conformance with Executive Order 12291 and has been determined not to be a "major rule." Based on information compiled by the Department, we have determined that this rule will not have an effect on the economy of more than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any 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.

This rule provides for the payment of compensation for scion and seed plants destroyed because of citrus canker pursuant to an order issued by an inspector. In addition, this rule provides that compensation will be paid by USDA for plants destroyed pursuant to an order by an inspector only through January 29, 1986.

It appears that an insignificant number of nurseries that are eligible to receive compensation for scion and seed plants under the Citrus Canker regulations would be deemed a small entity under the Regulatory Flexibility Act. (5 U.S.C. 601 *et seq.*)

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

### Executive Order 12372

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

### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant disease, Plant pests, Plants (Agriculture), Quarantine, Transportation, Citrus canker.

## PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the amendments to § 301.75 in the interim rule published at 51 FR 31605-31607 on September 4, 1986, are adopted as a final rule without change.

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 161, and 162, 164-167; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 7th day of January 1987.

**W. Helms,**

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

[FR Doc. 87-594 Filed 1-9-87; 8:45 am]

BILLING CODE 3410-34-M

**Rural Electrification Administration**

**7 CFR Part 1772**

## REA Bulletin 345–67: REA Specification for Filled Telephone Cables, PE–39

**AGENCY:** Rural Electrification Administration, U.S. Department of Agriculture.

**ACTION:** Final rule.

**SUMMARY:** The Rural Electrification Administration (REA) hereby amends 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications by issuing revised Bulletin 345–67, REA Specification for Filled Telephone Cables, PE–39. The specification has been expanded to include the material and performance requirements for: (1) Service pairs in screened cables, (2) cables designed to operate on carrier systems with a 3.152 Mb/s bit rate (TIC), and (3) the raw materials used in insulating the conductors and jacketing the cables. This action will impact REA borrowers in that they will be able to install a wider range of filled telephone cables. It will also provide REA borrowers with an economical and efficient means of furnishing increased subscriber services using digital transmission technologies. This revision will not adversely affect cable manufacturers because no design changes in presently manufactured products will be required.

**EFFECTIVE DATE:** January 2, 1987.

**FOR FURTHER INFORMATION CONTACT:** M. Wilson Magruder, Director, Telecommunications Staff Division, Rural Electrification Administration, Washington, DC 20250, telephone (202) 382–8663. The Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends 7 CFR 1772.97, Incorporation by Reference of Telephone Standards and Specifications, by incorporating by reference a revised Bulletin 345–67 (previous issue dated November 19, 1981), REA Specification for Filled Telephone Cables, PE–39. Copies of the bulletin are available upon request from the address stated above. It is also available for inspection at the Office of the Federal Register Information Center, Room 8401, 1100 L Street NW., Washington, DC 20408. These materials are incorporated as they existed on the date of the approval (December 30, 1983) and a notice of any change in these materials will be published in the **Federal Register.** This action will not (1) have an annual effect on the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and therefore has been determined to be "not major". This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 432 *et seq.* (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment. This regulation contains no information or record keeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 *et seq.*). This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and Loan Guarantees and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the Final Rule related Notice to 7 CFR Part 3015, Subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Copies of the document are available upon request from the address indicated above.

Background: REA has issued a series of publications entitled "bulletins" which serve to implement the policy, procedures and requirements for administering its loans and loan guarantee programs and the security instruments which provide for and secure REA financing. In the bulletin series REA issues standards and specifications for the construction of telephone facilities financed with REA loan funds. REA is revising Bulletin 345–67, the REA Specification for Filled Telephone Cables, PE–39. This specification was last issued in November 1981. The PE–39 designation is an arbitrary set of letters and numbers assigned by REA to identify telephone materials and equipment specifications.

Filled telephone cables with a solid insulation are used by REA telephone borrowers in the construction of outside plant facilities. The cables are used as the transport media for transmission of voice, data, pictures and signals between telephone subscribers.

The current specification does not allow service pairs in screened cables because the majority of REA borrowers have had a small subscriber base and have not needed the full carrier transmission capacity that a screened cable provides. Thus, all the cable pairs were not utilized for carrier transmission which allowed unused pairs to be used as service pairs. With REA borrowers' continuing growth, there is greater probability that all screened cable pairs will be used for carrier transmission necessitating REA approval of the use of service pairs for voice order and interrogation functions.

The current specification also does not include requirements for cables designed to transmit a digital line running at 3.152 million bits per second (this is the industry designated TIC carrier system). Up until now there was very little demand for transmission links on REA borrower systems that were capable of handling this high bit rate. Technology, however, is changing and so are the services that the REA borrowers are required to provide. Many of the subscribers are now asking for data communications, digital facsimile and video teleconferencing tariffs. To be sure that cables used for current and future TIC installations are of the highest quality. REA is incorporating requirements into the specification for cables intended for TIC carrier applications.

The reason that raw material insulating and jacketing requirements are not in the existing specification is that these requirements are covered by REA Specifications PE–200 and –210. REA incorporated the raw material requirements covered by these two specifications into the revised REA Specification PE–39. REA will be incorporating the applicable raw materials requirements in PE–200 and PE–210 into all the wire and cable specifications as they are revised. When this has been accomplished PE–200 and PE–210 will be withdrawn.

This action establishes REA requirements for a wider range of filled telephone cables with solid insulation without affecting current designs or manufacturing techniques of cable manufacturers. This wider selection of cables will provide REA borrowers with an economical and efficient means of furnishing increased subscriber services using digital transmission technologies.

A Notice of Proposed Rulemaking was published in the Federal Register on August 19, 1986, Volume 51, No. 160, page 29557. There were no comments as a result of this proposal.

**List of Subjects in 7 CFR Part 1772**

Loan programs—Communications, Telecommunications, Telephone. Incorporation by reference.

**PART 1772—[AMENDED]**

In view of the above, REA hereby amends 7 CFR Part 1772 by issuing a revised Bulletin 345-67.

1. The authority cited for Part 1772 is revised to read as follows:

**Authority:** 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

2. Section 1772.97(b) is amended by adding the entry 345–67 to read as follows:

**§ 1772.97 Incorporation by reference of telephone standards and specifications.**

* * * * *

345–67.....PE–39..... January 2, 1987.....REA Specification for Filled Telephone Cables.

* * * * *

Dated: January 2, 1987.

**Jack Van Mark,**

*Acting Administrator.*

[FR Doc. 87–379 Filed 1–9–87; 8:45 am]

BILLING CODE 3410–15–M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### 12 CFR Part 341

### Registration of Securities Transfer Agents

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

**ACTION:** Final rule.

**SUMMARY:** The Federal Deposit Insurance Corporation (FDIC) is amending its regulations concerning the registration requirements of securities transfer agents. The change requires that a bank, acting as a transfer agent for covered securities, must file an updated amendment on Form TA–1 when any information contained in the form becomes inaccurate, misleading or incomplete. This amendment will conform the regulation with the instructions to Form TA–1 and will parallel regulations of the Federal Reserve Board, the Securities and Exchange Commission, and the Office of the Comptroller of the Currency.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** John F. Harvey, Chief, DBS Review Unit, (202) 898–6762, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** Part 341 of title 12 of the Code of Federal Regulations implements section 17A of the Securities Exchange Act of 1934.

The regulation requires that a bank or a bank subsidiary, acting as a transfer agent for securities, must register as a transfer agent using Form TA–1, keep its registration up to date through amendments to Form TA–1, and deregister when it no longer transfers any covered securities.

Form TA–1 was amended in 1982. The old form required that anytime information in the first six items on the form had changed, an updating amendment on Form TA–1 was due. The new form has only seven required items of information which, according to the instructions to the form, must be fully completed for both registrations and amendments. Part 341 also was revised in 1982; but, during the process of the amendments, § 341.4(a), pertaining to the filing of updated information, was not changed to reflect the new Form TA–1 and its instruction for filing updated information. This amendment changes § 341.4(a) to reflect the instructions to the revised Form TA–1 and requires the filing of an amended Form TA–1 when any of the seven items of information in the form, and not just items 1 through 6, becomes inaccurate, misleading or incomplete. The amendment will thus conform the regulation with the instructions to Form TA–1 and will parallel regulations of the Federal Reserve Board, the Securities and Exchange Commission and the Office of the Comptroller of the Currency.

Because the amendment is a mere technical change and does not affect any substantive rights, the Board of Directors of the FDIC finds that good cause exists for dispensing with notice, public comment and a delayed effective date. *See* 5 U.S.C. 553(b)(3)(B) and 553(d)(3). As a consequence, the amendment will become effective upon publication. As these amendments do not entail the creation of any new recordkeeping or reporting requirements, the Paperwork Reduction Act is inapplicable. *See* 44 U.S.C. 3501. Finally, the requirements of the Regulatory Flexibility Act are inapplicable as the amendments are not subject to required public comment under the Administrative Procedure Act. *See* 5 U.S.C. 601.

**List of Subjects**

*12 CFR Part 341*

Bank, Banking, Federal Deposit Insurance Corporation, Securities, Transfer agent.

For the reasons set out above, Part 341 of title 12 of the Code of Federal Regulations is amended as set forth below.

**PART 341—REGISTRATION OF SECURITIES TRANSFER AGENTS**

1. The authority citation for Part 341 continues to read as follows:

**Authority:** Secs. 2, 3, 17, 17A and 23(a), Securities Exchange Act of 1934, as amended. (15 U.S.C. Secs. 78b, 78c, 78q, 78q–1 and 78w(a)).

2. Section 341.4 is amended by revising paragraph (a) to read as follows:

**§ 341.4 Amendments to registration.**

(a) Within 60 calendar days following the date on which any information reported on Form TA–1 becomes inaccurate, misleading, or incomplete, the registrant shall file an amendment on Form TA–1 correcting the inaccurate, misleading, or incomplete information.

* * * * *

By Order of the Board of Directors. Dated at Washington, DC, this 6th day of January, 1987.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 87–567 Filed 1–9–87; 8:45 am]

BILLING CODE 6714–01–M

## DEPARTMENT OF DEFENSE

### Corps of Engineers, Department of the Army

### 33 CFR Parts 328 and 330

### Regulatory Programs of the Corps of Engineers; Correction

**AGENCY:** Corps of Engineers, Army Department, DOD.

**ACTION:** Final rule; correction.

**SUMMARY:** The Corps of Engineers is correcting the final rules for the regulatory program published in the **Federal Register** on November 13, 1986 (51 FR 41206–41260). There are two minor corrections. The first involves a typographical error in the **SUPPLEMENTARY INFORMATION** on page 41217 (first column). 40 CFR 328.3(a)(3) should read 33 CFR 328.3(a)(3). The second correction removes a portion of

a sentence between commas reading, "as with any activity which qualifies under a nationwide permit" in § 330.11(c). That portion of the sentence confuses the intent of the paragraph and was supposed to be deleted from draft documents.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sam Collinson at (202) 272–1782.

**SUPPLEMENTARY INFORMATION:** 1. Accordingly, the Corps of Engineers is correcting the **SUPPLEMENTARY INFORMATION** on page 41217 under the heading "*SECTION 328.3: Definitions*: By changing "40 CFR 328.3(a)(3)" to read "33 CFR 328.3(a)(3)".

2. The Corps is also correcting § 330.11(c).

**§ 330.11(c) [corrected]**

If the district engineer decides that an activity does comply with the terms and conditions of a nationwide permit he will so notify the general permittee. In such cases, the general permittee's right to proceed with the activities under the nationwide permit may be modified, suspended, or revoked only in accordance with the procedures of 33 CFR 325.7.

John O. Roach, II,

*Army Liaison Officer with the Federal Register.*

[FR Doc. 87–612 Filed 1–9–87; 8:45 am]

BILLING CODE 3710–08–M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A–5–FRL–3133–8]

### Approval and Promulgation of Implementation Plans; Michigan

**AGENCY:** U.S. Environmental Protection Agency (USEPA).

**ACTION:** Final rulemaking.

**SUMMARY:** USEPA is today approving, as a revision to the Michigan State Implementation Plan (SIP), Consent Order No. 12–1984 for sulfur dioxide ($SO_2$) as it applies to the Consumer Power Company (CPC), J.H. Campbell plant in Ottawa County, Michigan. The plant is located in an area classified as attainment for the National Ambient Air Quality Standards (NAAQS) for $SO_2$.

Consent Order No. 12–1984 for the J.H. Campbell plant allows the plant's Units 1 and 2 to emit $SO_2$ at the following rates on a daily basis for a 3-year (1985–1987) period: 1985 (4.88 lb/MMBTU); 1986 (4.78 lb/MMBTU); and 1987 (4.68 lb/MMBTU).

The Consent Order represents a reduction from the previous (1980–1984) 6.6 lbs $SO_2$/MMBTU allowable emission rate but is higher than the underlying 1.66 lbs $SO_2$/MMBTU emission limit in the Michigan SIP. An acceptable attainment demonstration was provided which shows that the proposed limits will protect the $SO_2$ NAAQS and the Prevention of Significant Deterioration (PSD) increments.

**EFFECTIVE DATE:** This final rulemaking is effective February 11, 1987.

**ADDRESSES:** Copies of this revision to the Michigan SIP are available for inspection at: The Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC.

Copies of this SIP revision and other materials relating to this rulemaking for inspection at the following addresses: (It is recommended that you telephone Ms. Toni Lesser, at (312) 886–6037, before visiting the Region V office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR–26), 230 South Dearborn Street, Chicago, Illinois 60604

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48821

**FOR FURTHER INFORMATION CONTACT:** Ms. Toni Lesser, Michigan Regulatory Specialist, (312) 886–6037.

**SUPPLEMENTARY INFORMATION:** On May 31, 1972 (37 FR 10842), USEPA approved Michigan's Rule 336.49, imposing statewide emission limitations for control of $SO_2$ emissions from power plants. On January 17, 1980, Michigan revised and recodified R336.49 as R336.1401; these revisions were not substantive. Rule 336.1401 contains emission limits and compliance dates identical to those in R336.49.

On May 6, 1980 (45 FR 29795), USEPA approved R336.1401. Rule 336.1401 contains a 1.0 percent sulfur content in fuel limitation for large coal-burning power plants, with a compliance date of July 1, 1978. Under this rule, a source could obtain an exemption from meeting the $SO_2$ limit up until January 1, 1980, if certain specified conditions were met. Pursuant to State regulations adopted in January 1980, a source may apply to the Michigan Air Pollution Control Commission (MAPCC) for a compliance date extension beyond January 1, 1980. Any such compliance date extensions must be incorporated into a legally enforceable State order and must be submitted to USEPA as a revision to the federally approved SIP.

On December 24, 1980 (45 FR 85004), USEPA approved as a SIP revision Final Order No. 05–1979 for the CPC's J.H. Campbell plant, which extended the final date for achieving compliance with R336.1401 from January 1, 1980, to December 31, 1984. The J.H. Campbell plant is located in Port Sheldon Township, Ottawa County, Michigan, approximately 1 kilometer east of Lake Michigan. Ottawa County was designated as an attainment area for $SO_2$ on October 5, 1978 (45 FR 45993). Consent Order No. 5–1979 contained provisions that $SO_2$ emissions from the J.H. Campbell Plant Units 1 and 2 were not to exceed 6.6 lbs/MMBTU on a daily basis (or 3.05 percent sulfur in coal on an annual average basis) between January 1, 1980, and December 31, 1984.

On June 18, 1984, the MAPCC approved Stipulation for Entry of Consent Order and final Order No. 12–1984, which provided for an additional 3-year compliance date extension (January 1, 1985–December 31, 1987) for J.H. Campbell Units 1 and 2, and which established interim daily average $SO_2$ emission limitations and quarterly average limits on percent sulfur in fuel fired. On October 1, 1984, Michigan Department of Natural Resources (MDNR) submitted the Stipulation for Entry of Consent Order and Final Order, SIP No. 12–1984, between the CPC and the MAPCC as a revision to Michigan's SIP. USEPA's July 1, 1985, proposed rulemaking summarizes the provisions of Consent Order No. 12–1984 (50 FR 27030).

Public comments on USEPA's July 1, 1985, proposed action were received from the Ministry of the Environment, Province of Ontario, Canada. A summary of these comments and USEPA's responses follow:

*Comment:* United States and Canada signed a Memorandum of Intent in August of 1980 in which it was agreed ". . . to develop a bilateral agreement to combat transboundary air pollution . . . [and] to make certain interim actions including the vigorous enforcement of existing laws and regulations." Ottawa asks that USEPA adhere to this agreement and, therefore, deny the compliance date extension for Consumer Power.

*Response:* The $SO_2$ SIP revision for J.H. Campbell was reviewed with respect to the requirements in the Clean Air Act. Because the interim $SO_2$ emission limits will protect the $SO_2$ NAAQS and the SIP revision satisfies the requirements of Section 110(a)(2) of the Clean Air Act, USEPA is, therefore,

required by law to approve the proposed revision.

*Comment:* USEPA should disapprove the proposed revision in order to be consistent with the July 26, 1985 Order by the U.S. District Court for the District of Columbia in *New York* v. *Thomas*, No. 84–0853. This decision dealt with a petition by several states and environmental groups and ordered USEPA to act under Section 115 of the Clean Air Act with regard to acid rain damage to Canada.

*Response:* On September 24, 1985, USEPA appealed this decision. On November 21, 1985, the District Court stayed its Order pending the appeal. Therefore, this Order has no immediate impact on the approvability of SIP revisions which comply with the requirements of the Clean Air Act.

*Comment:* $SO_2$ emissions from the J.H. Campbell plant contribute to the overall atmospheric loading of pollutants which are subsequently deposited on sensitive ecosystems. This long-range transport and acid deposition are the result of an aggregate of emissions on the continent, and emission sources cannot be considered in isolation. Acid deposition is currently detrimental to sensitive aquatic ecosystems in both United States and Canada.

*Response:* USEPA is actively researching the nature and effects of acidic deposition. In a further step in the bilateral process between the United States and Canada, special envoys were appointed to evaluate the acid deposition problem, and issued a report, including recommendations, in January 1986.

During the past several years, there have been several challenges to USEPA's approval of $SO_2$ SIP revisions (e.g., Commonwealth Edison, Kincaid; Tennessee Valley Authority, Kingston; Indianapolis Power & Light Company, Indiana and Michigan Electric Northern Indiana Public Service Company and Public Service Indiana plants in Indiana; and Long Island Lighting Company) based on allegations that the revisions were inconsistent with the Clean Air Act, and that they would contribute to acid deposition. These challenges were based on arguments and technical information related to acid deposition, sulfates, etc., which was similar to that submitted by Ontario in this rulemaking. In each decision in these cases, the court upheld the approval under the existing provisions of the Clean Air Act, and denied the petition (see *Connecticut* v. *USEPA*, 696 F.2d 147 (2d Cir. 1982); *New York* v. *USEPA*, 716 F.2d 440 (7th Cir. 1983); *New York* v. *USEPA Administrator*, 710 F.2d 1200 (6th Cir. 1983); *New York* v. *Gorsuch*, No. 82–1717 (7th Cir.); *New York and Connecticut* v. *Gorsuch*, No. 82–2059 (7th Cir.).

On December 5, 1984, (49 FR 48152), USEPA made a final determination on the Section 126 petitions filed by Pennsylvania, New York and Maine. The petitions dealt with the consideration of the accumulated impacts of midwestern $SO_2$ emissions on the northeastern U.S. environment. USEPA concluded that no demonstration had been made that these emissions interfered with attainment or maintenance of the NAAQS or the PSD increments. The J.H. Campbell plant $SO_2$ SIP revision was reviewed in a manner consistent with the way in which USEPA reviewed the SIP revisions involved in the above referenced Circuit Court cases. Therefore, USEPA has satisfied its responsibilities under the Clean Air Act for the J.H. Campbell plant revision.

In summary, Consent Order No. 12–1984 reduced the allowable $SO_2$ emissions from the Consumer Power Company, J.H. Campbell plant in Ottawa County, Michigan, from the 6.6 lbs/MMBTU allowed in 1984 to 4.88 lbs/MMBTU in 1985, 4.78 lbs/MMBTU in 1986 and 4.68 lbs/MMBTU in 1987. USEPA's technical support documents of November 30, 1984, October 11, 1985, and June 5, 1986, provide a detailed discussion of USEPA's review of the air quality modeling analysis, PSD applicability, and response to public comments.

On July 8, 1985 (50 FR 27892), USEPA promulgated revisions to its stack height regulations, pursuant to section 123 of the Clean Air Act. The regulations do not apply to stack heights "in existence" on or before December 31, 1970. A stack is considered "in existence" if the owner or operator had, by December 31, 1970: (1) Begun a continuous program of physical on-site construction of the stack; or (2) entered into a binding agreement or contractual obligation, which could not be cancelled or modified without substantial loss, to undertake a program of construction to be completed within a reasonable time. USEPA has determined that the stack serving J.H. Campbell Units 1 and 2 was constructed before 1968 and is, therefore, not subject to USEPA's stack height regulations.

The 198 meter (m) stack serving Unit 3 was constructed in 1980 at the same time as Unit 3 was constructed, and is subject to the stack height regulations. As such, it is subject to the Good Engineering Practice formula of 40 CFR 51.1 (ii)(2)(ii). Using the J.H. Campbell building dimensions and diagrams supplied by MDNR, the stack height credit calculated using the formula is 200 m. The 198 m stack is, therefore, properly creditable under the revised regulations for the stack, and was the basis for the air quality modeling analysis submitted by the State.

Michigan's January 1986 report (submitted February 4, 1986) on its implementation of USEPA's stack height regulations provided the State's determination that the Consumers Power J.H. Campbell plant's $SO_2$ emission limit was not based on stack height or dispersion credit greater than allowed by the stack height regulations Based on the foregoing, the $SO_2$ SIP revision for the Consumer Power J.H. Campbell plan is consistent with USEPA's revised stack height regulations.

USEPA has reviewed the State of Michigan's request for a 3-year $SO_2$ compliance date extension from R336.1401 for the CPC J.H. Campbell plant and finds that the analyses (1) are consistent with USEPA's modeling guidelines; and (2) indicate that the revised $SO_2$ emission limitations for the J.H. Campbell Plan will not cause or contribute to a violation of the $SO_2$ NAAQS in Michigan or any other State and will protect the PSD increments in Ottawa County. USEPA is today approving this revision to the Michigan $SO_2$ SIP. This revision represents a reduction from the 1980–1984, 6.6 lbs/MMBTU allowable emission rate, but is higher than the 1.66 lbs/MMBTU allowable rate in the underlying Michigan $SO_2$ SIP. The Consent Order between Michigan and CPC requires compliance with R336.1401 prior to January 1, 1988. An acceptable attainment demonstration was provided which shows that the proposed limits will protect the $SO_2$ NAAQS and PSD increments.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 13, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Air pollution control, Sulfur oxides, Intergovernmental relations, Incorporation by reference.

**Note.**—Incorporation by Reference of the State Implementation Plan for the State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 5, 1986.

**Lee M. Thomas,**

*Administrator.*

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

## PART 52—[AMENDED]

### Subpart X—Michigan

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1170, is amended by adding paragraph (c)(81) as follows:

**§ 52.1170 Identification of plan.**

* * * * *

(c) * * *

(81) On October 1, 1984, the State of Michigan submitted the Stipulation for Entry of Consent Order and Final Order, SIP No. 12–1984, between the Consumer Power Company's J.H. Campbell and the Michigan Air Pollution Control Commission as a revision to the Michigan $SO_2$ SIP. Consent Order No. 12–1984 provides a 3-year compliance date extension (January 1, 1985, to December 31, 1987) for the J.H. Campbell Units 1 and 2 to emit $SO_2$ at an allowable rate on a daily basis of 4.88 lbs/MMBTU in 1985, 4.78 lbs/MMBTU in 1986, and 4.68 lbs/MMBTU in 1987.

(i) Incorporation by reference.

(A) October 1, 1984, Stipulation for Entry of Consent Order and Final Order, SIP No. 12–1984, establishing interim daily average $SO_2$ emission limitations and quarterly average limits on percent sulfur is fuel fired.

* * * * *

[FR Doc. 87–458 Filed 1–9–87; 8:45 am]

BILLING CODE 6560–50–M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### 43 CFR Public Land Order 6636

[AZ–940–07–4220–11; A–12954]

### Arizona; Partial Revocation of Reclamation Project Withdrawal

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order partially revokes a reclamation project withdrawal affecting approximately 389.06 acres of national forest lands currently classified for exchange. After revocation of the withdrawal, the underlying lands will remain segregated from entry by a pending Forest Service exchange application.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** John T. Mezes, BLM, Arizona State Office, P.O Box 16563, Phoenix, Arizona 85011 (602) 241–5529.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and by an Act of Congress dated November 7, 1986, and a U.S. District Court order of November 25, 1986, it is ordered as follows:

1. Secretarial order of December 14, 1904, as interpreted by Order of May 19, 1964, which withdrew lands for the Horseshoe Reservoir Site, is hereby revoked insofar as it affects the following described land:

**Gila and Salt River Meridian**

T. 5 N., R. 7 E.,
Sec. 31, Lots 1, 2, 3, W½E½, E½NW¼, SE¼SE¼.

The area described contains 389.06 acres in Maricopa County.

2. Upon revocation of the withdrawal, the lands described above will immediately become available for a pending Forest Service exchange.

**J. Steven Griles,**

*Assistant Secretary of the Interior.*

January 5, 1987.

[FR Doc. 87–545 Filed 1–9–87; 8:45 am]

BILLING CODE 4310–32–M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

### 46 CFR Part 160

[CGD 84–069a]

### Lifesaving Equipment; Immersion Suits

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising the specifications for approval of exposure suits. Existing approvals for exposure suits under 46 CFR 160.071 will be terminated on the effective date of these regulations and new approvals will be issued for immersion suits under 46 CFR 160.171 after supplemental testing. Existing vessels may continue to use exposure suits approved under 46 CFR 160.071 as long as the suits remain serviceable. Ships, the construction or conversion of which started on or after July 1, 1986, will be required to have immersion suits approved under 46 CFR 160.171. The changes are needed to conform the regulations to the International Convention for Safety of Life at Sea, 1974 (SOLAS 74), as amended.

**EFFECTIVE DATE:** April 13, 1987. The Director of the Office of the Federal Register has approved the material incorporated by reference as of April 13, 1987.

**ADDRESS:** The comments, final evaluation, and materials referenced in this notice will be available for examination and copying between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays, at the Marine Safety Council (G–CMC/21), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593.

**FOR FURTHER INFORMATION CONTACT:** LCDR William M. Riley (202) 267–1444.

*Drafting Information:* The principal author of this final rule is LCDR William M. Riley, Office of Marine Safety, Security, and Environmental Protection, assisted by the Office of the Chief Counsel.

**SUPPLEMENTARY INFORMATION:** On June 17, 1983, the International Maritime Organization (IMO) adopted the Second Set of Amendments to SOLAS 74. These amendments, which enter into force on July 1, 1986, will require "immersion suits" to be carried on board certain vessels on an international voyage. Exposure suits approved under 46 CFR 160.071 are already required to be carried on U.S. vessels, and substantially meet the requirements for immersion suits. However, the specification for immersion suits contained in Regulation 33 of Chapter III of SOLAS 74 includes a number of requirements which differ from those contained in § 160.071. This final rule will bring the U.S. regulations into line with the treaty with respect to nomenclature, test subjects, donning over clothing, donning at low temperature, storage temperature, flame and oil exposure, impact resistance, water ingress, hand dexterity after immersion in cold water, freeboard, and righting.

Existing U.S. standards, which exceed the SOLAS 74 requirements, will be retained. In particular, the United States will continue to refuse approval of uninsulated and non-buoyant immersion suits, which are permitted by SOLAS 74. Uninsulated and non-buoyant suits do not provide an acceptable level of protection because they require layers of woolen clothing to be worn under the suit for warmth and a life preserver to be worn over the suit to provide flotation. The extra time required to don the clothing and life preserver may result in a loss of life.

In order to distinguish between approved suits which meet SOLAS 74 requirements and those which do not, the Coast Guard will change the nomenclature of the suits from "exposure suit" to "immersion suit" and also use the approval number markings on the suits to make the distinction. Current approvals for exposure suits under subpart 160.071 will be terminated on the effective date of these rules. New approvals for immersion suits will be issued when supplemental testing has been performed. New ships subject to SOLAS 74 will be required to have immersion suits meeting the requirements of SOLAS 74. Existing ships and those not subject to the SOLAS 74 requirements may retain previously approved exposure suits as long as they are serviceable. The results will be an orderly phase-out of the currently-approved suits with a minimum of hardship to vessel operators and manufacturers.

Requirements for certain vessels to carry immersion suits will be addressed in a separate rulemaking. Advance notice of that rulemaking project was published in the **Federal Register** of December 31, 1984 (49 FR 50745). The requirements for approval of immersion suits need to be treated separately so that manufacturers can develop products to comply with the specification by the time the shipowners begin placing orders for them.

A Notice of Proposed Rulemaking was published on February 4, 1986 (51 FR 4401), and invited comments for 90 days ending May 5, 1986. Comments were received from eleven sources including five current manufacturers of exposure suits, one independent laboratory, two associations of shipowners, and three individuals. The following summarizes the comments, suggestions, and actions taken.

**Foot Valves**

Four comments appealed to the Coast Guard to eliminate the "requirement" for foot valves to expel air from the legs of the suit during a head-first dive into the water. The comments stated that the valves leak, that air in the legs does not prevent a wearer from attaining an upright position, and that any air in the suit provides added buoyancy and insulation. The existing regulations for exposure suits do *not* require foot valves. Nothing in the proposed rule for immersion suits would have required foot valves. The language of the proposed rule, unchanged from the existing rule, required "a means to prevent air from accumulating in the legs during a head first jump." Foot valves are only one method of addressing this requirement. There are exposure suits currently approved which incorporate other means. We believe that the more stringent leak tests mandated by SOLAS 74/83 will effectively eliminate features of suits which increase leakage, including any poor designs of foot valves. Air trapped in the suit is not to be relied on to provide any part of the required buoyancy or insulation. SOLAS 74/83, Chapter III, Reg. 33, section 1.1.4 requires that an immersion suit be "proved with arrangements to minimize or reduce free air in the legs of the suit." This more flexible wording has been incorporated in the final rule.

**Leak Tests**

One current manufacturer objected to the proposed leak/water ingress tests as unreasonably stringent. This comment advanced the theory that the small amount of leakage allowed by SOLAS 74/83 was prompted by the fact that water entering an uninsulated immersion suit will lessen the insulating value of the clothing worn underneath. The comment therefore proposed that the leakage rate not apply to insulated suits to the type approved in the U.S. This rulemaking is not the proper forum to renegotiate the IMO standards. Furthermore, the comments received concerning foot valves indicate that users of the suits are not satisfied with leakage rates in some currently approved exposure suits. Therefore the proposed leak test is retained in the Final Rule.

**Oil Exposure Test**

Three comments addressed the oil exposure test. Two current manufacturers objected to the test as too stringent because it involves immersing the suit completely in diesel oil for 24 hours. This oil exposure test is required by SOLAS 74/83, Chapter III, Reg. 30, section 2.4. Therefore this comment is rejected. Two existing exposure suits are known to have passed this test.

The independent laboratory suggested that a specific grade of oil be used for the test. The suggestion that a specific grade of oil be used has merit and has been adopted.

**Cost**

Two current manufacturers and the independent laboratory provided useful information concerning the cost of testing for approval, which has been used in the preparation of the Final Evaluation.

**Freeboard**

One manufacturer objected to the application of the SOLAS 74/83 lifejacket freeboard requirement to immersion suits. It is true that regulation 33 of Chapter III, which covers immersion suits, does not contain a freeboard requirement. However, that regulation also does not discuss buoyant immersion suits, except in the context of an immersion suit complying with regulation 32 of SOLAS 74/83 Chapter III for lifejackets. The only other option discussed is an immersion suit worn in conjunction with a lifejacket. Therefore we feel that any buoyant immersion suit is intended to perform in a manner equivalent to a lifejacket to the extent possible. The added buoyancy to increase freeboard by only ¼ inch is considered feasible.

**Righting**

Two comments addressed the issue of making the suits self-righting. An existing manufacturer of exposure suits expressed the opinion that self-righting is not practical. The independent laboratory pointed out that automatic inflation mechanisms currently available, which might be used in a self righting design, may not function properly in cold water. Nothing in the proposed rule would have *required* immersion suits to be self-righting. The opportunity has been provided, however, for creative use of automatically inflated auxiliary buoyancy units to lift or turn the unconscious wearer to a position where breathing is not impeded. The minimum standard remains that a conscious wearer must be able to turn to a face up position, and that any auxiliary buoyancy unit, whether inflated or not, must not interfere with this ability. The language describing the righting test has been revised to increase clarity without altering the requirements of the proposed rule. The discovery that some automatic inflation mechanisms may not function properly in cold water is an important consideration. A reference to the commercial hybrid PFD specification has been added to ensure the evaluation of the cold-water performance of such mechanisms, if they are used.

**Nomenclature**

One individual objected to the change of name of the "survival suit" to immersion suit. The comment stated that the term immersion suit has less impact and does not convey the importance of the item. However, the term "survival suit" is not used in the current regulations and the Coast Guard discourages its use because it has no specific legal definition. Since the term "immersion suit" is the one used in international requirements for the suits,

this nomenclature is expected to be the most readily understood by shipboard personnel, shipping companies, manufacturers, and law enforcement personnel worldwide.

**Need for New Specification**

One association of shipowners objected to any change in the specifications to comply with SOLAS 74/83, citing the preamble to previous rulemaking document which stated that current designs of exposure suits substantially comply with the treaty. We still believe that basic designs of existing exposure suits will comply with little or no modification. However, we would be remiss if we failed to incorporate the essential elements of the SOLAS 74/83 requirements in our domestic regulations. Advance testing by some manufacturers has already revealed that minor modifications in design and construction techniques will be needed on some suits.

**Uninsulated and Non-buoyant Suits**

The same comment also called for the Coast Guard to approve uninsulated and non-buoyant suits. To do so would be to take a giant step backwards in marine safety. The extra time required to don layers of heavy clothing under an immersion suit and/or a lifejacket over the suit might result in a loss of life. We cannot assume that all hands will already be up and about and dressed for cold weather when the signal to abandon ship is sounded. Indeed, the weather can be deceptively warm while the water temperature is cold enough to bring on death by hypothermia quickly. The approval of uninsulated and/or non-buoyant immersion suits was one of the alternatives considered in the Draft Evaluation, and was also discussed in the Preamble to the Proposed Rule. Numerous cases could be envisioned where uninsulated or nonbuoyant suits would decrease the chances of survival. Therefore this comment is rejected.

**Sizes**

The same comment questioned the value of oversize adult suits, since the person who needs such a suit may be at a work station, where only adult universal size suits are stowed, in an emergency. One manufacturer, meanwhile, suggested that a "small adult" size suit be approved, to provide a better fit on persons near the boundary between adult and child sizes. These two comments illustrate the dilemma faced in balancing conflicting desires of various interest groups. Shipowners cannot predict the mixture of sizes needed to provide a custom fit for all the crewmembers on a commercial vessel. Aboard vessels required to carry the suits, a minimum number of sizes to cover the population is desired. Each crewmember must, however, be provided with a suit that fits well enough to save one's life. The same applies to a small adult who needs a child size suit. It is the Coast Guard's belief that all such persons will fit into one of the currently specified sizes. The selection of test subjects in these rules ensure that the fit of the suits is evaluated at the extremes of the size range.

**Removable Gloves**

One comment suggested that removable gloves be prohibited, on the grounds that the gloves could be cut off and discarded to make the suit more convenient to wear for everyday work. This argument is not convincing. There is no reason to cut the tether and discard a glove that is already removable. It is more likely that an integral glove would be cut off. Any such modification of the suit would invalidate its approval. There is no requirement that any manufacturer offer a suit with removable gloves. The option is desirable to some purchasers, however, and we see no reason to prohibit it.

**Storage**

The same comment objected to any proposal to change the required method of storage of the suit. This comment has no merit. Nothing in the existing rules specifies how the suit is to be rolled or folded in its storage case, and nothing in the proposed rules would have imposed or changed such a requirement.

**Instructions**

The same comment submitted a proposed illustration of the correct method of donning for use in their instructions. Incorporating this illustration into the manufacturer's instructions is a part of the approval process and not of this rulemaking.

Another current manufacturer proposed that a committee of manufacturers be chartered by the Coast Guard to develop a standard instruction booklet and oversee its printing, apportioning the cost among all manufacturers. This comment also made a proposal to appoint a chairman of the committee. The Coast Guard is not in a position to mandate participation in such a project, particularly the cost-sharing aspect of the printing. We certainly would not presume to appoint one manufacturer to a position of authority over others. However, we will consider incorporating any industry standard which the manufacturers develop voluntarily.

**Supplementary Testing**

The independent laboratory submitted various suggestions concerning which tests need to be conducted on existing suits. This is an administrative matter to be determined by a thorough review of each manufacturer's file after the final rule is published.

**Face Coverage**

The independent laboratory requested clarification concerning whether the regulation prohibits the face from being covered. Neither the existing regulation nor the revised regulation would prohibit the face from being covered provided visibility is not impaired.

**Hand Dexterity Test**

The independent laboratory recommended that a physician be present during the hand dexterity test, and that the option remain to conduct it after the thermal protection test. It is anticipated that all hand dexterity tests will be conducted in conjuction with the thermal protection test, for reasons of economy. We believe it is clear from the language of the proposed rule that the hand dexterity test may be conducted after the thermal protection test. We have added language cautioning that a physician must be present during the hand dexterity test, and clarifying that the test subjects in the thermal protection test may be used for the hand dexterity test.

**Retroreflective Material**

The independent laboratory recommended that the words "directly in front of the wearer" be deleted from the retroreflective material requirement. This point is well taken. The required retroreflective material should be distributed so that some of it is visible from any angle of view. The language of the final rule has been changed to require that the necessary amount of retroreflective material simply be visible above the water.

**Temperature Cycling Test**

The independent laboratory also commented that one sample should be sufficient for the temperature cycling test. The requirement for two samples is taken from IMO Resolution A-521. The cost of testing two samples versus one sample is considered reasonable and is retained.

**Woolen Clothing**

The independent laboratory objected to the requirement for certain articles of

woolen clothing to be worn by the test subjects in circumstances where that clothing might be damaged by water. The woolen clothing is specified in IMO Resolution A–521. We have added language in the final rule to authorize the use of synthetic materials which provide equivalent insulation.

**Substitute Test Subjects**

The independent laboratory requested that provision be made in the regulations for timid test subjects to be replaced by other subjects of the same anthropomorphic type, without regard to sex, when necessary for certain evolutions such as the jump test. Substitution of test subjects for a particular test, or the use of additional subjects for retest, are already allowed on a case-by-case basis. We are reluctant to grant blanket permission for substitution in the regulations since the fact that a test subject is not confident enough in the device to even attempt the test is itself valuable feedback. By retaining the option to evaluate such cases individually, the Coast Guard will maintain better control over the approval process. This request is therefore denied.

**Annual servicing**

One manufacturer proposed a requirement for annual servicing of suits. Suits required to be carried on inspected vessels are inspected annually by a Coast Guard officer. We see no need to mandate annual service by a manufacturer's representative or contractor.

**Economic Analysis and Certification:**

This final rule is considered to be non-major under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A final evaluation has been prepared and placed in the rule making docket. It may be inspected or copied at the address listed above under **ADDRESSES.** Copies may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

The expected benefit of this rule will be compliance of U.S. Coast Guard approved immersion suits with the requirements of the International Convention for Safety of Life at Sea, 1974, as amended. The cost of this final rule to the public will be the cost of supplemental testing of existing designs of suits to meet the new requirements, which has been estimated at $2,490 per adult size and $245 per child size design. There are 21 adult and 3 child size suits approved, each of which would have to be retested. The total cost to the manufacturers is therefore $53,025. The cost to the government will be the cost of a government engineer to review the independent laboratory report of the supplemental testing, and the clerical cost to re-issue a certificate of approval for each suit design. This cost is estimated at $150 per approval for a total of $3,600, which would add between 3% and 6% to the cost of each suit sold over the next 5–10 years. This analysis assumes that current designs of suits will pass the supplemental testing. If any designs fail the tests, those manufacturers may incur additional costs to redesign their products, or may be forced out of the market. Based upon the estimated cost involved, the Coast Guard certifies that this final rule would not have a significant economic impact on a substantial number of small entities.

**Paperwork Reduction Act**

This rule making contains information collection requirements. These requirements have been previously submitted to the Office of Management and Budget for review under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and have been approved by OMB under control number 2115–0141.

**List of Subjects in 46 CFR Part 160**

Marine safety, Incorporation by reference.

In consideration of the foregoing, 46 CFR Part 160 is amended as follows:

## PART 160—LIFESAVING EQUIPMENT

### Subpart 160.171—[Removed]

1. Subpart 160.071 is removed.

2. Subpart 160.171 is added to read as follows:

### Subpart 160.171—Immersion Suits

Sec.

160.171–1 Scope.
160.171–3 Incorporations by reference.
160.171–5 Independent laboratory.
160.171–7 Approval procedures.
160.171–9 Construction.
160.171–11 Performance.
160.171–13 Storage case.
160.171–15 Instructions.
160.171–17 Approval testing for adult size immersion suit.
160.171–19 Approval testing for child size immersion suit.
160.171–23 Marking.
160.171–25 Production testing.

**Authority:** 46 USC 3306; 49 CFR 1.46.

**§ 160.171–1 Scope.**

This subpart contains construction and performance requirements, and approval tests for adult and child insulated, buoyant immersion suits that are designed to prevent shock upon entering cold water and lessen the effect of hypothermia (extreme body heat loss due to immersion in cold water). Immersion suits approved under this subpart will meet the requirements of Regulation 33 of Chapter III of the International Convention for Safety of Life at Sea (SOLAS), 1974, under the Second Set of Amendments adopted 17 June 1983.

**§ 160.171–3 Incorporations by reference.**

(a) Certain materials are incorporated by reference into this subchapter with the approval of the Director of the Federal Register in accordance with 5 USC 552(a) and 1 CFR Part 51. The Office of the Federal Register publishes a table, "Material Approved for Incorporation by Reference," which appears in the Finding Aids section of this volume. In that table is found citations to the particular sections of this part where the material is incorporated. To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the **Federal Register** and the material made available. All approved material is on file at the Office of the Federal Register, Washington, DC 20408, and at the U.S. Coast Guard, Survival Systems Branch (G–MVI–3), Washington, DC 20593.

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

American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.

ASTM B 117–73 (Reapproved 1979), Standard Method of Salt Spray (Fog) Testing.

ASTM C 177–76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Guarded Hot Plate.

ASTM C 518–76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter.

ASTM D 975–81, Standard Specification for Diesel Fuel Oils.

ASTM D 1004–66 (Reapproved 1976), Tear Resistance of Plastic Film and Sheeting.

Federal Standards Specification Unit (WFSIA), Regional Office Building, Room 6039, 7th and D Streets SW, Washington, DC 20407.

National Bureau of Standards Special Publication 440—Color, Universal Language and Dictionary of Names; December 1976.

Federal Test Method Standard No. 191a dated July 20, 1978, Method 5304.1, Abrasion Resistance of Cloth, Oscillatory Cylinder (Wyzenbeek) Method, dated July 9, 1971.

Federal Standard No. 751a, Stitches, Seams, and Stitchings, dated January 25, 1965.

Underwriters Laboratories, Inc., 333 Pfingston Rd. Northbrook, IL 60062.

UL 1191, First Edition (Standard for Components for Personal Flotation Devices), as revised March 29, 1977.

**§ 160.171-5 Independent laboratory.**

The approval and production tests in this subpart must be conducted by an independent laboratory accepted by the Coast Guard under Subpart 159.010 of this chapter.

**§ 160.171-7 Approval procedures.**

(a) *General.* An immersion suit is approved by the Coast Guard under the procedures in Subpart 159.005 of this chapter.

(b) *Approval testing.* Each approval test must be conducted in accordance with § 160.171-17 or § 160.171-19.

(c) *Approval of child size and oversize adult suits.* No child size or oversize adult sized suit will be approved unless the adult size of the suit has been approved.

**§ 160.171-9 Construction.**

(a) *General.* Each immersion suit must be constructed primarily of a closed-cell flexible foam that meets the buoyancy and thermal insulation requirements in § 160.171-11 (a) and (c). Each suit must be designed to cover the wearer's entire body, except for the area of the nose and eyes. It must be capable of being worn inside-out or be clearly capable of being worn in only one way and, as far as possible, incapable of being donned incorrectly.

(b) *Impact resistance and body strength.* The body of each suit must be designed to allow the wearer to jump from a height of at least 4.5 m into the water without injury and without dislodging or damaging the suit.

(c) *Seams.* Stitching in each sewn structural seam of an immersion suit must be lock type stitching that meets the requirements in Federal Standard No. 751 for one of the following:

(1) Class 300 Lockstitch.

(2) Class 700 Single Thread Lockstitch.

Other stitches which are not true lock stitches may be used to reinforce a glued seam provided the adhesive alone has the required seam strength after the non-standard stitch has been removed.

(d) *Seam strength.* Each seam must have a strength of at least 225 Newtons (50 lb.).

(e) *Closures and seals.* Each closure and seal must be designed so that, following a jump from a height of not less than 4.5 m into the water, there is no undue ingress of water into the suit.

(f) *Hardware.* All hardware of an immersion suit must be of a size and design that allows ease of operation by the wearer. The hardware must be attached to the suit in a manner that allows the wearer to operate it easily and that prevents it from attaining a position in which it can be operated improperly.

(g) *Metal parts.* Each metal part of an immersion suit must be—

(1) 410 stainless steel or have salt water and salt air corrosion characteristics equal or superior to 410 stainless steel; and

(2) Galvanically compatable with each other metal part in contact with it.

(h) *Suit exterior.* The primary color of the exterior of each suit must be vivid reddish orange (color number 34 of National Bureau of Standards Publication 440). The exterior surface of the suit must resist tearing and abrasion when tested as prescribed in § 160.171-17(n) and (o).

(i) Buoyant materials and compartments. Buoyant materials used in a suit must not be loose or granular. The suit must not have an inflated or inflatable chamber, except as prescribed in § 160.171-11(a)(2).

(j) *Hand and arm construction.* The hand of each suit must be a glove that allows sufficient dexterity for the wearer to pick up a 9.5 mm (3/8 in.) diameter wooden pencil from a table and write with it, after being immersed in water at 5° C for a period of one hour. The glove may not be removable unless it is attached to the arm and unless it can be secured to the arm or stowed in a pocket on the arm when not in use. A removable glove must be designed so that there is no undue ingress of water into the glove during use. Each arm with a removable glove must have a wristlet seal that meets paragraph (e) of this section.

(k) *Leg construction.* Each suit must be designed to minimize or reduce free air in its legs when the wearer enters the water headfirst.

(l) *Foot construction.* Each leg of a suit must have a foot that has a hard sole or enough room for a work shoe to be worn inside. The sole of each foot must be—

(1) Natural or synthetic rubber that is ribbed or bossed for skid resistance; and

(2) Designed to prevent the wearer from slipping when the suit is tested as prescribed in § 160.171-17(c)(5).

(m) *Size.* Each adult suit must fit persons ranging in weight from 50 kg (110 lb.) to 150 kg (330 lb.) and in height from 1.5 m (59 in.) to 1.9 m (75 in.). Each child size suit must fit children or small adults ranging in weight from 20 kg (44 lb.) to 50 kg (110 lb.) and in height from 1.0 m (39 in.) to 1.5 m (59 in.). An oversize adult suit is intended for persons too large for the standard adult suit. Each suit must be capable of being worn comfortably over clothing and must not restrict the wearer's motion. The suit size and design must allow successful completion of the mobility tests prescribed in § 160.171-17(c)(2) through (7).

(n) *Retroreflective material.* Each immersion suit must be fitted with Type I retroreflective material that meets Subpart 164.018 of this chapter. When the wearer of an immersion suit is in any stable floating position, at least 200 $cm^2$ (31 sq. in.) of the material must be visible above water.

(o) *PFD Light.* Each immersion suit must be designed so that a light meeting the requirements of Subpart 161.012 of this chapter can be attached to its front shoulder area and so that the light when attached does not damage the suit and cannot adversely affect its performance. If the manufacturer of the suit designates a specific location for the light, or designates a specific model light, this information must be clearly printed on the suit or in the instructions prescribed by § 160.171-15(c).

(p) *Inflation tube.* If the suit has an inflatable auxiliary means of buoyancy, each joint in the oral inflation tube must be joined with a clamping device. A flange connection between the tube and the inflatable chamber must be reinforced so that the flange on the inflation tube is secured between the material of the inflatable section and the reinforcement.

**§ 160.171-11 Performance.**

(a) *Buoyancy.* Each suit must meet the following buoyancy requirements as measured in the test conducted under § 160.171-17(h):

(1) The adjusted buoyancy of each adult and each oversize adult size suit must be at least 100 N (22 lb.). The adjusted buoyancy of each child size suit must be at least 50 N (11 lb.) The measured buoyancy must not be reduced by more than 5% after 24 hours submersion in fresh water.

(2) Each suit must have a stable floating position in which the wearer's head must be tilted to a position between 30° and 80° above the horizontal, with the mouth and nose at least 120 mm (4¾ in.) above the surface of the water. If necessary, this position may be obtained through the use of an auxiliary means of buoyancy such as an inflatable bladder behind the wearer's head.

(3) If an auxiliary means of buoyancy is necessary to meet paragraph (a)(2) of this section, the suit must have a stable floating position without the auxiliary means of buoyancy in which the mouth and nose of the wearer are at least 50 mm (2 in.) above the surface of the water.

(4) The buoyancy of any auxiliary means of buoyancy must not be counted when determining the buoyancy of the suit.

(b) *Righting.* The suit must be designed to turn the body of an unconscious person in the water from any position to one where the mouth is clear of the water in not more than five seconds, without assistance or the use of any means of auxiliary buoyancy which must be inflated by the wearer; or to allow the wearer to turn from a face down to a face up position in not more than 5 seconds, without assistance or the use of any means of auxiliary buoyancy. If an automatically inflated means of auxiliary buoyancy is used to meet this paragraph, the inflation mechanism must meet the requirements for commercial hybrid PFDs in § 160.077–15(c) of this chapter, and the tests required under § 160.077–21(c)(3) of this chapter. Auxiliary buoyancy, if fitted and/or inflated, must not interfere with righting.

(c) *Thermal protection.* The suit must be designed to protect against loss of body heat as follows:

(1) The thermal conductivity of the suit material when submerged 1 m (39 in.) in water must be less than or equal to that of a control sample of 4.75 mm (3/16 in.) thick, closed-cell neoprene foam. The control sample of foam must have a thermal conductivity of not more than 0.055 watt/meter – °K (0.38 Btu – in./hr. – sq.ft. – °F).

(2) The suit must provide the wearer with sufficient thermal insulation, following one jump into the water from a height of 4.5 m, to ensure that the wearer's body core temperature does not fall more than 2° C (3.6° F) after a period of 6 hours immersion in calm circulating water at a temperature of between 0° C (32° F) and 2° C (35.6° F).

(d) *Donning time.* Each suit must be designed so that a person can don the suit correctly within two minutes after reading the donning and use instructions described in § 160.171–15(a).

(e) *Vision.* Each suit must be designed to allow unrestricted vision throughout an arc of 60° to either side of the wearer's straight-ahead line of sight when the wearer's head is turned to any angle between 30° to the right and 30° to the left. Each suit must be designed to allow a standing wearer to move head and eyes up and down far enough to see both feet and a spot directly overhead.

(f) *Water penetration.* An immersion suit must be designed to prevent undue ingress of water into the suit following a period of flotation in calm water of one hour.

(g) *Splash protection.* Each suit must have a means to prevent water spray from directly entering the wearer's mouth.

(h) *Storage temperature.* Each suit must be designed so that it will not be damaged by storage in its storage case at any temperature between –30° C (–22° F) and +65° C (149° F).

(i) *Flame exposure.* Each suit must be designed to prevent sustained burning or continued melting after it is totally enveloped in a fire for a period of 2 seconds.

(j) *Oil resistance.* Each immersion suit must be designed to be useable after a 24 hour exposure to diesel oil.

**§ 160.171–13 Storage case.**

(a) Each suit must have a storage case made of vinyl coated cloth or material that provides an equivalent measure of protection to the suit.

(b) Each storage case must be designed so that it is still useable after two seconds contact with a gasoline fire.

**§ 160.171–15 Instructions.**

(a) Each suit must have instructions for its donning and use in an emergency. The instructions must be in English and must not exceed 50 words. Illustrations must be used in addition to the words. These instructions must be on the exterior of the storage case or printed on a waterproof card attached to the storage case or to the suit.

(b) If the suit has an inflatable auxiliary means of buoyancy, separate instructions covering the use of the inflation valve must be provided on the suit near the valve or on a waterproof card attached near the valve.

(c) Instructions for donning and use of the suit in an emergency must also be available in a format suitable for mounting on a bulkhead of a vessel. This placard must be in English, must include illustrations, and must include a warning as to the risk of entrapment in a submerged compartment due to the buoyancy of the suit.

(d) Instructions for donning and use of the suit in an emergency, instructions for care and repair of the suit, and any additional necessary information concerning stowage and use of the suit on a vessel must be available in 8½ x 11 loose-leaf format suitable for inclusion in the vessel's training manual.

**§ 160.171–17 Approval testing for adult size immersion suit.**

Caution: During each of the in-water tests prescribed in this section, a person ready to render assistance when needed should be near each subject in the water.

(a) *General.* An adult size immersion suit must be tested as prescribed in this section. If the suit is also made in a child size, a child size suit must be tested as prescribed in § 160.171–19. If the suit is also made in an oversize adult size, an oversize adult suit must be tested as prescribed in § 160.171–17(g) to determine the measured buoyancy for the suit. No additional testing will be required if the oversize adult suit is of the same design as the adult suit except for extra material to provide for larger persons.

(b) *Test samples.* Each test prescribed in this section may be performed by using as many immersion suits as needed to make efficient use of the test subjects and test equipment, except that each subject in the impact test described in § 160.171–17(c)(11) must not use more than one suit during the test, and the suits used in the impact test must also be used in the thermal protection test described in § 160.171–17(d).

(c) *Mobility and flotation tests.* The mobility and flotation capabilities of each immersion suit must be tested under the following conditions and procedures:

(1) *Test subjects.* Seven males and three females must be used in the tests described in this paragraph. The subjects must represent each of the three physical types (ectomorphic, endomorphic, and mesomorphic). Each subject must be in good health. The heaviest subject, of either sex, must weigh at least 135 kg (298 lb.). The heaviest male subject must weigh at least 115 kg (254 lb.) and the lightest male subject must weigh not more than 55 kg (121 lb). The heaviest female subject must weigh at least 115 kg (254 lb.) and the lightest female subject must weigh not more than 55 kg (121 lb). Each subject must be unfamiliar with the specific suit under test. Each subject must wear a standard range of clothing consisting of:

(i) Underwear (short sleeved, short legged);
(ii) Shirt (long sleeved);
(iii) Trousers (not woolen);
(iv) Woolen or equivalent synthetic socks;
(v) Rubber soled work shoes.

(2) *Donning time.* Each subject is removed from the view of the other subjects and allowed one minute to examine a suit and the manufacturer's instructions for donning and use of the suit in an emergency. At the end of this period, the subject attempts to don the suit as rapidly as possible without the aid of a chair or any support to lean on. If the subject does not don the suit completely, including gloves and any other accessories, within two minutes, the subject removes the suit and is given

a demonstration of correct donning, and again attempts to don the suit. At least nine of the ten subjects must be able to don the suit completely, including time to remove shoes if necessary, in two minutes in at least one of the two attempts.

(3) *Field of vision.* The immersion suit's field of vision must be tested as follows:

(i) While wearing a suit, each subject sits upright and faces straight ahead. An observer is positioned to one side of the subject at an angle of 60° away from the subject's straight-ahead line of sight. The observer must be able to see the subject's closest eye at this position. The observer then walks past the front of the subject to a position on the subject's other side that is at an angle of 60° away from the subject's straight-ahead line of sight. The suit must not obstruct the observer's view of the subject's eyes at any point between the two positions.

(ii) While wearing the suit, each subject stands upright and faces straight ahead. An observer is positioned to one side of the subject at an angle of 90° away from the subject's straight-ahead line of sight. The subject then turns his or her head through an arc of 30° toward the position of the observer. This procedure is repeated with the observer positioned on the other side of the subject at an angle of 90° away from the subject's straight ahead line of sight. The suit must not obstruct the observer's view of the subject's eyes when the subject's head is turned 30° toward the observer.

(iii) While wearing the suit, each subject stands upright and faces straight ahead. Through a combination of head and eye movement, the subject looks first at a spot directly overhead, then looks at a spot on or between the feet. An observer must verify that the subject can make the necessary head and eye movements while wearing the suit.

(4) *Hand dexterity.* A physician must always be present during this test. While wearing a suit, including a removable glove if any, and after being immersed in water at 5° C (41° F) for a period of one hour, each subject must be able to pick up a 9.5 mm (⅜ in.) diameter wooden pencil from a flat hard surfaced table using only one hand. Still using only one hand, the subject must be able to position the pencil and write with it. At least eight of the ten test subjects must be able to complete this test. This test may be performed in conjunction with the thermal protection test described in § 160.171–17(d), in which case five of the six test subjects specified in 160.171–17(d)(1) must be able to complete the test.

(5) *Walking.* A 30 m (100 ft.) long walking course must be laid out on a smooth linoleum floor. The finish on the floor must allow water to lie on it in a sheet rather than in beads. The course may have gradual turns, but must not have any abrupt change in direction. Each subject is timed walking the course two times at a normal pace with the floor dry. Each subject then dons a suit and is timed again walking the course two times with the floor wet. The subject is given adequate rest between trials to avoid fatigue. The subject must not slip on the wet floor when wearing the suit. The average time for each subject to walk the course while wearing the suit must be not more than 1.25 times the subject's average time to walk the course without the suit.

(6) *Climbing.* A vertical ladder extending at least 5 meters (17 feet) above a level floor must be used for this test. Each subject is timed climbing the ladder twice to a rung at least 3 meters (10 feet) above the floor. The subject then dons a suit and is again timed climbing to the same rung twice. The subject is given adequate rest between trials to avoid fatigue. The average time for each subject to climb the ladder while wearing the suit must not be more than 1.25 times the subject's average time to climb the ladder without the suit.

(7) *Swimming and water emergence test.* A pool with an inflatable liferaft at one side must be used for this test. The liferaft must be of a type approved under Subpart 160.051 of this Chapter and must not have a boarding ramp. Each subject, wearing a life preserver but not the immersion suit, enters the water and swims 25 m. The subject must then be able to emerge from the pool onto the liferaft using only the hands placed on top of the liferaft as an aid and without pushing off of the bottom of the pool. Any subject unable to emerge onto the liferaft within 30 seconds is disqualified for this test. At least five subjects must qualify and be used for this test. If less than five subjects of the original ten qualify, substitute subjects must be used. Each qualified subject, after sufficient rest to avoid fatigue, repeats this test wearing an immersion suit instead of the life preserver. At least two-thirds of the qualified subjects must be able to swim this distance, and emerge onto the liferaft within 30 seconds, wearing the immersion suit.

(8) *Stability and retroreflective material.* While wearing the suit in water witiout any auxiliary means of buoyancy, each subject assumes a face-up position and then allows his or her body to become limp. The distance from the water surface to the lowest part of the subject's mouth or nose is measured. This procedure is repeated using the auxiliary means of buoyancy, if one is provided. For each test subject, the stable position and the distance of the mouth and nose above the water must be prescribed in § 160.171–11(a)(2) and § 160.171–11(a)(3). During this test, each subject must be viewed by observers to determine whether the retroreflective material of the suit meets § 160.171–9(n).

(9) *Righting.* Each subject while wearing a suit in water, without the use of any auxiliary means of buoyancy, takes a deep breath, assumes a face-down position, allows his or her body to become limp, and slowly expels air. The suit must cause the subject to turn to a position where the face is clear of the water within 5 seconds; or if the suit does not turn the subject within 5 seconds, the subject must be able to turn face up under his or her own power within 5 seconds. If the suit is provided with any means of auxiliary buoyancy, the procedure is repeated under each of the following applicable conditions:

(i) With any means of auxiliary buoyancy attached but not inflated;

(ii) With any means of auxiliary buoyancy which must be inflated by the wearer inflated according to the instructions; or

(iii) With any means of auxiliary buoyancy which inflates automatically inflated by its automatic mechanism.

(10) *Water and air penetration.* Each subject is weighed while wearing a pre-wetted suit without any auxiliary means of buoyancy. The subject jumps into water from a height that will cause the subject to be completely immersed. The subject swims or treads water for approximately one minute, emerges from the water, and is weighed within 10 seconds after emerging. The procedure is repeated with the subject entering the water headfirst. If air accumulates in the legs as the subject enters the water head-first, it must be expelled automatically. At the end of this test, the weight of the subject in the suit must not exceed the weight of the subject in the suit at the beginning of the test by more than 500 grams. Each test subject then re-enters the water and floats for a period of one hour. The subject then emerges from the water and is weighed within 10 seconds. The weight of the subject in the suit at the end of this test must not exceed the weight of the subject in the suit at the beginning of the period of flotation by more th an 200 grams.

(11) *Impact.* While wearing a suit without any auxiliary means of buoyancy, each subject jumps into water feet first six times from a height of 4.5 m (15 ft.) above the water surface.

Each subject must be able to assume a face up stable position without assistance after each jump. The suit must not tear, separate at any seam, or exhibit any characteristic that could render it unsafe or unsuitable for use in water.

(d) *Thermal protection.* The thermal protection capability of a suit must be tested under the following conditions and procedures:

(1) *Test subjects.* Male subjects must be used for this test. Each subject must be familiarized with the test procedure before starting the test. Each subject must have somatotype parameters within the following ranges according to the Heath-Carter anthropometric method: endomorphy 3.5±1.0; mesomorphy 4.0±1.5; ectomorphy 3.5±1.0.

Note: The following publication, among others, contains guidance for use of the Heath-Carter anthropometric method: "Body Type and Performance," Hebbelinck and Ross; FITNESS, HEALTH AND WORK CAPACITY, INTERNATIONAL STANDARDS FOR ASSESSMENT; Larson, L. A. (Ed.); International Committee for the Standardization of Physical Fitness Tests; Macmillan: New York; 1974 (pp. 266–283).

Each subject must have had a normal night's sleep before the test, a well-balanced meal 1 to 5 hours before the test, and no alcoholic beverages for 24 hours before the test. In addition to the suit, each subject must wear:

(i) Underwear (short sleeved, short legged);

(ii) Shirt (long sleeved);

(ii) Trousers (not woolen);

(iv) Woolen or equivalent synthetic socks;

(v) Work shoes, if the suit is designed for shoes to be worn inside.

(2) *Test equipment.* The test must be conducted in calm water with a temperature between 0° C (32° F) and 2° C (35.6° F). The air temperature 300 mm (1 ft.) above the water surface must be between minus 10° C (14° F) and 20° C (68° F). Each subject must be instrumented with an electrocardiograph, a thermistor or thermocouple in the rectum placed 150 mm (6 in) beyond the anus, thermistor or thermocouple in the lumbar region, a thermistor or thermocouple on the tip of the index finger, and a thermistor or thermocouple on the tip of the great toe. Each thermistor or thermocouple must have an accuracy of 0.1° C (0.18° F). The suits used in this test must be the same ones previously subjected to the impact test described in § 160.171–17(c)(11).

(3) *Test procedure.* A physician must always be present during this test. Before donning the suit, each subject rests quietly in a room with a temperature between 10° C (50° F) and 25° C (77° F) for 15 minutes. The rectal temperature is then recorded as the initial rectal temperature. The subject dons a suit as rapidly as possible without damaging the instrumentation and immediately enters the water. The subject assumes a face-up, stable floating position. No auxiliary means of buoyancy may be used during this test. The subject remains in the water engaging in activity that maintains the heart rate between 50 and 140 per minute for the first hour, and between 50 and 120 per minute during the remainder of the test, except that no attempt is made to control heart rate if the subject is shivering. Each thermistor or thermocouple reading is recorded at least every 10 minutes.

(4) *Completion of testing.* Testing of a subject ends six hours after he first enters the water, unless terminated sooner.

(5) *Termination of test.* Testing of a subject must be terminated before completion if any of the following occurs:

(i) The physician determines that the subject should not continue.

(ii) The subject requests termination due to discomfort or illness.

(iii) The subject's rectal temperature drops more than 2° C (3.6° F) below the initial rectal temperature, unless the physician determines that the subject may continue.

(iv) The subject's lumbar, finger, or toe temperature drops below 10° C (50° F), unless the physician determines that the subject may continue.

(6) *Test results.* The test results must be prepared as follows:

(i) The total rectal temperature drop during the test period and the average lumbar, finger and toe temperature at the end of the test must be determined for each subject in the test, except subjects who did not complete testing for a reason stated in paragraph (d)(5)(i) or (d)(5)(ii) of this section. These temperatures and temperature drops must then be averaged. The average drop in rectal temperature must not be more than 2° C (3.6° F), and the average lumbar, toe and finger temperature must not be less than 5° C (41° F). Data from at least four subjects must be used in making these temperature calculations.

(ii) Rates of toe, finger, lumbar, and rectal temperature drop for each subject who did not complete testing for a reason stated in paragraph (d)(5)(iii) or (d)(5)(iv) of this section must be determined using the highest temperature measured and the temperature measured immediately before testing was terminated. These rates must be used to extrapolate to 6 hours the estimated rectal, finger, lumbar, and toe temperature at the end of that time. These estimated temperatures must be the temperatures used in computing the average temperatures described in paragraph (d)(6)(i) of this section.

(e) *Insulation.* Suit material must be tested under the following conditions and procedures, except that if the suit material meets the requirements for the control sample in paragraph (e)(1)(iii) of this section, the test procedure in paragraph (e)(2) of this section is not required.

(1) *Test equipment.* The following equipment is required for this test:

(i) A sealed copper or aluminum can that has at least two parallel flat surfaces and that contains at least two liters (two quarts) or water and no air. One possible configuration of the can shown in figure 160.171–17(e)(1)(i).

(ii) A thermistor or thermocouple that has an accuracy of ±0.1° C (±0.18° F) and that is arranged to measure the temperature of the water in the can.

(iii) A control sample of two flat pieces of 4.75 mm (3/16 in.) thick, closed cell neoprene foam of sufficient size to enclose the can between them. The control sample must have a thermal conductivity of not more than 0.055 watt/meter−°K (0.38 Btu−in./hr.−sq.ft.−°F). The thermal conductivity of the control sample must be determined in accordance with the procedures in ASTM C 177 or ASTM C 518.

(iv) Two flat pieces of suit material of sufficient size to enclose the can between them. The surface covering, surface treatment, and number of layers of the material tested must be the same as those of material used in the suit. If the material used in the suit varies in thickness or number of layers, the material tested must be representative of the portion of the suit having the least thickness or number of layers.

(v) A clamping arrangement to form a watertight seal around the edges of the material when the can is enclosed inside. A sealing compound may be used. Figure 160.171–17(e)(1)(v) shows one possible arrangement of the clamping arrangement.

(vi) A container of water deep enough to hold the entire assembly of the can, material, and clamp at least 1 meter (39 in.) below the surface of the water.

(vii) A means to control the temperature of the water in the container between 0° C (32° F) and 1° C (33.8° F).

(viii) A thermistor or thermocouple that has an accuracy of ±0.1° C (0.18° F) and that is arranged to measure the

temperature of the water in the container at the depth at which the can, material, and clamp are held.

(2) *Test procedure.* The can is held under water (which can be at room temperature) and clamped between the two pieces of the neoprene control sample so that the assembly formed conforms as closely as possible to the shape of the can, and so that water fills all void spaces between the can and the sample. When the water temperature in the can is at or above 45° C (113° F), the assembly is then placed in the container and submerged to a depth of 1 m (39 in.) at the highest point of the assembly. The water temperature in the container must be between 0° C (32° F) and 1° C (33.8° F) and must be maintained within this range for the remainder of the test. No part of the assembly may touch the bottom or sides of the container. Every two minutes the assembly is shaken and then inverted from its previous position. The time for the water inside the can to drop from 45° C (113° F) to 33° C (91° F) is recorded. This procedure is performed three times using the control sample and then repeated three times using the suit material instead of the control sample. The shortest time for the drop in water temperature when the suit material is used must be greater than or equal to the shortest time when the neoprene control sample is used.

(f) *Storage temperature.* Two samples of the immersion suits, in their storage cases, must be alternately subjected to surrounding temperatures of −30° C to +65° C. These alternating cycles need not follow immediately after each other and the following procedure, repeated for a total of ten cycles, is acceptable:

(1) 8 hours conditioning at 65° C to be completed in one day;

(2) The specimens removed from the warm chamber that same day and left exposed under ordinary room conditions until the next day;

(3) 8 hours conditioning at −30° C to be completed the next day; and

(4) The specimens removed from the cold chamber that same day and left exposed under ordinary room conditions until the next day. At the conclusion of the final cycle of cold storage, two test subjects who successfully completed the donning test in paragraph (c)(2) of this section enter the cold chamber, unpack and don the immersion suits. Alternatively, the suits may be upacked in the chamber, then removed and immediately donned. Neither of the suits must show damage such as shrinking, cracking, swelling, dissolution or change of mechanical qualities.

(g) *Measured buoyancy.* The buoyancy of a suit must be measured under the following conditions and procedures:

(1) *Test equipment.* The following equipment is required for this test:

(i) A mesh basket that is large enough to hold a folded suit, and that is weighted sufficiently to overcome the buoyancy of the suit when placed in the basket.

(ii) A tank of water that is large enough to contain the basket submerged with its top edge 50 mm (2 in.) below the surface of the water.

(iii) A scale or load cell that has an accuracy of 0.15 Newtons (1/2 oz.) and that is arranged to support and weigh the basket in the tank.

(2) *Test procedure.* The basket is submerged so that its top edge is 50 mm (2 in.) below the surface of the water. The basket is then weighed. Thereafter, a suit is submerged in water and then filled with water, folded, and placed in the submerged basket. The basket is titled 45° from the vertical for five minutes in each of four different directions to allow all entrapped air to escape. The basket is then suspended with its top edge 50 mm (2 in.) below the surface of the water for 24 hours. At the beginning and end of this period, the basket and suit are weighed underwater. The measured buoyancy of the suit is the difference between this weight and the weight of the basket as determined at the beginning of the test. The measured buoyancy after 24 hours must not be more than 5% lower than the initial measured buoyancy. The measured buoyancy after 24 hours is used to determine adjusted buoyancy as described in paragraph (h) of this section.

(h) *Adjusted buoyancy.* The adjusted buoyancy of a suit is its measured buoyancy reduced by the percentage buoyancy loss factor of the buoyant suit material. The percentage buoyancy loss factor is part of the buoyancy rating code determined in accordance with UL 1191, except that the minimum number of samples required to determine each property is 10 instead of 75.

(i) *Suit flame exposure.* The suit's resistance to flame must be tested under the following conditions and procedures:

(1) *Test equipment.* The following equipment is required for this test:

(i) A metal pan that is at least 300 mm (12 in.) wide, 450 mm (18 in.) long, and 60 mm (2½ in.) deep. The pan must have at least 12 mm (½ in.) of water on the bottom with approximately 40 mm (1½ in.) of gasoline floating on top of the water.

(ii) An arrangement to hold the suit over the gasoline.

(2) *Test procedure.* A suit is held from its top by the holding arrangement. The gasoline is ignited and allowed to burn for approximately 30 seconds in a draft-free location. The suit is then held with the lowest part of each foot 240 mm (9.5 in.) above the surface of the burning gasoline. After two seconds, measured from the moment the flame first contacts the suit, the suit is removed from the fire. The suit must not sustain burning or continue melting after removal from the flames. If the suit sustains any visible damage other than scorching, it must then be subjected to the stability test described in paragraph (c)(8) of this section, except that only one subject need be used; the impact test described in paragraph (c)(11) of this section, except that only one subject need be used; the thermal protection test described in paragraph (d) of this section, except that only one subject need be used; and the buoyancy test described in paragraph (g) of this section, except that the buoyancy test need be conducted for only 2 hours.

(j) *Storage case flame exposure.* The storage case must be tested using the same equipment required for the suit flame exposure test. The immersion suit must be inside the storage case for this test. The storage case is held from its top by the holding arrangement. The gasoline is ignited and allowed to burn for approximately 30 seconds in a draft-free location. The storage case is then held with its lowest part 240 mm (9.5 in.) above the surface of the burning gasoline. After two seconds, measured from the moment the flames first contact the case, the case is removed from the fire. If the case is burning, it is allowed to continue to burn for six seconds before the flames are extinguished. The storage case material must not burn through at any point in this test and the immersion suit must not sustain any visible damage.

(k) *Corrosion resistance.* Each metal part of a suit that is not 410 stainless steel, or for which published evidence of salt-spray corrosion resistance equal to or greater than 410 stainless steel is not available, must be tested as described in ASTM B 117. A sample of each metal under test and a sample of 410 stainless steel must be tested for 720 hours. At the conclusion of the test, each sample of test metal must show corrosion resistance equal to or better than the sample of 410 stainless steel.

(l) *Body strength.* The body strength of a suit must be tested under the following conditions and procedures:

(1) *Test equipment.* The test apparatus shown in figure 160.171–17(1)(1) must be used for this test. This apparatus consists of—

(i) Two rigid cylinders each 125 mm (5 in.) in diameter, with an eye or ring at each end;

(ii) A weight of 135 kg (300 lb.); and

(iii) Ropes or cables of sufficient length to allow the suit to be suspended as shown in Figure 160.171–17(1)(1).

(2) *Test procedure.* The suit is cut at the waist and wrists, or holes are cut into it as necessary to accommodate the test apparatus. The suit is immersed in water for at least two minutes. The suit is then removed from the water and immediately arranged on the test apparatus, using each closure as it would be used by a person wearing the suit. The 135 kg (300 lb.) load is applied for 5 minutes. No part of the suit may tear or break during this test. The suit must not be damaged in any way that would allow water to enter or that would affect the performance of the suit.

(m) *Seam strength.* The strength of each different type of seam used in a suit must be tested under the following conditions and procedures:

(1) *Test equipment.* The following equipment must be used for this test.

(i) A chamber in which air temperature can be kept at 23 °C (73.4 °F) ±2° C (1.8 °F) and in which relative humidity can be kept at 50% ±5%.

(ii) A device to apply tension to the seam by the means of a pair of top jaws and a pair of bottom jaws. Each set of jaws must grip the material on both sides so that it does not slip when the load is applied.

(2) *Test samples.* Each test sample must consist of two pieces of suit material, each of which is a 100 mm (4 in.) square. The two pieces are joined by a seam as shown in figure 150.171–17(m)(3). For each type of seam, 5 samples are required. Each sample may be cut from the suit or may be prepared specifically for this test. One type of seam is distinguished from another by the type and size of stitch or other joining method used and by the type and thickness of the materials joined at the seam.

(3) *Test procedure.* Each sample is conditioned for at least 40 hours at 23 °C (73.4 °F) ±2 °(1.8° F) C and 50% ±5% relative humidity. Immediately after conditioning, each sample is mounted individually in the tension device as shown in figure 160.171–17(m)(3). The jaws are separated at a rate of 5 mm/second (12 in./minute). The force at rupture is recorded. The average force at rupture must be at least 225 Newtons (50 lb.).

(n) *Tear resistance.* The tear resistance of suit material must be determined by the method described in ASTM D 1004. If more than one material is used, each material must be tested. If varying thickness of a material are used in the suit, samples representing the thinnest portion of the material must be tested. If multiple layers of a material are used in the suit, samples representing the layer on the exterior of the suit must be tested. Any material which is a composite formed of two or more materials bonded together is considered to be a single material. The average tearing strength of each material must be at least 45 Newtons (10 lb.).

(o) *Abrasion resistance.* The abrasion resistance of each type of suit material on the exterior of the suit must be determined by the method described in Federal Test Method Standard 191, Method 5304.1. If varying thicknesses of exterior suit material are used, samples representing the thinnest portion of the material must be tested. If exterior material has multiple layers, samples of the layer on the outside surface of the suit must be tested. Any exterior material which is a composite formed of two or more layers bonded together is considered to be a single material and the abradant must be applied to the surface that is on the exterior of the suit. The residual breaking strength of each material must be at least 225 Newtons (50 lb.).

(p) *Test for oil resistance.* After all its apertures have been sealed, an immersion suit is immersed under a 100 mm head of diesel oil, grade No. 2–D as defined in ASTM D–975, for 24 hours. The surface oil is then wiped off and the immersion suit subjected to the leak test prescribed in § 160.171–17(c)(10). The ingress of water must not be greater than 200 grams.

**§ 160.171–19 Approval testing for child size immersion suit.**

A child size suit must pass the following tests:

(a) The stability test prescribed in § 160.171–17(c)(8), except that only six children need be used as test subjects and they can be of either sex. The subjects must be within the ranges of weight and height prescribed in § 160.171–9(m). The heaviest subject must weigh at least 10 kg (22 lb.) more than the lightest subject. During this test the face seal, neck and chin fit are evaluated and must be comparable to the fit of the corresponding adult size suit on an adult.

(b) The buoyancy test prescribed in § 160.171–17(g).

(c) The body strength test prescribed in § 160.171–17(k) except that the cylinders must be 50 mm (2 in.) in diameter and the test weight must be 55 kg (120 lb.).

**§ 160.171–23 Marking.**

(a) Each immersion suit must be marked with the words "IMMERSION SUIT—COMPLIES WITH SOLAS 74/83," the name of the manufacturer, the date of manufacturer, the model, the size, and the Coast Guard approval number.

(b) Each storage case must be marked with the words "immersion suit" and the size.

(c) The markings for the child size immersion suits required under paragraphs (a) and (b) of this section must also include the following statements in print smaller than the word "child": "(Small Adult Under 50 kg. (110 lb.))", and "Children Require Adult Assistance for Donning and Use."

(d) If an auxiliary means of buoyancy is removable and is needed to meet 160.171–11(a)(2), the marking on the suit must indicate that the suit is not Coast Guard approved unless the auxiliary means of buoyancy is attached.

**§ 160.171–25 Production testing.**

(a) Immersion suit production testing is conducted under the procedures in this section and Subpart 159.007 of this chapter.

(b) One out of every 100 immersion suits produced must be tested as prescribed in 160.171–17(g) and must be given a complete visual examination. The suit must be selected at random from a production lot of 100 suits and tested by or under the supervision of the independent laboratory. A suit fails this test if—

(1) The measured buoyancy of the suit differs by more than 10% from the measured buoyancy of the suit tested for approval,

(2) The adjusted buoyancy of the suit calculated using the buoyancy loss factor determined during approval testing is less than that required in 160.171–11(a)(1), or

(3) The visual examination shows that the suit does not conform to the approved design.

(c) If the suit fails to pass the test as prescribed in paragraph (b)(1) or (b)(2) of this section, 10 additional suits from the same lot must be selected at random and subjected to the test. If a defect in the suit is detected upon visual examination, 10 additional suits from the same lot must be selected at random and examined for the defect.

(d) If one or more of the 10 suits fails to pass the test or examination, each suit in the lot must be tested or examined for the defect for which the lot was rejected. Only suits that pass the test or that are free of defects may be sold as Coast Guard approved.

(e) The manufacturer must ensure that the quality control procedure described in the test plans previously submitted for approval under § 159.005–9(a)(5)(iii) is followed.

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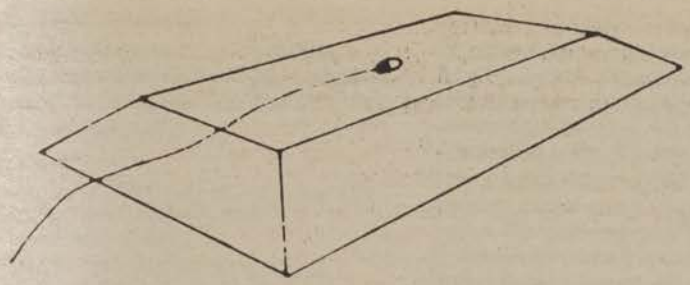


Figure 160.171(e)(1)(i). Water can for insulation test.

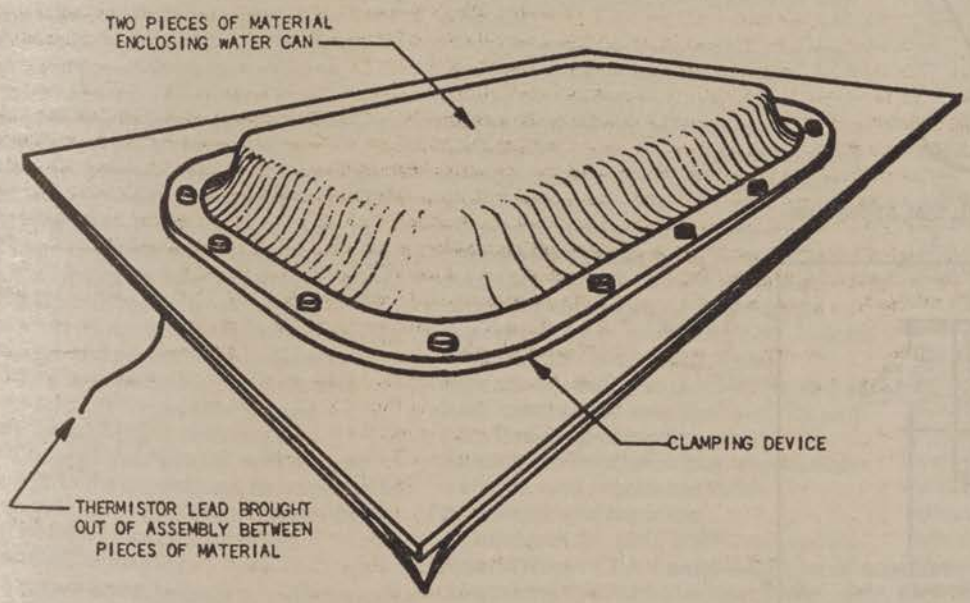



Figure 160.171–17(e)(1)(v). Insulation test assembly.

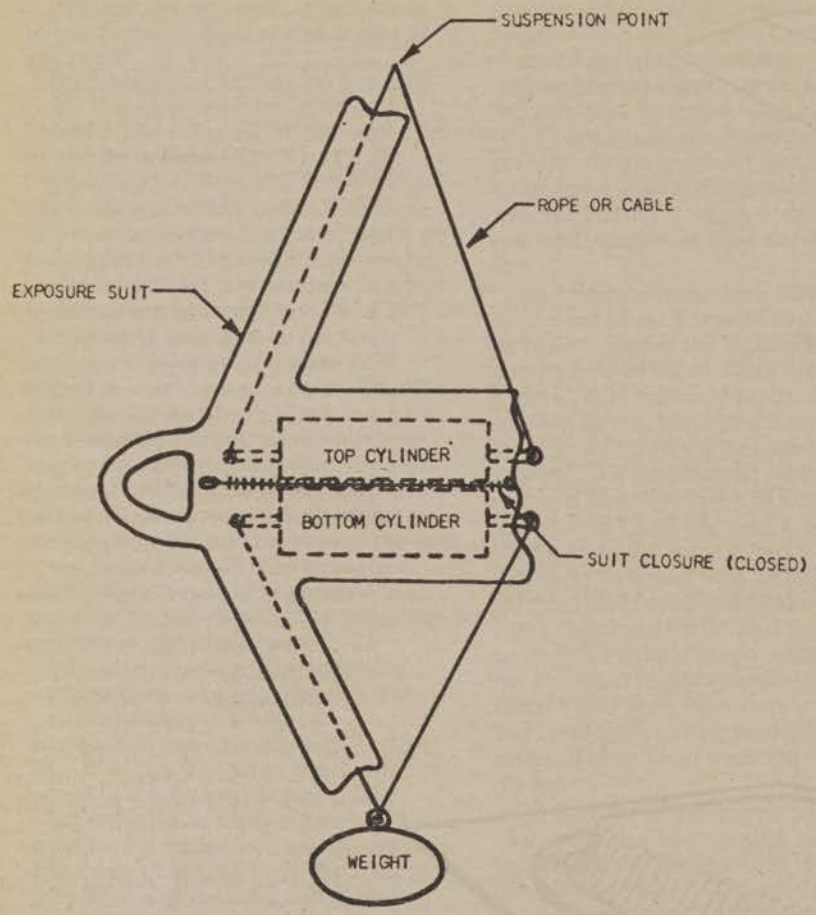



Figure 160.171–17(l)(1). Body strength test apparatus.

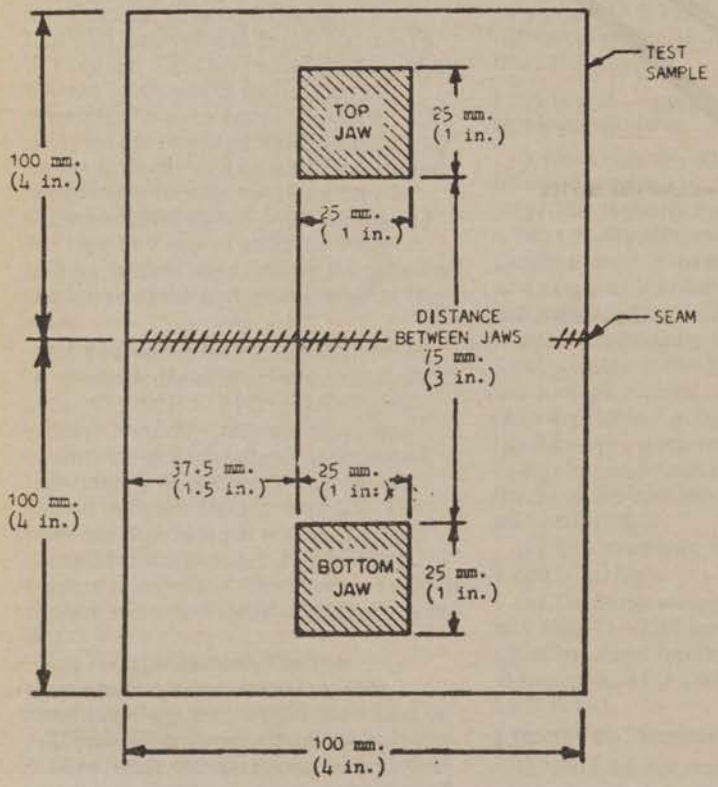



Figure 160.171–17(m)(3). Method of mounting sample for seam strength test.

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§ 160.174–17 [Amended]

3. In § 160.174–17, "Figure 160.071–17(m)(3)" is replaced by "Figure 160.171–17(m)(3)" in paragraphs (h) (2) and (3).

Dated: December 18, 1986.

J.W. Kime,

*Rear Admiral, U.S. Coast Guard, Chief, Office of Moving Safety, Security and Environmental Protection.*

[FR Doc. 87–370 Filed 1–9–87; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 228

[Docket No. 60974–6224]

### Small Takes of Marine Mammals Incidental to Specified Activities

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

**ACTION:** Final rule.

**SUMMARY:** NMFS is amending the regulations that govern and allow the taking of ringed seals incidental to seismic activities on the ice in the Beaufort Sea to allow such taking for an additional 5 years. The current regulations expired December 31, 1986. The Marine Mammal Protection Act of 1972 (MMPA) directs the Secretary of Commerce or Interior, depending on the species involved, to allow the incidental take of small numbers of marine mammals if the Secretary makes certain findings and prescribes regulations relating to permissible methods and requirements for monitoring and reporting. NMFS is allowing an additional 5-year period, without any change to the regulations, in response to a request for rulemaking received from the National Ocean Industries Association (NOIA).

**EFFECTIVE DATE:** January 1, 1987 through December 31, 1991.

**FOR FURTHER INFORMATION CONTACT:** Margaret Lorenz, F/M4, NMFS, 202/673–5349.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 101(a)(5)(A) of the MMPA [16 U.S.C. 1371(a)(5)(A)] directs the Secretary to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region. This permission may be granted for periods of not more than 5 consecutive years. Such taking may be allowed only if the species involved is not depleted and if the Secretary, after notice and opportunity for public comment, (a) finds that the total taking will have a negligible impact on the species, its habitat, and the availability of the species for subsistence uses; (b) prescribes regulations setting forth permissible methods of taking and other means of effecting the least adverse impact practicable on the species and its habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance; and (c) prescribes regulations pertaining to the monitoring and reporting of such taking. Section 3(12) of the MMPA [16 U.S.C. 1362(12)] defines the term "take" as meaning to harass, hunt, capture or kill any marine mammal or to attempt any of these.

NMFS published regulations on May 18, 1982 (47 FR 21248), to implement secton 101(a)(5)(A) by establishing a mechanism for the submission and evaluation or requests and establishing requirements for specific regulations and Letters of Authorization to conduct allowed activities (50 CFR Part 228, Subpart A). At that time, NMFS also published regulations allowing and governing the taking of ringed seals incidental to on-ice seismic activities (50 CFR Part 228, Subpart B). These regulations, which expired at the end of 1986, covered the specified activity and specified geographical region, permissible time for taking, permissible methods, and requirements for monitoring and reporting.

On March 31, 1986, NMFS received a request from NOIA for the initiation of a rulemaking that would authorize, for an additional 5 years (1987–1991), the take of ringed seals incidental to on-ice seismic exploratory operations and associated activities in the Beaufort Sea. The request was made on behalf of the memberships of NOIA and the International Association of Geophysical Contractors (IAGC). The specific activity involves collecting seismic reflection data on ice from portable camp facilities and, using primarily, vibrator-type energy source equipment. NOIA anticipates that the maximum amount of area covered over the Outer Continental Shelf areas off the North Slope in Alaska in any given year would be 1,800 square miles. Generally, the dates that include safe ice conditions for exploration are from January 1 through May 31. The area in the Beaufort Sea ranges from Pt. Barrow east to Demarcation Point. Since the ringed seal (*Phoca hispida*) stays beneath the ice during winter months and pups are born there from late March through May, there is concern that female seals may react to the acoustic stimulus and abandon their pups before they are able to survive on their own.

On April 21, 1986, NMFS published a notice announcing receipt of NOIA's request for rulemaking and invited interested persons to submit comments concerning the request (51 FR 13539). On October 31, 1986, NMFS published a proposed rulemaking and invited comments (51 FR 39762). NMFS also published notices of the proposed rulemaking in the Anchorage Daily News, The Tundra Times, and the Fairbanks Daily News Miner.

**Summary of Final Rule**

The rule amends the expiring regulations to allow the small incidental take of ringed seals as sanctioned by the MMPA for an additional 5 years. Only the effective date provision of the existing regulations has been changed. The regulations apply only to the incidental taking of ringed seals by U.S. citizens engaged in on-ice seismic exploratory and associated activities over the Outer Continental Shelf of the Beaufort Sea of Alaska from the shore outward to 45 miles and from Point Barrow east to Demarcation Point, from January 1 through May 31 of any calendar year.

The incidental, but not intentional, taking of ringed seals from January 1 through May 31 by U.S. citizens holding a Letter of Authorization will be permitted during the following activities:

(1) On-ice geophysical seismic activities involving vibrator-type, airgun, or other energy source equipment shown to have similar or lesser effects; and

(2) Operation of transportation and camp facilities associated with seismic activities.

All activities must be conducted in a manner which minimizes adverse effects on ringed seals and their habitat. These activities must be conducted as far as practicable from any observed ringed seal or ringed seal lair. No energy source can be placed over an observed ringed seal lair.

The requirements for monitoring and reporting include designating an individual to observe and record the presence of ringed seals and ringed seal lairs along shot lines and around camps and submitting an annual report to NMFS within 90 days of completion of the year's activities.

**Summary of Request**

According to NOIA and IAGC, hardwater marine geophysical exploration involves seismic-refection data collection on ice using portable camp facilities and, primarily, vibrator-type energy source equipment. Vehicles are usually track-mounted and clutch operated, and camp trailers are usually mounted on wide pad sleighs. Four feet of saltwater ice is the minimum thickness required for the seismic vehicles and camp facilities. Survey crew vehicles that are lighter may travel over two to three feet of ice but cannot conduct survey operations.

Airguns are used on a limited basis as an alternative energy source to the vibrator. This technology involves drilling a hole through the ice and lowering an airgun through the hole which instantly releases high pressured air. Vibrator vehicles and airgun vehicles require thick (at least three feet, preferably four) ice for support.

In addition, a modification of the vibrator-type operation may be used. This operation involves a machine which cuts slots in the ice as a means for controlling spurious acoustic signals caused by induced standing-acoustic-waves that interfere with data quality. This operation would be used to cover a small fraction of the survey area.

Airguns and vibrator-type energy sources are activated at various frequencies along a "shot" line depending on the type of survey and requirements based on the complexity or type of subsurface characteristics of the earth.

**Ringed Seals in Alaska**

Ringed seals are widely distributed throughout the Northern Hemisphere in the Arctic, North Pacific, and North Atlantic Oceans including Hudson and James Bays, the Chukchi, Bering, and Beaufort Seas, the Sea of Okhotsk and the Baltic Sea. This species is associated with seasonal and permanent ice-covered regions with greatest concentrations on stable inshore ice.

Estimates of abundance of ringed seals generally are derived from aerial surveys of selected areas. Abundance estimates are difficult to determine since the relationship between counts of animals on the ice to total population size is unknown. Variations in density are often great even in nearby areas due to strong habitat preference by breeding animals and a tendency for non-breeders to congregate near leads. Also, data presented by Frost et al. (1985) provide evidence of year-to-year changes in abundance within the same goegraphical area. Stirling (1979) estimates the world population of all subspecies of ringed seals to be 6 to 7 million. Bychkov (1971) gives 2.5 million as the minimum worldwide population estimate for *Phoca hispida hispida*, the subspecies common to the Beaufort Sea area. In 1976, the Alaska Department of Fish and Game estimated the Bering, Beaufort, and Chukchi Seas population to be between 1 to 1.5 million. Further, Frost and Lowry (1981) estimated 80,000 ringed seals during the summer and 40,000 during the winter in the Beaufort Sea.

The ringed seal is the only seal that occupies the land-fast or shore ice of the Bering, Chukchi, and Beaufort Seas during the winter months. During the rest of the year, it migrates with the annual advance and retreat of pack ice. Ringed seals live in and under the ice using their clawed flippers to construct and maintain breathing holes. They also excavate lairs in accumulated snow (subnivian lairs) in which to rest or give birth and nurse their pups. Pupping lairs must be continuously occupied for several weeks and are most common in areas of thick, stable ice.

In these lairs beneath the snow, female ringed seals give birth to a single pup between late March and mid-April and nurse if for 4 to 6 weeks. Mating occurs during late April and May within one month of birthing. Fast ice is the best habitat for breeding ringed seals, and the highest densities of this species occur in these areas.

Data on the effects of geophysical explorations on ringed seals in the Beaufort Sea, based on 1970, 1975, 1977, and 1981 field seasons, is summarized in J. Burns et al. (1981).

This report concludes that "If displacement is real, based on data from 1975 to 1977 and June 3, 1981, it accounts for approximately 0.6 ringed seals per $nm^2$ (nautical miles) of area in the central Beaufort Sea subjected to seismic exploration, or something on the order of 240 ringed seals if 400 linear miles of shot lines area explored. Such an impact would probably not be significant to the ringed seal population as a whole."

Forst et al. (1985) presents results of aerial surveys of ringed seals on the shorefast ice of the eastern Chukchi Sea and Beaufort Sea in May-June 1985. Their report compares these results with those from surveys conducted in 1970–1984.

In the Beaufort Sea, highest seal densities were found in the area of greatest industrial activity (Oliktok Point to Flaxman Island). Comparisons of seal densities in a block designated as "industrial" and adjacent control blocks showed a significantly higher density in the industrial block, mostly attributable to seals at cracks.

A comparison of the 1985 data with that collected in previous years indicates that the distribution of ringed seals on the shorefast ice off Alaska is quite dynamic. An analysis of all available data strongly suggests a long-term decline in abundance of ringed seals in the Chukchi Sea north of Point Lay. In the Beaufort Sea, it appears that ringed seal density was comparatively high in 1970 and 1975 (2.09 and 2.50 seals per $nm^2$), dropped to low levels in 1976–1977 (1.37 and 1.13 seals per $nm^2$) and returned to higher density in 1985 (2.83 seals $nm^2$). the 1985 overall density was 45 per cent higher than the long-term combined mean density.

Based on NOIA's and IAGC's estimate of 1,800 sq miles (1,357 $nm^2$) as the maximum areas covered by seismic operations and the highest observed density cited by Burns et al. (1981) (2.8 seals per $nm^2$) and by Frost et al. (1985) (2.83 seals per $nm^2$), there could be a maximum of 3,800 to 3,840 seals in the area of seismic activity. Based on this estimate of percentage displacement of ringed seals (.6 seal per $nm^2$), less than 1,000 seals may be displaced within the area covered by marine geophysical activities. If any of these are nursing females who abandon their young, pup mortality also may occur.

Although seismic activities on the ice may result in the taking of small numbers of ringed seals, NMFS believes that based on a review of the available data, the taking would have negligible impact on the suspecies worldwide or on the Bering, Beaufort, and Chukchi Seas populations. In addition, the small take of ringed seals due to marine geophysical exploration offshore Alaska from Point Barrow east to Demarcation Point is expected to have negligible impact on the availability of this species for subsistence use.

As provided in the MMPA, suspension of the exemption can be made at any time based on new information which indicates that seismic activities are having a significant adverse impact on the ringed seal, its habitat, or its availability for subsistence use.

**Comments and Discussion**

No comments were received regarding the proposed rulemaking.

**Applicability to Other Laws, Regulations and Requirements**

The amendment to the expired regulations authorizes the taking of small numbers of ringed seals incidental to seismic activities on the ice in the Beaufort Sea from 1987 though 1991.

NMFS prepared an Environmental Assessment that determined that allowing the take of ringed seals for an additional five years would have an insignificant impact on the human environment and, therefore, did not constitute a major action under the National Environmental Policy Act.

The amendment 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, or government agencies; or (3) significant adverse effect on competition, employment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, NMFS determined that these regulations do not constitute a major rule and do not require a regulatory impact analysis under Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that the regulations will not have a significant impact on a substantial number of small entities.

The regulations contain collection of information requirements subject to the Paperwork Reduction Act. These requirements were approved by the Office of Management and Budget (OMB) under section 3504(b) of the Paperwork Reduction Act issued under OMB Control Number 0648–0151.

The Assistant Administrator for Fisheries, NMFS, pursuant to section 553(d)(3) of the Administrative Procedure Act, finds that because recordkeeping and reporting requirements are in place and the seismic exploration companies must begin their work in January when the ice reaches a certain level of thickness, good cause exists for making this rule effective as of January 1, 1987, prior to 30 days after publication as final.

**List of Subjects in 50 CFR Part 228**

Marine mammals, Reporting and recordkeeping requirements.

Dated: January 5, 1987.

**James E. Douglas, Jr.,**

*Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.*

## PART 228—[AMENDED]

For the reasons set forth above, 50 CFR Part 228 is amended as follows:

1. The authority citation for Part 228 continues to read as follows:

Authority: 16 U.S.C. 1371(a)(5).

**§ 228.12 [Amended]**

2. Section 228.12 is amended by replacing the phrase "1982 through 1986" with the phrase "1987 through 1991".

[FR Doc. 87–554 Filed 1–9–87; 8:45 am]
BILLING CODE 3510-22-M

# Proposed Rules

Federal Register
Vol. 52, No. 7
Monday, January 12, 1987

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

**[Docket No. PRM-50-47]**

### Quality Technology Company; Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Receipt of petition for rulemaking.

**SUMMARY:** The Nuclear Regulatory Commission requests public comments on this notice of receipt of a petition for rulemaking dated October 27, 1986, that was filed by Quality Technology Company. The petition was docketed by the Commission on November 14, 1986, and assigned Docket No. PRM-50-47. The petitioner requests that the Commission add to its regulations requirements that all utilities involved in a nuclear program (1) report to the NRC's Office of Investigation all employee-identified concerns related to "wrongdoing activities" and (2) establish and maintain an employee concerns program.

**DATES:** Submit comments by March 13, 1987. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

**ADDRESSES:** Send comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Obtain a copy of the petition by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

A copy of the petition and of comments on the petition are available for inspection or copying for a fee at the Public Document Room at 1717 H Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Lesar, Acting Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7758 or, Toll Free, 800-368-5642.

**SUPPLEMENTARY INFORMATION:**

#### Petitioner's Proposal

The petitioner encourages the Commission to add to its regulations requirements that all utilities involved in a nuclear program (1) report to the NRC's Office of Investigations all employee-identified concerns related to "wrongdoing activities" and (2) establish and maintain an employee concerns program.

The petitioner envisions that the reporting of "wrongdoing activities" would be much along the same lines as the reports of nuclear safety-related issues required by 10 CFR 50.55(e) and 10 CFR Part 21. The petitioner suggests that the employee concerns program could incorporate ideas from work of the Employee Response Team recently conducted at the Tennessee Valley Authority (TVA) Watts Bar facility.

#### Basis of the Proposal

The petitioner bases this proposal on experience from its involvement in an employee concerns program at several utilities, most recently at TVA's Watts Bar facility. The petitioner contends that its various roles in employee concerns programs have provided the company the unique position of viewing the nuclear industry from both the perspective of management and the employee. They further contend that they know from this vantage point and experience that employees engaged in construction or operation of a nuclear facility have the most accurate and insightful information about nuclear safety-related issues. Several thousand nuclear safety-related concerns and several hundred "wrongdoing activities" were identified through efforts of employee concerns programs that the petitioner contends would not have otherwise been identified. Their experience makes clear to the petitioner that NRC's safeguards management is only partially effective. Therefore, they think that an effective way should be developed of obtaining the information that only employees may hold.

#### Reason for the Proposal

The petitioner thinks that without resolution of employee-identified safety-related concerns, the potential exists for a series of costly hardware failures or danger to employees of nuclear facilities or the general public.

The petitioner states that, from their experience, how a licensee disposes of "wrongdoing activities" is not clear at all and that licensees do not willingly report these activities to the NRC or the Department of Justice. Therefore, a corrective action mechanism should be developed to investigate or resolve "wrongdoing" issues.

#### Conclusion

The petitioner concludes (1) that requiring the reporting of all employee-identified concerns to the NRC's Office of Investigation would prevent unresolved issues from falling into a "black-hole," and (2) that the sheer numbers of concerns identified along with the greater than 50 percent rate of substantiation of these concerns more than justifies the need for establishing and maintaining a nationwide employee concerns program.

Dated at Washington, DC, this 7th day of January, 1987.

For the Nuclear Regulatory Commission.

**Samuel J. Chilk,**

*Secretary of the Commission.*

[FR Doc. 87-576 Filed 1-9-87; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF TRANSPORATION

### Federal Highway Administration

### 23 CFR Ch. 1

**[FHWA Docket No. 86-13]**

### Reference Material; Roadside Design Guide

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice; request for comments.

**SUMMARY:** The American Association of State Highway and Transportation Officials (AASHTO) is compiling a comprehensive "Roadside Design Guide" that will address roadside safety design in a single document. The Federal Highway Administration (FHWA) has been requested by AASHTO to provide

assistance in this undertaking. This assistance will consist of updating and consolidating information from various existing publications (including the 1977 AASHTO "Guide for Selecting, Locating, and Designing Traffic Barriers") that are widely used by the highway engineering community and preparing an initial draft of the "Roadside Design Guide." Information recently obtained from Federal, State, and industry-sponsored research, development, and implementation activities will be used in the updating process. First-draft chapters of the "Roadside Design Guide" will be circulated within the AASHTO Task Force for Roadside Safety for detailed review, after which a final draft of the Guide will be circulated throughout the AASHTO for review and approval by that agency. Should the "Roadside Design Guide" be adopted by the AASHTO, FHWA contemplates citing the Guide in 23 CFR 625.5, which lists informational publications acceptable for use in developing Federal-aid highway projects. The FHWA is inviting comments regarding this action and will place in the docket draft Guide chapters and other pertinent inforamtion as they become available, upon which comments are also invited.

**DATES:** Comments on actions and materials cited in this Notice must be received on or before March 13, 1987. Comments on materials added to the docket will be accepted until closure of the docket which will be announced in a future Notice.

**ADDRESS:** Submit written comments, preferably in triplicate, to FHWA Docket No. 86–13, Federal Highway Administration, Room 4205, HCC–10, 400 Seventh Street SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Seppo I. Sillan, Chief, Geometric and Roadside Design Branch, Office of Engineering (202) 366–1327 or Mr. Michael J. Laska, Office of the Chief Counsel (202) 366–1383, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., ET, Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** The standards, policies and guides that have been approved or referenced by the FHWA for application on Federal-aid highway projects are listed in 23 CFR Part 625. Most roadside design guidance is presently contained in 23 CFR 625.5(a)(3) under the reference, "Guide for Selecting, Locating and Designing Traffic Barriers", AASHTO 1977 (Barrier Guide). The AASHTO is developing a more comprehensive document called the "Roadside Design Guide" which it anticipates will replace the Barrier Guide. The FHWA is providing assistance to AASHTO in the preparation of the "Roadside Design Guide."

The "Roadside Design Guide" will cover virtually all aspects of roadside safety design including accident characteristics and costs, topographic and drainage features, sign and luminaire supports and other roadside features, roadside and median traffic barriers, bridge railings, crash cushions, and work zone safety hardware. To encourage and promote full public participation in this process, the FHWA is giving notice that the revised guidance, as discussed, is being prepared by the AASHTO and that the FHWA has established a docket on the subject. Any comments received will be fully considered in the continuing assistance FHWA provides the AASHTO.

Drafts of Chapters 1, Introduction, and 2, Roadside Accidents and Costs, have been forwarded to AASHTO Roadside Safety Task Force Members for initial review and are available for inspection at the address provided under the heading **FOR FURTHER INFORMATION CONTACT.** As additional draft chapters or revised draft chapters are completed and forwarded to Task Force members for review, they will also be added to the docket for public inspection and comment. When a complete draft of the "Roadside Design Guide," comprised of revised individual chapters, is completed, its availability will be announced in separate Notice in the **Federal Register.**

Also available for review at present are the following related documents: (1) Draft outline for the "Roadside Design Guide," and (2) 1977 AASHTO "Guide for Selecting, Locating and Designing Traffic Barriers."

Issued on: December 29, 1986.

**Robert E. Farris,**

*Deputy Administrator Federal Highway Administration.*

[FR Doc. 87–577 Filed 1–9–87; 8:45 am]

**BILLING CODE 4910–22–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Housing—Federal Housing Commissioner

### 24 CFR Part 232, 241, and 242

**[Docket No. R–87–1313; FR–2227]**

### Mortgage Insurance for Hospitals; Miscellaneous Revisions

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule seeks public comment on revisions to the eligibility requirements for mortgage insurance for hospitals that are in addition to those proposed in two earlier proposed rules. These new proposed revisions include a minimum cash investment equal to 10 percent of the estimated cost of construction or rehabilitation, subject to reduction if a higher mortgage insurance premium is paid, and a requirement, to be eligible for the program, that the projected annual operating support for a publicly supported hospital may not exceed 10 percent of the total, anticipated annual revenues needed to operate the hospital. The rule also proposes a number of technical revisions to the hospital insurance program, the supplemental loan insurance program, and the nursing homes, intermediate care facilities and board and care homes insurance program.

**DATE:** Comment due March 13, 1987.

**ADDRESS:** Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, Washington, DC 20410–0500. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** James Hamernick, Director, Office of Insured Multifamily Housing Development, Room 6128, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 40210–8000, telephone (202) 755–6500. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 12, 1984, the Department published two proposed rules to revise the regulations governing the Department's mortgage insurance program for hospitals (49 FR 40044 and 40047). The proposed rule (the "sliding scale" proposed rule) proposed a progressively declining maximum loan-to-replacement-cost ratio as replacement costs increase above $100 million. The second rule (the "public hospital" proposed rule) provided for the eligibility of public hospitals for mortgage insurance. It also proposed certain additional security requirements for a hospital seeking mortgage insurance where the hospital had a history of receiving public support, and sought public comment on coinsurance issues.

There were eight public comments on the sliding scale proposed rule and eleven public comments on the public hospital proposed rule. Since the publication of these proposed rules, the Department has decided that additional revisions should be made to the hospital mortgage insurance regulations. Since several of these changes are related to the subject matter of the sliding scale and public hospital rules, the Department is seeking public comment on these additional changes before publishing a final rule.

To assist the reader, the Department is publishing all of the regulation text that would be affected by the sliding scale proposed rule and by the public hospital proposed rule, including changes based on the public comments received in response to the earlier proposed rules. There follows a discussion limited to the changes presented by this proposed rule, for which additional public comment is sought. (Changes based on public comments on the earlier proposed rules will be discussed further in the final rule.)

**Proposed Additional Revisions**

Section 242.3 would be revised in two ways. First, paragraph (a) would provide more details on the factors that the Department of Health and Human Services (HHS) considers in determining the feasibility of a hospital proposal. (This revision would not affect any substantive change in HHS's current procedures for reviewing hospital proposals submitted under HUD's hospital mortgage insurance program.) Second, paragraph (c) would be revised to make the mortgage insurance application fee payable when the hospital proposal is submitted to HHS. Most of the mortgage underwriting is encompassed in the HHS review of the proposal. This change would conform the hospital insurance program to the practice in all of HUD's other mortgage insurance programs by having the fee collected before the underwriting is done.

This rule also would add a new § 242.12, Transfer fee, which would provide for payment of a fee calculated at 50 cents per thousand dollars of the original face amount of the mortgage. This revision would correct the inadvertent omission of an express reference to transfer fees in Part 242. The provision parallels regulations for other mortgage insurance programs which require payment of a transfer fee when there is a request for HUD approval of a change in ownership of the project or of a substitution of mortgagor. (See §§ 207.1(h) and 232.13a.) Payment of the transfer fee, under § 242.12, would be due upon application to HHS for review. This section also would specify that no transfer fee would be required if the parties to the transfer transaction are nonprofit organizations.

The Department is considering adding other user fees for processing requests for approval of modifications in the terms of the loan. The fees would be established under the authority provided in section 7(j) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(j)). The Department, in setting fees, will take into consideration fees that HHS may establish for processing similar requests under Title VI of the Public Health Service Act. (See proposed rule published by HHS at 51 FR 18462 (May 20, 1986).)

The Department is also proposing to require all mortgagors under this program to have a cash investment in the hospital equal to at least 10 percent of the estimated cost of construction or rehabilitation (5 percent, with HHS approval if the mortgage insurance premium is based on three-quarters of one percent of the original mortgage amount rather, than on one-half of one percent). To effect this proposed change, § 242.29 would be revised to conform the adjusted and reduced mortgage amounts so that a 10 percent (or 5 percent, if the mortgage insurance premium is set at three-quarters of one percent) cash investment would be required. Section 242.251 would be revised, and new § 242.255 would be added, to make necessary conforming revisions with respect to the payment of mortgage insurance premiums.

Section 242.47, insurance of bonds secured by trust indentures, would be revised to correct an apparent printing error by replacing the current paragraph (b) with the correct text. The revised paragraph (b) would be the same as comparable paragraphs in the related sections for other mortgage insurance programs. (See, e.g., § 207.15(b).)

Section 242.92, Eligibility of mortgages covering publicly supported hospitals, would be revised to make a mortgage ineligible for insurance if it covers a hospital with a projected annual operating support percentage that is greater than 10 percent. The Department is concerned that hospitals that require such substantial levels of support, *i.e.*, over 10 percent, present an undue risk to the insurance fund, especially given the likelihood that such hospitals will not be able to obtain legally binding commitments, and given the increased costs of hospitals, which may cause even a single default to have an enormous impact on the insurance fund.

This rule would also add a new § 241.165, Eligibility of refinancing transactions, to permit the insurance, under section 223(a)(7) of the National Housing Act, of a loan given to refinance an insured supplemental loan. This revision would provide authority to insure the refinancing of insured supplemental loans which is similar to the authority for the refinancing of insured mortgages for hospitals (see 24 CFR 242.96 as added by 50 FR 47727, November 20, 1985) and for the various multifamily mortgage insurance programs (see, e.g., 24 CFR § 221.560).

The Department is also proposing to revise § 232.32 to permit the insurance, under section 223(a)(7) of the National Housing Act, of a mortgage given to refinance an insured mortgage covering a board and care home. On September 16, 1985, the Department published a final rule (50 FR 39520) revising Part 232 to provide mortgage insurance for the construction of board and care homes, as authorized by section 437 of the Housing and Urban-Rural Recovery Act of 1983, Pub. L. 98–181 (approved November 30, 1983). Through a separate rulemaking (50 FR 47327, November 20, 1985), the Department revised § 232.42, Eligibility of refinanced mortgage, to permit the insurance, under section 223(a)(7) of the National Housing Act, of a mortgage given to refinance an intermediate care facility. Because § 232.42, as revised by 50 FR 47327, applies only to an existing mortgage covering a facility "having 20 or more beds", it does not apply to an existing mortgage covering a board and care home. This omission was inadvertant. The Department, therefore, proposes to revise § 232.42 so that it would apply to any existing mortgage that is insured

under Subpart A of Part 232 and is otherwise eligible for insurance.

This rule also would add the defined term "Secretary of HHS" and would replace various references to HHS through Part 242 with this definition.

**Findings and Other Matters**

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.

This rule does not cosntitute 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 section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601), HUD certifies that this rule does not have a significant economic impact on a substantial number of small entities, because the proposed revisions (1) to Part 242 would apply to HUD-insured hospitals and applicants for HUD insurance for hospitals, most of which are not small entities and (2) to Parts 232 and 241, would simply permit the insurance of mortgages to refinance existing insured mortgages covering board and care homes and of loans to refinance existing insured supplementary loans, respectively, which are not economically significant transactions.

This proposed rule was listed as Sequence Number 829 in the Department's Semiannual Agenda of Regulations published on October 27, 1986 (51 FR 38424), 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. 3501–3502). No person may be subject to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

The Catalog of Federal Domestic Assistance program numbers for this rule are program numbers 14.128 (Mortgage Insurance—Hospitals), 14.129 (Mortgage Insurance—Nursing Homes, Intermediate Care Facilities and Board and Care Homes), and 14.141 (Supplemental Loan Insurance—Multifamily Rental Housing).

**List of Subjects**

*24 CFR Part 232*

Fire prevention, Health facilities, Loan programs: Health, Housing and community development, Mortgage insurance, Nursing homes, Intermediate care facilities, Board and care homes.

*24 CFR Part 241*

Energy conservation, Mortgage insurance, Solar energy project.

*24 CFR 242*

Hospitals, Mortgage insurance.

Accordingly, the Department proposes to amend 24 CFR Parts 232, 241, and 242 as follows:

## PART 232—MORTGAGE INSURANCE FOR NURSING HOMES, INTERMEDIATE CARE FACILITES, AND BOARD CARE HOMES

1. The authority citation for Part 232 would continue to read as follows:

**Authority:** Secs. 211 and 232, National Housing Act (12 U.S.C. 1715b, 1715w); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Section 232.42 would be revised to read as follows:

**§ 232.42 Eligibility of refinanced mortgages.**

A mortgage given to refinance an existing mortgage that is insured under this subpart may be insured under this subpart pursuant to section 223(a) (7) of the National Housing Act if it meets the requirements of § 207.32(a) through (c) of this chapter (other than the five or more rental unit requirement), as well as the requirements of this subpart.

## PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

3. The authority citation for Part 241 would continue to read as follows:

**Authority:** Secs. 211 and 241, National Housing Act (12 U.S.C. 1715b, 1715z-6); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. In § 241.70, paragraph (a) (2) would be revised to read as follows:

**§ 241.70 Maximum loan amount.**

(a) * * *

(2) An amount which, when added to any outstanding indebtedness relating to the property, does not exceed the maximum mortgage amount allowable for the project or facility under the Department's regulations in Chapter II of Title 24 of the Code of Federal Regulations.

* * * * *

5. A new § 241.165 would be added to read as follows:

**§ 241.165 Eligibility of refinancing transactions.**

A loan given to refinance an existing loan that is insured under this subpart may be insured under this subpart pursuant to section 223(a) (7) of the National Housing Act. Insurance of the new, refinancing loan is subject to the following limitations:

(a) *Principal amount.* The principal amount of the refinancing loan may not exceed the lesser of the original principal amount of the existing insured loan, or the unpaid principal amount of the existing insured loan, to which may be added loan closing charges associated with the refinancing loan and costs, as determined by the Commissioner, of improvements required to be made to property.

(b) *Debt service payment on a refinancing loan for a hospital.* The monthly debt service payment for the refinancing loan on a hospital may not exceed the debt service payment charged for the existing loan.

(c) *Loan term.* The term of the new loan shall not exceed the unexpired term of the existing loan, except that the new loan may have a term of not more than 12 years in excess of the unexpired term of the existing loan in any case in which the Commissioner determines that the insurance of the loan for an additional term will inure to the benefit of the insurance fund under which the loan is insured, taking into consideraton the outstanding insurance liability under the existing insured loan, and the remaining economic life of the property.

## PART 242—MORTGAGE INSURANCE FOR HOSPITALS

6. The authority citation for Part 242 would continue to read as follows:

**Authority:** Secs. 211 and 242, National Housing Act (12 U.S.C. 1715b, 1715z-7); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

7. In § 242.1, paragraph designations (a) through (g) would be removed, the definition of "hospital" would be revised and a new defined term "Secretary of HHS" would be added in appropriate alphabetical order, to read as follows:

**§ 242.1 Definitions.**

* * * * *

"Hospital" means a facility—

(a) Which provides community services for inpatient medical care of the sick or injured (including obstetrical care);

(b) Where not more than 50 percent of the total patient days during any year are customarily assignable to the categories of chronic convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis; and

(c) Which is a facility licensed or regulated by the State (or, if there is no State law providing for such licensing or regulation by the State, by the municipality or other political subdivision in which the facility is located) and is (1) a public facility owned by a State or unit of local government or by an instrumentality thereof, or owned by a public benefit corporation established by a State or unit of local government or by an instrumentality thereof; (2) a proprietary facility; or (3) a facility of a private nonprofit corporation or association.

* * * * *

"Secretary of HHS" means the Secretary of Health and Human Services or his or her designee.

* * * * *

8. A new § 242.2 would be added to read as follows:

**§ 242.2 Encouragement of certain programs.**

The activities and functions provided for in this part shall be carried out by the Federal agencies involved so as to encourage provision of comprehensive health care, including outpatient and preventive care as well as hospitalization, to a defined population, and in the case of public hospitals, to encourage programs that are undertaken to provide essential health care services to all residents of a community regardless of ability to pay.

9. In § 242.3, paragraphs (a) and (c) would be revised to read as follows:

**§ 242.3 Applications.**

(a) *Prior approval.* An application for insurance of a mortgage under this part shall be considered only in connection with a hospital proposal that has been approved by the Secretary of HHS as substantially in accord with those provisions of title VI of the Public Health Service Act and its implementing standards that relate to determining need for the facility and general standards of construction and equipment. This approval process entails a determination of the market need and feasibility of the proposal and assesses, on a marketwide basis, the impact of the proposed facility on and its relationship to other healthcare facilities and services (particularly other hospitals with mortgages insured under this part); the number and percentage of any excess beds; demographic projections; the reimbursement structure of the proposed hospital (including patient/payer mix); and the probable projected impact on the proposed hospital of general healthcare system trends, such as the development of health maintenance organizations, alternative health care delivery systems and new reimbursement methods.

* * * * *

(c) *Application fee.* An application fee of $1.50 per thousand dollars of the amount of the loan to be insured shall be paid to the Commissioner at the tme the hospital proposal is submitted to the Secretary of HHS for approval.

10. A new § 242.12 would be added to read as follows:

**§ 242.12 Transfer fee.**

Upon application to the Secretary of HHS for review of a transfer of physical assets or the substitution of mortgagors, a transfer fee of 50 cents per thousand dollars of the original principal amount of the mortgage shall be paid to the Commissioner. A transfer fee is not required if the parties to the transfer transaction are nonprofit organizations.

11. Section 242.23 would be revised to read as follows:

**§ 242.23 Eligible mortgagors.**

The mortgagor shall be a public mortgagor (*i.e.*, an owner of a public facility), a private nonprofit corporation or association, or a profit-motivated mortgagor. The mortgagor shall be approved by the Commissioner and shall possess the powers necessary and incidental to operating a hospital.

12. Section § 242.27 would be revised to read as follows:

**§ 242.27 Maximum mortgage amounts.**

(a) The Commissioner may insure a mortgage that is otherwise eligible for insurance under this part in any amount, subject to the following requirements:

(1) For a project wth a replacement cost that does not exceed $75 million, the maximum insurable mortgage amount shall not exceed 90 percent of the Commissioner's estimate of the replacement cost of the hospital, including major movable equipment to be used in its operation, when the proposed improvements are completed and the equipment is installed; and

(2) For a project with a replacement cost that is greater than $75 million, the maximum insurable mortgage amount shall not exceed an amount based on the Commissioner's estimate of the replacement cost of the hospital, including major movable equipment to be used in its operation, when the proposed improvements are completed and the equipment is installed, that is calculated as the sum of the products derived from the percentages of the incremental amounts set out below:

| Replacement cost | Percentage of estimated replacement cost that may be insured (percent) |
|---|---|
| Up to initial 75 million dollars | 90 |
| Next 50 million dollars | 85 |
| Next 50 million dollars | 80 |
| Next 50 million dollars | 75 |
| Next 50 million dollars | 70 |
| Next 50 million dollars | 65 |
| Remaining amount | 60 |

(b) Notwithstanding paragraph (a)(2) of this section, a mortgage amount may exceed $75 million, and be subject only to the maximum insurable mortgage amount limitation in paragraph (a)(1) of this section, if the hospital proposal required by § 242.3(a) has been submitted to the Secretary of HHS before [*insert the effective date of this rule*] and the proposal is determined to be complete and acceptable for processing.

13. In § 242.29, paragraph (a) would be revised to read as follows:

**§ 242.29 Adjusted and reduced mortgage amounts.**

(a) *Adjusted mortgage amount.* A mortgage financing the construction of a hospital or the rehabilitation of an existing hospital is subject to the following limitations, in addition to those set out in § 242.27:

(1) *Property held unencumbered.* If the mortgagor is the fee simple owner of the property and the ownership is not encumbered by an outstanding

indebtedness, the mortgage shall not exceed 90 percent (95 percent, if paragraph (a)(4) of this section applies) of the Commissioner's estimate of the cost of the proposed construction or rehabilitation.

(2) *Property subject to existing mortgage.* If the mortgagor owns the property subject to an outstanding indebtedness that is to be refinanced with part of the insured mortgage, the mortgage shall not exceed the total of the following:

(i) Ninety percent (95 percent, if paragraph (a)(4) of this section applies) of the Commissioner's estimate of the cost of construction or rehabilitation, plus

(ii) Such portion of the outstanding indebtedness as does not exceed 90 percent of the Commissioner's estimate of the fair market value of the land and improvements before construction or rehabilitation.

(3) *Property to be acquired.* If the property is to be acquired by the mortgagor and the purchase price is to be financed with a part of the insured mortgage, the mortgage shall not exceed the total of the following:

(i) Ninety percent (95 percent, if paragraph (a)(4) of this section applies) of the Commissioner's estimate of the cost of construction or rehabilitation, plus

(ii) Ninety percent of the actual purchase price of the land and improvements or of the Commissioner's estimate of the fair market value of the land and improvements before construction or rehabilitation, whichever is the lesser.

(4) *Adjustment for higher mortgage insurance premium.* The use of the higher percentage for determining maximum mortgage amount under paragraphs (a)(1), (2) or (3) of this section is permitted only if the mortgagor agrees to pay a mortgage insurance premium calculated on the basis of three quarters of one percent of the original face amount of the mortgage and the Secretary of HHS approves the use of the higher percentage.

* * * * *

14. In § 242.47, paragraph (b) would be revised to read as follows:

**§ 242.47 Insurance of bonds secured by trust indenture.**

* * * * *

(b) The Trustee shall be the holder of record of the insured mortgage (represented by the trust indenture) and shall be authorized to act on behalf of the holders of such bonds or other obligations in all matters concerning the mortgage insurance contract; and

* * * * *

15. Section 242.51 would be revised to read as follows:

**§ 242.51 Prepayment privilege and prepayment charges.**

(a) *Prepayment privilege.* Except as otherwise provided in paragraph (c) of this section, the mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date, after giving the mortgage 30 days' notice in writing in advance of its intention to so prepay.

(b) *Prepayment charge.* The mortgagor may contain a provision for such charge, in the event of prepayment of principal, as may be agreed upon between the mortgagor and the mortgagee, subject to the following:

(1) The mortgagor shall be permitted to prepay up to 15 percent of the original principal amount of the mortgage in any one calendar year without any such charge.

(2) Any reduction in the original principal amount of the mortgage which the Commissioner may require pursuant to § 242.29(c) shall not be construed as a prepayment of the mortgage.

(3) No charge shall be made where the prepayment is made from the proceeds of a Federal grant.

(4) No charge shall be made where the prepayment is made from the proceeds of a loan guaranteed by the Secretary of HHS.

(c) *Payment of bond-financed mortgages.* Where the mortgage is given to secure a loan made by a mortgage that has obtained the funds for such loan by the issuance and sale of bonds or bond anticipation notes, or both, the mortgage may contain a prepayment prohibition and prepayment penalty charge acceptable to the Commissioner as to term, amount and conditions.

15. In § 242.55, paragraph (a) would be revised to read as follows:

**§ 242.55 Funds and finances—deposits and letters of credit.**

(a) *Deposits.* Where the Commissioners requires the mortgagor, or a jurisdication under the provisions of § 242.92, to make a deposit of cash or securities, the required deposit shall be with the mortgagee or a depository acceptable to the mortgagee. The deposit shall be held by the mortgagee in a special account or by the depository under an appropriate agreement approved by the Commissioner.

* * * * *

17. In § 242.57, paragraph (b) would be revised to read as follows:

**§ 242.59 Funds and finances—insured advances—general requirements.**

* * * * *

(b) *Letter of credit.* The mortgagee may accept a letter of credit in lieu of the cash deposit required by paragraph (a)(2) of this section.

18. In § 242.67, paragraph (b) would be revised to read as follows:

**§ 242.67 Labor standards.**

* * * * *

(b) *Waiver of compliance with contract requirements—public mortgagor or private nonprofit mortgagor.* In the case of a public mortgagor or a private nonprofit mortgagor, the Commissioner may waive the requirement for compliance with the contract provisions prescribed in paragraph (a) of this section in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction or rehabilitation of the hospital, voluntarily donate their services without compensation for the purpose of lowering the costs of construction and where the Commissioner determines that full credit has been received by the mortgagor for any amount saved through such donated services.

**§ 242.69 [Amended]**

19. In § 242.69(c) remove the words "Health and Human Services or his designee" and add, in their place, the term "HHS".

20. A new § 242.92 would be added to read as follows:

**§ 242.92 Eligibility of mortgages covering publicly supported hospitals.**

(a) *Applicability.* A mortgage financing the rehabilitation or replacement (reconstruction) of a hospital that has received greater than 10 percent of its operating income from tax revenues or other governmental appropriations in any year of the five-year period immediately preceding the calendar year in which the hospital has submitted its proposal to the Secretary of HHS is eligible for insurance under this subpart only if, in addition to all other applicable requirements, it meets the requirements of this section. For purposes of this determination, tax revenues or other public appropriations consist solely of unrestricted appropriations by a jurisdiction for the general operating support of the hospital, and do not include health care reimbursements such as Medicare, Medicaid or other patient or program reimbursement mechanisms; appropriations receieve from a specific tax earmarked for a hospital, which

funds cannot be expended for any other public purpose, or revenues received under contractural arrangements, other than contractural arrangement for the care of indigent patients that are less than a long-term legally binding commitment, between the hospital and a municipality for the care of specified groups, such as police or fire personnel. The provisions of this section do not preclude the Federal government from imposing additional eligibility or security requirements on any hospital mortgage, whether or not subject to the requirements of this section, if such action is warranted. For example, if appropriate, the provisions of this section may be applied, in whole or in part, to any hospital that has received any tax revenues or other public appropriations in the next five years.

*Projected annual operating support.* The Secretary of HHS, in assessing the feasibility of the proposal, determines the amounts projected to be necessary on an annual basis to cover deficits that are expected to be incurred by the hospital. These amounts are the projected annual operating support (POS). When they expressed as a percentage of the anticipated total annual revenues needed to support the hospital, the percentage is called the POS percentage.

(c) *Eligibility for insurance.* A mortgage covering a hospital with a POS percentage that is less than or equal to 10 percent is eligible for insurance if the mortgagor complies with all program requirements and the additional security requirements set out in paragraph (d) of this section. A mortgage covering a hospital with a POS percentage that is greater than 10 percent is not eligible for insurance.

(d) *Additional requirements.* A mortgage covering a hospital with a POS percentage less than or equal to 10 percent is eligible for insurance if:

(1) The mortgagor demonstrates that the jurisdiction or jurisdictions (whether State or local) providing funding support to the hospital to be financed have made a legally binding commitment acceptable to the Commissioner to provide the POS determined necessary by HHS in feasibility processing, but in any case not less than five percent. The jurisdiction(s) need not provide support funds in excess of this percentage even if the acual amount of funds required by the hospital is greater in a given year. Further, in any year in which the actual amount of operating support funds required by the hospital to cover deficits is less than the amount based on the POS percentage, the jurisdiction or jurisdictions are required to provide only the actual amount of support funds necessary. HHS may determine that the legally binding commitment required under this section is satisfied, in whole or in part, where a jurisdiction is shown to have levied a specific tax, earmarked for the hospital, that does not contain an expiration date that precedes the end of the mortgage term, and the revenues of which cannot be expended for any other public purpose, and which are projected to be sufficient to supply the POS determined by HHS.

(2) If the hospital is to be supported by a jurisdiction or jurisdictions precluded by law from making the commitment described in paragraph (d)(1) of this section, the mortgage is eligible for insurance only if the mortgagor:

(i) demonstrates to the Commissioner that the jurisdiction(s) made a legally binding commitment to the maximum extent lawfully possible to provide the POS, or that no legal capacity to make such a commitment exists; and

(ii) provides an agreement executed between the mortgagee and the jurisdiction(s) whereby an escrow or an irrevocable and unconditional letter of credit (at the option of the mortgagee) is provided to the mortgagee in an amount equal to the POS percentage times the original mortgage amount, or five percent of the original mortgage amount, whichever is greater. The amount of the escrow or letter of credit is not includable in the mortgage amount insured. The escrow or letter of credit must be held by the mortgagee until: (A) the outstanding principal balance of the mortgage is less than the escrow or letter of credit; or (B) no annual POS payments have been needed (as determined in paragraph (d)(1) of this section), from a jurisdiction for a continuous period of five years, in which case the letter of credit or escrow shall be released, subject to approval of the Secretary of HHS and the Commissioner; or (C) an insurance claim has been processed by the Commissioner in accordance with the provisions of § 242.260. Letters of credit that expire before the mortgage term must be renewed or called by the mortgagee before expiration, and the proceeds must be held by the morgagee as an escrow under the requirements of this section.

(e) *Remedies in the event of a default.* If a default occurs on a mortgage insured under the requirements of paragraph (d)(2) of this section, one of the two provisions that follow apply instead of the provisions of § 207.258(b)(5):

(1) If the jurisdiction(s) that provided the escrow or letter of credit has not made all of the payments during the five-year period preceding a default that would have been required under a legally binding commitment described in paragraph (d)(1) of this section, any insurance benefits paid by the Commissioner under a claim shall be reduced by the full amount of the escrow or letter of credit, including the amount of any letter of credit that was not renewed or called when required by paragraph (d)(2)(ii) of this section.

(2) I the jurisdiction(s) that provided the escrow or letter of credit has made all of the payments during the five-year period preceding a default that would have been required under a legally binding commitment, no reduction will be made in the insurance benefits paid by the Commissioner under a claim, and the escrow or letter of credit will be returned to the jurisdiction(s), unless HHS dtermines that a need exists for its retention.

(Approved by the Office of Management and Budget under control number 2502-0029)

21. Section 242.251 would be revised to read as follows:

**§ 242.251 Cross-reference.**

All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to mortgages on hospitals insured under section 242 of the National Housing Act, except the following:

Section 207.252—First, second and third premiums.

Section 207.252a—Premiums—operating loss loans.

Section 207.259—Insurance benefits.

22. A new § 242.255 would be added to read as follows:

**§ 242.255 Insurance premiums.**

All of the provisions of §§ 207.252 and 207.252a of this chapter, governing mortgage insurance premiums, apply to insurance premiums for mortgages insured under this part. However, if the maximum mortgage amount was determined under the provisions of § 242.29(a)(4) ( *i.e.*, exceeded 90 percent of the Commissioner's estimate of the cost of construction or rehabilitation), all mortgage insurance premiums that otherwise would be calculated under §§ 207.252 and 207.252a on the basis of one half of one percent of the original face amount of the mortgage shall be calculated on the basis of three quarters of one percent.

23. Section 242.260 would be revised to read as follows:

**§ 242.260 Insurance benefits.**

All of the provisions of § 207.259 of this chapter relating to insurance

benefits apply to mortgages on hospitals insured under this subpart, except that—

(a) In a case where the mortgage involves the financing or refinancing of an existing hospital in accordance with § 242.93 and the commitment for insuring such mortgage was issued on or after April 1, 1969, the insurance claim shall be paid in cash unless the mortgagee files a written request for payment in debentures. If such a request is made, the claim shall be paid in debentures issued in multiples of $50, with any balance less than $50 to be paid in cash.

(b) In a case where the mortgage is insured under the provisions of § 242.92, the amount of insurance benefits will be reduced by any amount required under the escrow or letter of credit provisions in § 242.92(d)(2)(ii), but only if the reduction described in § 242.92(e)(1) is applicable.

**§§ 242.1, 242.3, 242.31, 242.67, 242.69, 242.75, 242.81, 242.88, 242.91, 242.93, and 242.95 [Amended]**

24. In addition to the amendments set forth above, 24 CFR Part 242 would be amended by inserting immediately after the words "he", "him", or "his" the words "or she", "or her", or "or hers", respectively, wherever the former words appear in the following places:

a. 24 CFR 242.1, definition of "Commissioner"; b. 24 CFR 242.3(a); c. 24 CFR 242.31(b); d. 24 CFR 242.45; e. 24 CFR 242.67(a)(2); f. 24 CFR 242.69(c); g. 24 CFR 242.75; h. 24 CFR 242.81; i. 24 CFR 242.88; j. 24 CFR 242.91; k. 24 CFR 242.93(a); and l. 24 CFR 242.95(a).

Dated: December 31, 1986.

**Thomas T. Demery,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 87-485 Filed 1-9-87; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

### 27 CFR Parts 270, 275, 285, 290, 295

**[Notice No. 615]**

### Tobacco Regulations; Miscellaneous Amendments

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document proposes amendment of the tobacco product regulations to accomplish these purposes: (1) To provide an additional, liberalized alternative for identification of manufacturers on domestic cigar and cigarette packages; (2) To provide procedures in the regulations for manufacturers in Puerto Rico and the Virgin Islands to claim refund or credit of tax; (3) To reimpose a requirement relating to marking of packages of cigarettes for export; (4) To remove a requirement that packages of small cigars for export be marked with the word "small" or "little"; (5) To remove unnecessary and duplicative provisions relating to withdrawal of cigars produced in a customs bonded warehouse and to provide for the receipt of such cigars or cigars and cigarettes imported or brought into the United States into an export warehouse and also provide for the withdrawal of such cigars from an export warehouse to a customs bonded warehouse; (6) To eliminate a bond form limited in application to tobacco products factories, export warehouses, or cigarette papers and tubes factories in favor of a universal bond form; (7) To eliminate the requirement to submit wholesale cigar price announcements for manufacturers and importers of cigars; (8) To eliminate obsolete transitional rules in Parts 270 and 275; and (9) To liberalize export packaging requirements by permitting export in bulk packages.

**DATE:** Comments must be received on or before March 13, 1987.

**ADDRESSES:** Please submit all comments to the Chief, Distilled Spirits and Tobacco Branch, Post Office Box 385, Washington, DC 20044-0385 (Notice No. 615).

**FOR FURTHER INFORMATION CONTACT:** Clifford A. Mullen, Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms, Room 6235, 1200 Pennsylvania Avenue NW., Washington, DC 20226; (202) 566-7531.

**SUPPLEMENTARY INFORMATION:** For over 10 years, alternate procedures have occasionally been approved under 27 CFR 270.45, 290.72, and 295.21 for manufacturer identification consisting of only the corporate name and the address of the manufacturer's principal office, instead of the present requirements of § 270.212, § 290.184, and § 295.42. As a result of this experience, ATF has determined that no jeopardy to the revenue will result from permitting tobacco products manufacturers who meet stated conditions to mark packages with such identification without prior approval. On the other hand, present requirements in § 270.212, § 290.184, and § 295.42, relating to application for approval of other alternative identification marks, would be removed because there is adequate authority in § 270.45, § 290.72, and § 295.21 to approve applications such as these. Nevertheless, specific new wording clearly would state that any alternative approvals previously granted under the removed provisions are continued, so that no manufacturer would be forced to change the mark he is now using. Persons wishing in the future to apply for alternative marks besides those specifically authorized in the regulations would do so under § 270.45, § 290.72, or § 295.21, as applicable.

An amendment permitting credit or refund of tax to Virgin Islands or Puerto Rican producers (as permitted by 26 U.S.C. 5705) is also included. A requirement to show the designation "cigarettes," and the number of them, on packages of such products removed for export, which had been inadvertently omitted from a previous amendment, would be reimposed. A requirement that packages of small cigars for export be marked with the word "small" or "little" would be removed, as it is no longer felt to be necessary.

Subpart L of Part 290 deals with exportation of cigars manufactured from imported tobacco in customs bonded manufacturing warehouses. Such exportation is also governed by customs regulations in 19 CFR 19.16 and as such, the regulations pertaining to exportation are duplicative. Further, as the manufacturing of cigars in customs bonded manufacturing warehouses is no longer performed, the provisions in Subpart L of 27 CFR Part 290 pertaining to such manufacture are unnecessary. However, the law in 26 U.S.C. 5704 provides for the receipt of imported cigars or cigarettes into an export warehouse. Cigars produced in a customs bonded warehouse would also be covered by this provision. Accordingly, a section of Subpart L would be revised to accomplish this and also to permit the return of such products to a customs bonded warehouse.

ATF Form 1533 (5000.18), Consent of Surety, is being amended to extend the terms of the bonds filed by all permittees regulated by ATF. Therefore, ATF Form 2105, Extension of Coverage of Bond, is obsolete and new extensions of bond coverage pertaining to tobacco products factories, export warehouses, or cigarette papers and tubes factories would be filed using ATF Form 1533 (5000.18).

Manufacturers and importers of cigars would no longer be required to submit copies of their price announcements to ATF. This submission requirement arose from the Tax Reform Act of 1976 which

made cigar excise tax a function of the wholesale price. Manufacturers and importers of cigars would still be required to maintain records of wholesale prices in order that ATF officers and inspectors may continue to verify large cigar taxpayments while at the permit premises. However, submission of price announcements to ATF headquarters is no longer required as they provide insufficient data to determine industry-wide wholesale cigar prices. In conjunction with this amendment, an obsolete transitional rule relating to the establishment of the record of wholesale prices which occurred on February 1, 1977, would be eliminated.

An obsolete transitional rule relating to extended deferral (§ 275.114a) would be removed. The Officer-in-Charge in the Puerto Rico Office of International Operations of the Internal Revenue Service has determined that all bonded manufacturers in Puerto Rico are already qualified for extended deferral. Any new bonds filed after September 1, 1973, are automatically qualified for extended deferral. Therefore, the transitional rule and all references to it can be removed.

Existing regulations governing the packaging of cigars, cigarettes, cigarette papers, and cigarette tubes, for export, require these products to be put up in consumer packages. This requirement has been determined to be unnecessary in the case of products destined for export to a foreign country or a possession of the United States. Alternate procedures for export in bulk packages have occasionally been approved under 27 CFR 290.72, and no problems have been observed. Accordingly, the packaging requirements of Part 290 and the definition of "package" in that part are proposed to be amended, to permit export in bulk packages.

**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 this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal does not impose new mandatory requirements, but rather permits new options without rescinding any significant existing privileges. Consequently, this proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities; or to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

**Executive Order 12291**

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (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.

**Public Participation**

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future actions.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting the comment is not exempt from disclosure.

Any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right, in light of all circumstances, to determine if a public hearing is necessary.

**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.

**Disclosure**

Copies of this notice of proposed rulemaking, and all written comments will be available for public inspection during normal business hours at: Office of Public Affairs and Disclosure, Room 4407, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

**List of Subjects**

*27 CFR Part 270*

Administrative practice and procedures, Authority delegations, Cigars and cigarettes, Claims, Electronic fund transfers, Excise taxes, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, U.S. possessions, Warehouses.

*27 CFR Part 275*

Administrative practice and procedures, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Electronic fund transfers, Claims, Customs duties and inspection, Excise taxes, Imports, Labeling, Packaging and containers, Penalties, Reporting requirements, Seizures and forfeitures, Surety bonds, U.S. possessions, Warehouses.

*27 CFR Part 285*

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Claims, Excise taxes, Packaging and containers, Penalties, Seizures and forfeitures, Surety bonds, Vessels, Warehouses.

*27 CFR Part 290*

Administrative practice and procedure, Aircraft, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Claims, Customs duties and inspection, Excise taxes, Exports, Foreign-trade zones, Labeling, Packaging and containers, Penalties, Surety bonds, Vessels, Warehouses.

*27 CFR Part 295*

Administrative practice and procedure, Authority delegations, Cigarette papers and tubes, Cigars and cigarettes, Excise taxes, Labeling, Packaging and containers.

**Drafting Information**

The principal author of this document is Clifford A. Mullen of the Distilled Spirits and Tobacco Branch, Bureau of Alcohol, Tobacco and Firearms.

**Authority and Issuance**

These regulations are proposed under the authority contained in 26 U.S.C. 7805 (68A Stat. 97), as amended. Accordingly, ATF is proposing to amend Title 27 of the Code of Federal Regulations as follows:

Sec. A. The regulations in 27 CFR Part 270 are amended as follows:

## PART 270—MANUFACTURE OF TOBACCO PRODUCTS

**Paragraph 1.** The authority citation for Part 270 continues to read as follows:

**Authority:** 5 U.S.C. 522(a); 26 U.S.C. 5701, 5703, 5704, 5705, 5711, 5712, 5713, 5721, 5722, 5723, 5741, 5751, 5753, 5761, 5762, 5763, 6109, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9308.

**Par. 2.** The table of contents is amended to revise the heading of § 270.202 as follows:

Sec.

* * * * *

270.202 Monthly Report.

* * * * *

**Par. 3.** Section 270.137 is revised to provide for the use of ATF Form 1533 (5000.18), Consent of Surety, in place of ATF Form 2105, Extention of Coverage of Bond, and reads as follows:

**§ 270.137 Extension of coverage of bond.**

An extension of coverage of bond shall be manifested on ATF Form 1533 (5000.18) by the manufacturer of tobacco products and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

**Par. 4.** Section 270.187 is revised to eliminate an obsolete transitional rule and eliminate the requirement to submit price announcements to ATF to read as follows:

**§ 270.187 Record of large cigar wholesale prices.**

Every manufacturer of tobacco products who removes large cigars from the factory shall keep the records required by this section.

(a) *Basic record of wholesale prices.* The manufacturer shall maintain records to show each wholesale price which is applicable to large cigars removed. No later than the tenth business day in January of each year the manufacturer shall prepare such a record to show the wholesale price in effect on the first day of that year for each brand and size of large cigars. The manufacturer shall enter in the record the wholesale price and its effective date for any large cigar removed which was not previously entered in the record, and any change in a price from that shown in the record, within ten business days after such removal or change in price. The record shall be a continuing one for each brand and size of cigar (and type of packaging, if pertinent), so that the taxable price on any date may be readily ascertained.

(b) *Copies of price announcements.* The manufacturer shall retain a copy of each general announcement issued within the manufacturer's organization or to the trade about establishment or change of large cigar wholesale prices. If the copy does not show the actual date when issued it shall be annotated to show that information.

(Approved by the Office of Management and Budget under control number 1512-0365)

**Par. 5.** Section 270.202 is revised to read as follows:

**§ 270.202 Monthly report.**

Every manufacturer of tobacco products shall make a report on ATF Form 5210.5 in accordance with the instructions on the form, for each month and for any portion of a month during which the manufacturer engages in such business. Such report shall be made regardless of whether any operations or transactions occurred during the month or portion of a month covered therein. The report for a month or portion of a month in which business is commenced or is concluded shall be conspicuously marked "Commencing Report" or "Concluding Report," respectively. Each report shall show, for the period covered, the total quantity of tobacco products—

(a) Manufactured,

(b) Received in bond,

(c) Received by return to bond,

(d) Disclosed by inventory as an overage,

(e) Removed subject to tax,

(f) Removed in bond,

(g) Otherwise disposed of without determination of tax,

(h) Disclosed by inventory as a shortage, and

(i) On hand, in bond, beginning of month and end of month.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5722)) (Approved by the Office of Management and Budget under control number 1512-0358)

**Par. 6.** Section 270.212 is revised to read as follows:

**§ 270.212 Mark.**

(a) Every package of cigars or cigarettes packaged in a domestic factory shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, a mark as specified in this section.

(b) Except as provided in paragraph (c) of this section, the mark shall consist of one of the following three alternatives:

(1) The name of the manufacturer removing the products subject to tax and the location (by city and State) of the factory from which the products are to be so removed or a code which is approved under the provisions of 27 CFR 270.45 designating the factory.

(2) The permit number of the factory from which the products are to be so removed subject to tax or a code which is approved under the provisions of 27 CFR 270.45 designating the factor; or

(3) The name, or any properly registered trade name approved by the director, of the manufacturer removing the products subject to tax, the mailing address of that manufacturer's principal office, if the principal is in the United States, and the location (by city and State) of the factory from which the products are to be so removed or a code which is approved under the provisions of 27 CFR 270.45 designating the factory.

(c) Any previously approved alternative mark may still be used, and additional alternative marks may be approved under the provisions of 27 CFR 270.45.

(Sec. 202, Pub. L. 85-859, 72 Stat. 1422 (26 U.S.C. 5723))

Sec. B. The regulations in 27 CFR Part 275 are amended as follows:

## PART 275—IMPORTATION OF CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES

**Paragraph 1.** The authority citation for Part 275 continues to read as follows:

**Authority:** 5 U.S.C. 522(a); 26 U.S.C. 5701, 5703-5705, 5708, 5722, 5723, 5741, 5761-5763, 6301, 6302, 6313, 6404, 7101, 7212, 7342, 7606, 7652, 7652(a), 7805; 31 U.S.C. 9301, 9303, 9304, 9306; 44 U.S.C. 3504(h).

**Par. 2.** The table of contents is amended to reflect the removal of §§ 275.114a, and 275.183, and to revise the title of § 275.163. As amended, the table of contents reads as follows:

Sec.

* * * * *

275.163 Refund or credit of tax.

* * * * *

§ 275.114a [Removed]

**Par. 3.** Section 275.114a is removed

**Par. 4.** Section 275.124 is revised to read as follows:

**§ 275.124 Extension of coverage of bond.**

An extension of coverage of bond

shall be manifested on ATF Form 1533 (5000.18) by the manufacturer of tobacco products and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

**Par. 5.** Section 275.163 is revised to read as follows:

**§ 275.163 Refund or credit of tax.**

The taxes paid on cigars, cigarettes, cigarette papers, or cigarette tubes imported from a foreign country or brought into the United States from Puerto Rico, the Virgin Islands, or a possession of the United States may be credited or refunded (without interest) on proof satisfactory to the regional director (compliance) that the person claiming such refund or credit has paid the tax on tobacco products, cigarette papers, or cigarette tubes withdrawn by him from the market or lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, while in his possession or ownership of such person. Any claim for refund of tax under this section shall be prepared on IRS Form 843. Any claim for credit of tax under this section shall be prepared on ATF Form 2635 (5620.8). All claims filed under this section shall be prepared in duplicate, shall be executed under the penalties of perjury, and shall include a statement that the tax imposed on tobacco products, cigarette papers, or cigarette tubes by 26 U.S.C. Chapter 52 or Section 7652, as applicable, has been paid in respect to the articles covered in the claim, and that the articles were lost, destroyed, or withdrawn from the market, within six months preceding the date the claim is filed. A claim for refund or credit relating to articles lost or destroyed shall be supported as prescribed in § 275.165, and a claim relating to articles withdrawn from the market shall include a schedule prepared and verified as prescribed in §§ 275.170 and 275.171 or §§ 275.172 and 275.173. The original of the claim shall be filed with the regional director (compliance) for the region in which the tax was paid, or, where the tax was paid in more than one region, with the regional director (compliance) for any one of the regions in which the tax was paid. Upon action by the regional director (compliance) on a claim for credit he will return the copy of Form 2635 to the claimant as notification of allowance or disallowance of the claim for credit or any part thereof, which copy, with the copy of any supporting schedules, shall be retained by the claimant. When the claimant is notified of allowance of the claim for credit or any part thereof he shall make an adjusting entry and explanatory statement in the next tax return(s) to the extent necessary to take credit in the amount of the allowance. Prior to consideration and action on his claim the claimant may not anticipate allowance of his claim by taking credit on his tax return. The duplicate of the claim, with the copy of any verified supporting schedules, shall be retained by the claimant as specified in § 275.22.

(68A Stat. 907, as amended, 72 Stat. 1419, as amended; 26 U.S.C. 5705, 7652)

**§§ 275.165, 275.170, 275.172, and 275.174 [Amended]**

**Par. 6.** Sections 275.165, 275.170, 275.172, and 275.174 are amended by inserting the words "or credit" following the word "refund" in the first sentence of § 275.165, in the first sentence of § 275.170(a), in the first sentence of § 275.172(a), and in the last sentence of § 275 174.

**Par. 7.** Section 275.181 is amended by revising the introductory paragraph and paragraphs (a) and (b) to read as follows:

**§ 275.181 Records of large cigars.**

Every person who imports large cigars for sale within the United States shall keep the records required by this section.

(a) *Basic record of wholesale prices.* The importer shall keep a record to show each wholesale price which is applicable to large cigars removed (entered or withdrawn). No later than the tenth business day in January of each year, the importer shall prepare such a record to show the wholesale price in effect on the first day of that year for each brand and size of large cigars. The importer shall enter in the record the wholesale price and its effective date for any large cigar removed (entered or withdrawn) which was not previously entered in the record, and any change in a price from that shown in the record, within ten business days after the removal or change in price. The record shall be a continuing one for each brand and size of cigar (and type of packaging, if pertinent), so that the taxable price on any date may be readily determined.

(b) *Copies of price announcements.* The importer shall retain a copy of each general announcement issued within the importer's organization or to the trade about the establishment or change of large cigar wholesale prices. If the copy does not show the actual date when issued, it shall be annotated to show this information.

* * * * *

**§275.183 [Removed]**

**Par. 8.** Section 275.183 is removed.

Sec. C. The regulations in 27 CFR Part 285 are amended as follows:

## PART 285—MANUFACTURE OF CIGARETTE PAPERS AND TUBES

**Paragraph 1.** The authority citation for Part 285 continues to read as follows:

**Authority:** 5 U.S.C. 522(a); 26 U.S.C. 5701, 5703–5705, 5711, 5721–5723, 5741, 5751, 5753, 5761–5763, 6109, 6302, 6402, 6404, 6676, 7212, 7325, 7342, 7606; 31 U.S.C. 9301, 9303, 9304, 9306.

**Par. 2.** Section 285.76 is revised to provide for the use of ATF Form 1533 (5000.18), Consent of Surety, in place of ATF Form 2105, Extension of Coverage of Bond, and reads as follows:

**§ 285.76 Extension of coverage of bond.**

An extension of the coverage of bond filed under this part shall be manifested on ATF Form 1533 (5000.18) by the manufacturer of cigarette papers and tubes and by the surety of the bond with the same formality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

Sec. D. The regulations in 27 CFR Part 290 are amended as follows:

## PART 290—EXPORTATION OF TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX OR WITH DRAWBACK OF TAX

**Paragraph 1.** The authority citation for Part 290 continues to read as follows:

**Authority:** 5 U.S.C. 522(a); 18 U.S.C. 1301; 19 U.S.C. 81c, 1317, 1622; 26 U.S.C. 5703, 5704, 5705, 5711, 5712, 5713, 5721, 5722, 5723, 5741, 5751, 6402, 6404, 6423, 7212, 7342, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306; 44 U.S.C. 3504(h).

**Par. 2.** The table of contents is amended to reflect the removal of § 290.186, to change the heading of Subpart L, to change the heading of § 290.241, and to reflect the removal of §§ 290.242 through 290.267 as follows:

* * * * *

**§ 290.186 [Reserved]**

* * * * *

**Subpart L—Receipt and Disposition of Tobacco Products From Customs Bonded Warehouses**

290.241 Receipt and disposition.

**Par. 3.** Section 290.11 is amended to revise the definition of "package" to read as follows:

**§ 290.11 Meaning of terms.**

* * * * *

*Package.* The immediate container in which tobacco products, or cigarette

papers or tubes are put up by the manufacturer and offered for sale or delivery to the consumer.

* * * * *

**Par. 4.** Section 290.126 is amended to provide for the use of ATF Form 1533 (5000.18), Consent of Surety, in place of ATF Form 2105, Extension of Coverage of Bond, and read as follows:

**§ 290.126 Extension of coverage of bond.**

An extension of the coverage of any bond filed under this part shall be manifested on ATF Form 1533 (5000.18) by the export warehouse proprietor and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

(72 Stat. 1421; 26 U.S.C. 5711)

**Par. 5.** Section 290.181 is amended to designate the existing material as paragraph "(a) *General.*", and to add two new paragraphs (b) and (c) to read as follows:

**§ 290.181 Packages**

(a) *General.* All tobacco products,

* * *

(b) *Consumer packages.* If tobacco products, or cigarette papers or tubes are removed for shipment to officers of the armed forces, shipment to a Federal department or agency, or delivery to vessels or aircraft, such products shall be put up by the manufacturer in the packages in which the products will be offered for sale or delivery to the consumer. If such products are removed for transfer to an export warehouse, they shall likewise be put up by the manufacturer in the packages in which they will be offered for sale or delivery to the consumer, except as provided by paragraph (c) of this section.

(c) *Bulk packages.* Tobacco products, and cigarette papers and tubes intended for export to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States (either directly or by way of an export warehouse) may be put up by the manufacturer in bulk packages. After removal under this part, such products shall not be repackaged in the United States other than in a tobacco products factory following return to bond, or pursuant to the provisions of § 270.217 of this chapter.

(Sec. 202, Pub. L. 85–859, 72 Stat. 1422 (26 U.S.C. 5723))

**Par. 6.** Section 290.184 is revised to read as follows:

**§ 290.184 Mark.**

(a) Every package of cigars or cigarettes shall, before removal from the factory under this subpart, have adequately imprinted thereon, or on a label securely affixed thereto, a mark as specified in this section.

(b) Except as provided in paragraph (c) of this section, the mark shall consist of one of the following three alternatives:

(1) The name of the manufacturer removing the products and the location (by city and State) of the factory from which the products are to be so removed or a code designating such factory which is approved under the provisions of 27 CFR 290.72; or

(2) The permit number of the factory from which the products are to be so removed or a code designating such factory which is approved under the provisions of 27 CFR 290.72 designating the factory; or

(3) The name, or any properly registered trade name approved by the director, of the manufacturer removing the products subject to tax, the mailing address of that manufacturer's principal office, if the principal is in the United States, and the location (by city and State) of the factory from which the products are to be so removed or a code which is approved under the provisions of 27 CFR 290.72 designating the factory.

(c) Any previously approved alternative mark may still be used, and additional alternative marks may be approved under the provisions of 27 CFR 290.72.

(Sec. 202, Pub. L. 85–859, 72 Stat. 1422 (26 U.S.C. 5723))

**§ § 290.185 [Amended]**

**Par. 7.** Section 290.185 is amended to add the following sentence at the end of the paragraph:

* * *There shall also be stated on each such package the designation "cigars" and "cigarettes," as applicable, and the number of such products contained in the package."

**§ 290.186 [Removed]**

**Par. 8.** Section 290.186 is removed.

**Par. 9.** Section 290.241 and the heading of Subpart L are revised to read as follows:

**Subpart L— Receipt and Disposition of Tobacco Products From Customs Bonded Warehouses**

**§ 290.241 Receipt and disposition.**

Tobacco products removed from a customs bonded warehouse, including cigars produced in a customs bonded warehouse, and which bear the mark and notice required by subpart J of this Part, may be received under this subpart, at an export warehouse. The proprietor of the customs warehouse shall forward to the proprietor of the export warehouse three copies of the notice of removal, Form 2149, covering the shipment, for execution and disposition in accordance with the procedure set forth in § 290.200. The executed copy of the notice of removal, Form 2149, returned to the customs warehouse proprietor by the export warehouse proprietor shall be filed with the appropriate regional director (compliance). The return of products described in this section to a customs warehouse proprietor shall be accomplished in accordance with § 290.190.

**§§ 290.242 through 290.267 [Removed]**

**Par. 10.** Section 290.242 through 290.267 of Subpart L are removed.

Sec. E. The regulations in 27 CFR Part 295 are amended as follows:

## PART 295—REMOVAL OF TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR USE OF THE UNITED STATES

**Paragraph 1.** The authority citation for Part 295 continues to read as follows:

**Authority:** 26 U.S.C. 5703–5705, 5711, 5723, 5741, 5751, 5762, 5763, 6313, 7212, 7342, 7606.

**Par. 2.** Section 295.42 is revised to liberalize the requirement for information to be contained in the mark. As revised, § 295.42 reads as follows:

**§ 295.42 Mark.**

(a) Every package of tobacco products shall, before removal from the factory under this part, have adequately imprinted thereon, or on a label securely affixed thereto, a mark as specified in this section.

(b) Except as provided in paragraph (c) of this section, the mark shall consist of one of the following three alternatives:

(1) The name of the manufacturer removing the products and the location (by city and State) of the factory from which the products are to be so removed or a code designating such factory and approved under the provisions of 27 CFR 295.21.

(2) The permit number of the factory from which the products are to be so removed or a code designating such factory and approved under the provisions of 27 CFR 295.21.

(3) The name, or any properly registered trade name approved by the director, of the manufacturer removing the products subject to tax, the mailing address of that manufacturer's principal office, if the principal is in the United States, and the location (by city and State) of the factory from which the products are to be so removed or a code

which is approved under the provisions of 27 CFR 295.21 designating the factory.

(c) Any previously approved mark may still be used, and additional alternative marks may be approved under the provisions of 27 CFR 295.21.

(Sec. 202, Pub. L. 85–859, 72 Stat. 1422 (26 U.S.C. 5723))

Signed: May 16, 1986.

**W.T. Drake,**

*Acting Director.*

Approved: June 13, 1986.

**Francis A. Keating, II,**

*Assistant Secretary (Enforcement).*

[FR Doc. 87–535 Filed 1–9–87; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### 29 CFR Part 1910

**[Docket No. H–150]**

### Occupational Exposures to Toxic Substances in Laboratories

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of informal public hearing.

**SUMMARY:** OSHA is scheduling an informal public hearing on its proposed standard for occupational exposures to toxic substances in laboratories (51 FR 26660 *et seq.* July 24, 1986). This hearing will allow interested persons to present information and evidence on the issues raised by the proposed standard.

**DATES:** Notices of intention to appear at the informal public hearing must be postmarked by February 24, 1987.

Testimony, comments and all evidence which will be introduced into the hearing record must be postmarked by March 10, 1987.

The hearing will be held in Washington, D.C. beginning Tuesday, March 24, 1987 at 10:00 a.m. If necessary, the hearing will continue through Thursday, March 26, 1987.

**ADDRESSES:** Notices of intention to appear at the hearing and testimony and documentary evidence which will be introduced into the hearing record must be submitted in quadruplicate to Mr. Tom Hall, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3649, 200 Constitution Avenue NW., Washington, DC 20210; (202) 523–8615.

The informal public hearing will be held in the auditorium of the Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:**

*Hearings:* Mr. Tom Hall, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3649, 200 Constitution Avenue NW., Washington, DC 20210; (202) 523–8615.

*Proposal:* Mr. James F. Foster, Office of Public Affairs, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3649, 200 Constitution Avenue NW., Washington, DC 20210; (202) 523–8151.

**SUPPLEMENTARY INFORMATION:** On July 24, 1986, the Occupational Safety and Health Administration proposed to amend 29 CFR Part 1910 by adding a new § 1910.1450, Occupational Exposures to Toxic Substances in Laboratories (51 FR 26660 *et seq.*). The proposed standard would require that laboratories continue to comply with the permissible exposure limits of the General Industry Standards (29 CFR Part 1910, Subpart Z). However, in lieu of complying with most of the other specific requirements of the other Subpart Z standards, each laboratory would be required to develop and implement a Chemical Hygiene Plan.

The plan would include practices to maintain exposures within permissible limits for OSHA-regulated substances. Such practices would provide protection from excessive exposures to other toxic substances as well. Areas to be covered and minimum requirements as to the provisions of the Chemical Hygiene Plan were specified in the proposed standard. Such provisions include employee training and education, designation of a Chemical Hygiene Officer, medical consultation in the event of a probable over exposure, assurance of properly functioning protective devices such as fume hoods and special measures for work with confirmed or potential carcinogens. The employer would have responsibility for the Chemical Hygiene Plan for the employer's laboratories. A non-mandatory appendix provides guidance in this area.

In response to the proposed rule, OSHA received 129 comments from interested parties. These are available for inspection and copying in the OSHA Docket Office, Room N3670, 200 Constitution Avenue NW., Washington, DC 20210.

In addition, OSHA received requests for a public hearing from the United Steelworkers of America (Ex. 8–38) and Standard Oil Company (Ex. 8–67). Accordingly, this notice announces the schedule for an informal public hearing to be conducted pursuant to section 6(b)(3) of the Occupational Safety and Health Act of 1970 and 29 CFR Part 1911.

The following discussion summarizes the primary issues addressed by interested parties who submitted comments on the proposed standard and which were raised in the objections filed by the parties requesting an informal hearing. The issues most frequently addressed by commenters included:

1. The definition of carcinogens and the provisions for handling carcinogens and potential carcinogens. Some commenters recommended that the definition and provisions apply only to OSHA-regulated carcinogens. Others suggested that the Agency should allow the same flexibility in dealing with carcinogens as is permitted with other toxic substances within the scope of the proposed regulation.

2. Duplication of requirements established by OSHA's Hazard Communication Standard (HCS). A concern frequently expressed was the apparent overlap between the proposed laboratory standard and the Hazard Communication Standard in the area of training and education, particularly in manufacturing operations currently covered by the HCS. Provisions for optional compliance were recommended in a number of comments.

3. Exposure evaluation and medical consultation. Some commenters felt that these provisions were too performance oriented and subjective, preferring instead initial and periodic exposure monitoring for substances used on a regular basis in conjunction with regular health monitoring.

4. *Exemption.* Several commenters objected to the proposed exemption for dental, veterinary and group medical practice laboratories, while others recommended that quality control laboratories and other small-scale laboratories involved in repetitive, low-hazard procedures be considered for exemption.

Other concerns included the inclusion, by reference, of toxic substances not currently regulated by OSHA, the issue of significant risk, the lack of mandatory requirements for provision and use of fume hoods except in the case of carcinogens and the accuracy of compliance costs.

OSHA is interested in comments and testimony related to the issues mentioned above. The hearing will not be limited to these issues. Participants may testify and introduce evidence on all issues relevant to the proposal.

Persons interested in participating in the hearing should refer to the notice of proposed rulemaking on occupational exposures to toxic substances in

laboratories (51 FR 26660 *et seq.*) for the text of the proposal and a more thorough discussion of issues related to this proceeding. Cost issues are discussed at greater length in the Regulatory Impact Analysis (Ex. 7–12).

**Public Participation in Hearing**

*Notice of intention to appear*

Persons desiring to participate at the hearing, including the right to question witnesses, must file a notice of intention to appear postmarked by February 24, 1987. The notice of intention to appear must contain the following:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issues that will be addressed;
5. A detailed statement of the position that will be taken with respect to each issue addressed;
6. A statement as to whether the party intends to submit documentary evidence, and if so, a detailed summary of the evidence.

This notice of intention to appear is to be sent to Mr. Tom Hall, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N3649, 200 Constitution Avenue NW., Washington, DC 20210.

*Filing of Testimony and Evidence Before the Hearing*

Any party requesting more than 10 minutes for presentation at the hearing or who will present documentary evidence, must provide in quadruplicate, the complete text of its testimony, including all documentary evidence to be presented at the hearing. These materials must be postmarked no later than March 10, 1987 and sent to Mr. Tom Hall, OSHA Division of Consumer Affairs, at the address just specified.

Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact. Any party who has not substantially complied with the above requirements, may be limited to a 10 minute presentation, and may be requested to return for questioning at a later time.

Notices of intention to appear, testimony and evidence, will be available for inspection and copying at the Docket Office, Docket H–150, U.S. Department of Labor, Occupational Safety and Health Administration, Room N3670, 200 Constitution Avenue NW., Washington, DC 20210; (202) 523–7894.

The hearing will commence at 10:00 a.m. on March 24, 1987, at the scheduled location with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. To limit the time for questioning; and
6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The Administrative Law Judge does not make or recommend any decisions as to the content of a final standard.

The proposal will be reviewed in light of the comments received, additional comments and testimony received at the hearing and in post hearing submissions and all other material in the record. Comments already received will be fully considered and need not be resubmitted at the hearing. Decisions on the provisions of a final standard will be made by the Assistant Secretary based on the entire record of the proceeding.

**Authority:** This document was prepared under the direction of John A. Pendergrass, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911. Secretary of Labor's Order No. 9–83 (48 FR 35736))

Signed at Washington, DC, this 6th day of January, 1987.

**John A. Pendergrass,**

*Assistant Secretary of Labor.*

[FR Doc. 87–566 Filed 1–9–87; 8:45 am]

BILLING CODE 4510–26–M

# Notices

Federal Register
Vol. 52, No. 7
Monday, January 12, 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

### National Commission on Dairy Policy; Meeting

Pursuant to provisions of section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), a notice is hereby given of the following committee meeting.

*Name:* National Commission on Dairy Policy.

*Time and date:* 8:00 a.m., February 3, 1987.

*Place:* American Farm Bureau Federation, Suite 800, 600 Maryland Avenue, SW., Washington, DC 20024.

*Status:* Open

*Matters to be considered:* The meeting is expected to consider adoption of Commission By-Laws, discussion of new dairy technology, staffing decisions and planning for future regional meetings.

*Written statements may be filed before or after the meeting with:* Contact person named below.

*Contact person for more information:* Mr. Floyd Gaibler, Assistant to the Secretary, Office of the Secretary, United States Department of Agriculture, Washington, DC 20250, (202) 447–3631.

**William T. Manley,**

*Deputy Administrator, Marketing Programs, Agricultural Marketing Service, U.S. Department of Agriculture.*

January 5, 1987.

[FR Doc. 87–541 Filed 1–9–87; 8:45 am]

BILLING CODE 3410–05–M

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

**[Order No. 337]**

### Approval for Expansion of Foreign-Trade Zone No. 64, Jacksonville, FL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR 400), the Foreign Trade Zones Board (the Board) adopts the following order:

Whereas, the Jacksonville Port Authority, grantee of Foreign-Trade Zone No. 64, has applied to the Board for authority to expand its general-purpose zone to include additional warehouse space at the North Ellis Road zone site in Jacksonville, Florida, within the Jacksonville Customs port of entry;

Whereas, the application was accepted for filing on Januray 10, 1986, and notice inviting public comment was given in the **Federal Register** on January 21, 1986 (Docket No. 1–86, 51 FR 2746);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the expansion is necessary to improve and expand zone services in the Jacksonville area; and,

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby orders:

That the grantee is authorized to expand its zone to accommodate new warehousing activity in accordance with the application filed January 10, 1986. The grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing or assembly operations. The authority given in this Order is subject to settlement locally by the District Director of Customs and the District Army Engineer regarding compliance with their respective requirements relating to foreign-trade zones.

Signed at Washington, DC, this 24th day of December 1986.

**Paul Freedenberg,**

*Assistant Secretary of Commerce for Trade Administration, Chairman, Committee of Alternates, Foreign-Trade Zones Board.*

Attest:

**John J. Da Ponte, Jr.,**

*Executive Secretary.*

[FR Doc. 87–608 Filed 1–9–87; 8:45 am]

BILLING CODE 3510–DS–M

## International Trade Administration

**[A–351–603]**

### Antidumping Duty Order: Brass Sheet and Strip from Brazil

**AGENCY:** International Trade Administration, Import Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** In separate investigations concerning brass sheet and strip from Brazil, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that brass sheet and strip from Brazil is being sold at less fair value and that sales of brass sheet and strip from Brazil are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of brass sheet and strip from Brazil made on or after August 22, 1986, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumpting duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after January 12, 1987.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Jess Bratton or John Brinkmann, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–3963 or 377–3965.

**SUPPLEMENTARY INFORMATION:** The merchandise covered by this order is brass sheet and strip other than leaded brass and tin brass sheet currently provided for under the *Tariff Schedules of the United States Annotated*, (TSUSA) item numbers 612.3960, 621.3982, and 612.3986.

The chemical composition of the products under investigation is currently defined in the Copper Development Association (C.D.A.) 200 Series or the Unified Numbering System (U.N.S.) C20000 series. Products whose chemical composition are defined by other C.D.A.

or U.N.S. series are not covered by this investigation.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on August 18, 1986, the Department made its preliminary determination that there was reason to believe or suspect that brass sheet and strip from Brazil was being sold at less than fair value (51 FR 30092, August 22, 1986). On November 3, 1986, the Department made its final determination that these imports were being sold at less than fair value (51 FR 40831, November 10, 1986).

On December 24, 1986, in accordance with section 735(d)d of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such imports materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e([a)(1)), antidumpting duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of brass sheet and strip from Brazil. These antidumping duties will be assessed on all unliquidated entries of brass sheet and strip entered, or withdrawn from warehouse, from consumption on or after August 22, 1986, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register** (50 FR 30092).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumpting duty margins noted below:

| Manufacturers/producers/exporters | Weighted-average margins (percent) |
|---|---|
| Eluma Corpration | 40.62 |
| All Other Manufacturers/Producers/Exporters | 40.62 |

Article VI.5 of the General Agreement of Tariffs and Trade provides that "[n]o product shall be subject to both antidumpting and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing dumping duties on the portion of the margin attributable to export subsidies. In the final countervailing duty determination on brass sheet and strip from Brazil we found export subsidies. Since dumping cannot be assessed on the portion of the margin attributable to export subsidies, there is no reason to require a cash deposit or bond for that amount. Thus, the amount of the export subsidies will be subtracted for deposit or bonding purposes from the dumping margins.

This determination constitutes an antidumpting order with respect to brass sheet and strip from Brazil, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations Annex I of 19 CFR Part 353, which listed antidumpting findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

January 6, 1987.

[FR Doc. 87-601 Filed 1-9-87; 8:45 am]

BILLING CODE 3510-DS-M

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[A-580-603]

## Antidumping Duty Order; Brass Sheet and Strip From the Republic of Korea

**AGENCY:** International Trade Administration, Import Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** In separate investigations concerning brass sheet and strip from Korea, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that brass sheet and strip from Korea are being sold at less than fair value and that sales of brass sheet and strip from Korea are materially injuring a United States industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of brass sheet and strip from Korea made on or after August 22, 1986, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after January 12, 1987.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** John J. Kenkel or John Brinkmann, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-3530 or 377-3965.

**SUPPLEMENTARY INFORMATION:** The merchandise covered by this order is brass sheet and strip, other than leaded brass and tin brass sheet and strip currently provided for under the *Tariff Schedules of the United States Annotated,* (TSUSA) item numbers 612.3960, 612.3982 and 612.3986.

The chemical composition of the products under investigation is currently defined in the Copper Development Association (C.D.A.) 200 series or the Unified Numbering System (U.N.S.) C20000 series. Products whose chemical composition are defined by other C.D.A. or U.N.S. series are not covered by this investigation.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on August 18, 1986, the Department made its preliminary determination that there was reason to believe or suspect that brass sheet and strip from Korea were being sold at less than fair value (51 FR 30086, August 22, 1986). On November 3, 1986, the Department made its final determination that these imports were being sold at less than fair value (51 FR 40833, November 10, 1986).

On December 24, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673(d)), the ITC notified the Department that such imports materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of brass sheet and strip from Korea. These antidumping duties will be assessed on all unliquidated entries of brass sheet and strip entered, or withdrawn from warehouse, for consumption on or after August 22, 1986, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, (50 FR 30086).

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

| Manufacturers/producers/exporters | Weighted-average margins (percent) |
|---|---|
| Poongsan Metal Corporation | 7.17 |
| All other Manufacturers/Producers/Exporters | 7.17 |

This determination constitutes an antidumping order with respect to brass sheet and strip from Korea, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may conduct the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

January 5, 1987.

[FR Doc. 87-603 Filed 1-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-091]

## Preliminary Results of Antidumping Duty Administrative Review; Certain Electric Motors From Japan

**AGENCY:** International Trade Administration/Import Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In rsponse to a request by the petitioner, the Department of Commerce has conducted an administative review of the antidumping duty order on certain electric motors from Japan. The review covers one manufacturer/exporter of this merchandise to the United States and generally the period April 1, 1982 through November 30, 1984. The review indicates the existence of dumping margins during the period.

As a result of the review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between United States price and foreign market value. Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Laurie A. Lucksinger or David P. Mueller, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-1130/2923.

**SUPPLEMENTARY INFORMATION:**

### Background

On August 15, 1984, the Department of Commerce ("the Department") published in the **Federal Register** (49 FR 32627) the final results of its administrative review of the antidumping duty order on certain electric motors from Japan (45 FR 84994, December 24, 1980). We began the review of the antidumping duty order under our old regulations. After the promulgation of our new regulations, the petitioner requested in accordance with section 353.53a(a) of the Commerce Regulations that we complete the administrative review. We published a notice of initiation of the antidumping duty administrative review on July 9, 1986 (51 FR 24884).

### *Scope of the Review*

Imports covered by the review are shipments of alternating current, polyphase electric motors of not less than 150 horsepower but not greater that 500 horsepower, not including submersible well pump motors. Such motors are currently classifiable under items 682.4545, 682.4600, 682.5010, and 682.5030 of the Tariff Schedules of the United States Annotated.

The review covers one manufacturer/exporter, Toshiba Corporation ("Toshiba"), of certain electric motors and generally the period April 1, 1982 through November 30, 1984.

### United States Price

In calculating United States price the Department used purchase price or exporter's sales price ("ESP"), both as defined in section 772 of the Tariff Act of 1930 ("the Tariff Act"). Purchase price and ESP were based on the packed delivered price to unrelated purchasers in the United States. We made adjustments, where applicable, for U.S., and foreign inland freight, ocean freight, marine insurance, U.S. customs duties, brokerage charges, handling charges, discounts, warranty, advertising, commissions to unrelated parties, and selling expenses in accordance with § 353.10 of the Commerce Regulations. No other adjustments were claimed or allowed.

### Foreign Market Value

In calculating foreign market value the Department used home market price, the price to unrelated purchasers in a third country (Canada) when there were no sales in the home market, or constructed value when there were no sales in the home market or to third countries, all as defined in section 773 of the Tariff Act. Home market price was based on the packed delivered price to unrelated customers in the home market. Third country price was based on the packed delievered price to unrelated cusotmers in Canada.

Where applicable, we made adjustments for inland freight, handling charges, commissions to unrelated parties, ocean freight, marine insurance, import duties, delivery charges, discounts, warranty, advertising, indirect selling expenses to offset U.S. selling expenses for ESP calculations, packing and differences in the physical characteristics of the merchandise. No other adjustment were claimed or allowed.

We calculated constructed values as the sum of the cost of materials, fabrication, general expenses, profit, and the cost of packing. The amount for Toshiba's actual general expenses was greater than ten percent so we used the actual percentage. Since Toshibas did not provide an actual profit rate for its sales in the home market during the period, we calculated a profit rate using the costs of production and expenses of Toshiba's sales in the home market. This rate was higher than eight percent.

Toshiba refused to provide information on some deferred U.S. sales from the two previous reviews, as well as some U.S. sales during the period April 1, 1982 through November 30, 1982. We used the complete portions of Toshiba's response for the April 1, 1982 through November 30, 1982 period to establish the best information available rate for the incomplete portions of the response for that period and for the deferred sales from previous reviews.

At verification we discovered that Toshiba understated its costs of production for constructed value sales during the period December 1, 1982 through November 30, 1983. We adjusted the date according to Toshiba's actual experience which we verified at the factory. In addition, there were several home market sales for which Toshiba refused to submit a response so we used the weighted-average margin of sales we analyzed as the best information available rate for assessment purposes

for the incomplete portions of the response for the period December 1, 1982 through November 30, 1983.

Toshiba did not respond to our questionnaire for the period December 1, 1983 through November 30, 1984. The assessment rate for that period and the cash deposit rate for Toshiba will be the most recent rate for the firm.

**Preliminary Results of the Review**

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist:

| Manufacturer/exporter | Time period | Margin (percent) |
|---|---|---|
| Toshiba Corporation | 4/82-11/82 | 6.95 |
| Do | 12/82-11/83 | 9.58 |
| Do | 12/83-11/84 | 9.58 |

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first work day thereafter. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for Toshiba.

For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after November 30, 1984 and who is unrelated to Toshiba or any other previously reviewed firm, a cash deposit of 6.95 percent shall be required on shipments of certain electric motors. This is in accordance with our practice of not using the most recently reviewed rate as a basis for a cash deposit for new shippers when we have based the most recent rate on best information available. These deposit requirements are effective for all shipments of certain Japanese electric motors entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this 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 § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Dated: January 6, 1987.

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary, Import Administration.*

[FR Doc. 87-604 Filed 1-9-87; 8:45 am]

BILLING CODE 3510-DS-M

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**[A-122-601]**

## Antidumping Duty Order; Brass Sheet and Strip From Canada

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** In separate investigations concerning brass sheet and strip from Canada, the United States Department of Commerce (the Department) and the United States International Trade Commission (the ITC) have determined that brass sheet and strip from Canada is being sold at less than fair value and that sales of brass sheet and strip from Canada are materially injuring a United States Industry. Therefore, based on these findings, all unliquidated entries, or warehouse withdrawals, for consumption of brass sheet and strip from Canada made on or after August 22, 1986, the date on which the Department published its "Preliminary Determination" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after January 12, 1987.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Steven Lim or Charles Wilson, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue N W., Washington, DC 20230; telephone (202) 377-5332 or 377-5288, respectively.

**SUPPLEMENTARY INFORMATION:** The merchandise covered by this order is brass sheet and strip, other than leaded brass and tin brass sheet and strip, currently provided for under the *Tariff Schedules of the United States Annotated*, (TSUSA) item numbers 612.3960, 621.3982, and 612.3986.

The chemical composition of the products under investigation is currently defined in the Copper Development Association (C.D.A.) 200 series or the Unified Numbering System (U.N.S.) C2000 series. Products whose chemical composition are defined by other C.D.A. or U.N.S. series are not covered by this investigation.

In accordance with section 733 of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673b), on August 22, 1986, the Department made its preliminary determination that there was reason to believe or suspect that brass sheet and strip from Canada were being sold at less that fair value (51 FR 30093, August 22, 1986). On December 9, 1986, the Department made its final determination that these imports were being sold at less than fair value (51 FR 44319, December 9, 1986).

On December 24, 1986, in accordance with section 735(d) of the Act (19 U.S.C. 1673(d)), the ITC notified the Department that such imports materially injure a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of brass sheet and strip from Canada. These antidumping duties will be assessed on all unliquidated entries of brass sheet and strip entered, or withdrawn from warehouse, for consumption on or after August 22, 1986, the date on which the Department published it "Preliminary Determination" notice in the **Federal Register**.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weight-average antidumping duty margins as noted below:

| Manufacturers/producers/exporters | Weighted-average margins (percent) |
|---|---|
| Arrowhead | 2.51 |
| Noranda | 11.54 |
| All other Manufactures/producers/exporters | 8.10 |

This determination constitutes an antidumping order with respect to brass

sheet and strip from Canada, pursuant to section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48). We have deleted from the Commerce Regulations Annex I of 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Imports Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Commerce Regulations (19 CFR 353.48).

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

January 5, 1987.

[FR Doc. 87-602 Filed 1-9-87; 8:45 am]

BILLING CODE 3510-DS-M

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[Docket No. 61239-6239]

## Antidumping and Countervailing Duty Proceedings; Proposed Change in Format of Federal Register Notices

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of withdrawal of proposed change.

**SUMMARY:** Based upon the extensive public comments received regarding the Department of Commerce's proposal to change the format of notices published in the **Federal Register** which announce decisions in antidumping and countervailing duty proceedings, the Department wishes to announce that it will not implement the proposal, even on a trial basis. The Department will continue to publish in the **Federal Register** the full text of its decisions in these proceedings.

**DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Gilbert B. Kaplan, Deputy Assistant Secretary for Import Administration, Room B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230; (202) 377-1780.

**SUPPLEMENTARY INFORMATION:** On June 27, 1986, the Department of Commerce published notice of a proposed change in format of **Federal Register** notices (51 FR 23453). The notice announced that the Department was considering instituting a new procedure whereby its decisions in antidumping and countervailing duty proceedings would be summarized in the **Federal Register**, and additional information would be provided to the parties to the proceedings and made available to the public. The notice provided for public comments until July 28, 1986, and stated that the Department proposed to institute the new procedure beginning August 1, 1986, on a trial basis.

On August 15, 1986, the Department published notice of extension of the public comment period and postponement of the trial implementation of the change (51 FR 29292). Because of the large number of public comments, we extended the comment period through August 25, 1986. We also stated that we were still considering whether to implement the change on a trial basis beginning on or after September 1, 1986.

We have given careful consideration to the comments that were submitted to the Department, and we have decided against implementing the change, even on a trail basis. The comments were overwhelmingly in opposition to the proposal, and indicated that detailed notices of decisions in antidumping and countervailing duty proceedings are of significant interest to parties, potential parties, and their legal and other representatives. It would pose a substantial burden to many if the full text of these decisions were not available in the **Federal Register**, and the number of persons that would obtain copies directly from the Department would be so great that cost savings would be minimal.

We will therefore continue to publish the entire text of notices of decisions in antidumping and countervailing duty proceedings in the **Federal Register**.

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary, for Import Administration.*

December 15, 1986.

[FR Doc. 87-607 Filed 1-9-87; 8:45 am]

BILLING CODE 3510-DS-M

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[C-489-603]

## Postponement of Preliminary Countervailing Duty Determination: Acetylsalicylic Acid (Aspirin) From Turkey

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** Based upon the request of petitioner, the Monsanto Company, the Department of Commerce is postponing its preliminary determination in the countervailing duty investigation of acetylsalicylic acid (aspirin) from Turkey. The preliminary determination will be made on or before February 23, 1987.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Bradford Ward or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-2239 or 377-2438.

**SUPPLEMENTARY INFORMATION:** On November 20, 1986, the Department initiated a countervailing duty investigation on acetylsalicylic acid (aspirin) from Turkey. In our notice of initiation we stated that we would issue our preliminary determination on or before January 23, 1987 (51 FR 43062, November 28, 1986).

On December 31, 1986, the petitioner requested by telephone that the preliminary determination in this investigation be postponed for 30 days, or no later than 115 days after the date on which the petition was filed. Petitioner filed a written request to this effect on January 2, 1987.

Section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), provides that the preliminary determination in a countervailing duty investigation may be postponed where the petitioner has made a timely request for such a postponement. Pursuant to this provision, and the request by petitioner in this investigation, the Department is postponing its preliminary determination to no later than February 23, 1987.

This notice is published pursuant to section 703(c)(2) of the Act.

**Gilbert B. Kaplan,**

*Deputy Assistant Secretary for Import Administration.*

January 6, 1987.

[FR Doc. 87-605 Filed 1-9-87; 8:45 am]

BILLING CODE 3510-DS-M

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[C-427-603]

## Final Affirmative Countervailing Duty Determination: Brass Sheet and Strip From France

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** We determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in France of brass sheet and strip. The estimated net subsidy is 7.24 percent *ad*

*valorem*. We have notified the U.S. International Trade Commission (ITC) of our determination.

Therefore, if the ITC determines that imports of brass sheet and strip from France materially injure, or threaten material injury to, a U.S. industry, we will direct the U.S. Customs Service to resume the suspension of liquidation of brass sheet and strip from France and to require a cash deposit on entries or withdrawals from warehouse, for consumption in an amount equal to 7.24 percent *ad valorem*.

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Mary Martin or Barbara Tillman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–2830 or (202) 377–2438.

**SUPPLEMENTARY INFORMATION:**

**Final Determination**

Based upon our investigation, we determine that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in France of brass sheet and strip.

For purposes of this investigation, the following programs are found to confer subsidies:

- Government Equity Infusions and Other Financial Assistance to Trefimetaux S.A. (Trefimetaux) through Pechiney S.A. (Pechiney).
- Certain Financing from Credit National

We determine the estimated net subsidy to be 7.24 percent *ad valorem* for all manufacturers, producers, or exporters of brass sheet and strip from France.

*Case History*

On March 10, 1986, we received a petition in proper form from American Brass, Bridgeport Brass Corporation, Chase Brass & Copper Company, Hussey Copper Ltd., the Miller Company, Olin Corporation-Brass Group, and Revere Copper Products, Inc., domestic manufacturers of brass sheet and strip, and the International Association of Machinists and Aerospace Workers, International Union, Allied Industrial Workers of America (AFL–CIO), Mechanics Educational Society of America (Local 56), and the United Steetworkers of America (AFL–CIO/CLC), filed on behalf of the U.S. industry producing brass sheet and strip. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that manufacturers, producers, or exporters in France of brass sheet and strip, directly or indirectly, receive subsidies within the meaning of section 701 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petition contained sufficient grounds upon which to initiate a countervailing duty investigation, and on March 31, 1986, we initiated such an investigation (51 FR 11778, April 7, 1986). We stated that we expected to issue a preliminary determination on or before June 3, 1986.

Since France is entitled to an injury determination under section 701(b) of the Act, the ITC is required to determine whether imports of the subject merchanise from France materially injure, or threaten material injury to, a U.S. industry. Therefore, we notified the ITC of our initiation. On April 24, 1986, the ITC determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from France of brass sheet and strip (51 FR 16235, May 1, 1986).

On April 9, 1986, we presented a questionnaire to the Government of France, in Washington, DC, concerning the petitioners' allegations, and we requested a response by May 9, 1986. On May 7, 1986, we received a letter from the French Embassy in Washington, DC, requesting an extension of ten days for the filing of the questionnaire responses. An extension until May 16, 1986, was granted by the Department. On May 19, 1986, we received responses to our questionnaire from Pechiney, Trefimetaux, and the Government of France. Additional information was supplied on May 22, 27, 29 and 30, 1986.

On the basis of the information contained in these responses, we made our preliminary determination on June 3, 1986 (51 FR 20867, June 9, 1986). Based upon the request of the petitioners, we extended the deadline dates for the final determinations in the countervailing duty investigations of brass sheet and strip from Brazil and France to correspond to the date of the final determinations in the antidumping duty investigations of the same products pursuant to section 705(a)(1) of the Act, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98–573) (51 FR 25379, July 14, 1986).

On September 16, 1986, Trefimetaux requested a postponement of the final antidumping duty determination until not later than January 5, 1987. After the antidumping duty determination was postponed on November 3, 1986, we extended the deadline date for the final countervailing duty determination to correspond with the date of the extended final determination deadline in the antidumping duty investigation of the same products from France (51 FR 40843, November 10, 1986).

Article 5, paragraph 3 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the subsidies Code), prohibits provisional measures (i.e., suspension of liquidation) for more than four months in the absence of a final determination of subsidization and injury. Therefore, on October 7, 1986, we terminated the suspension of liquidation ordered in our preliminary determination.

The government's response stated that Griset S.A. (Griset) had exported one small shipment of brass strip to the United States in 1985, but that it had no intention of exporting the products to the United States in the future. Griset requested that it be allowed not to respond to the questionnaire and that it be excluded from any countervailing duty order that the Department might publish. Griset's application for exclusion was not timely because it was not made within 30 days after publication of the notice of initiation of the countervailing duty investigation (see 19 CFR 355.38). Moreover, Griset did not state that it had not participated in the programs under investigation. Therefore, we have not excluded Griset from this investigation.

From June 30 to July 10, 1986, we verified the information submitted by the Government of France, Pechiney, and Trefimetaux. We afforded interested parties an opportunity to present views orally in accordance with our regulations (19 CFR 355.35). Pechiney and Trfimetaux made a timely request for a public hearing, but subsequently withdrew their request. Accordingly, no public hearing was held. We received case briefs from respondents on September 17 and 24, 1986, and from petitioners on September 24, 1986. On October 3, 1986, we received rebuttal briefs.

*Scope of Investigation*

The products covered by this investigation are brass sheet and strip other than leaded brass and tin brass sheet and strip, currently classified under the *Tariff Schedules of the United States Annotated (TSUSA)* item numbers 612.3960, 612.3982, and 612.3986. The chemical compositions of the products under investigation are

currently defined in the Copper Development Association (C.D.A.) 200 series or the Unified Numbering Systems (U.N.S.) C20000 series. Products whose chemical compositions are defined by other C.D.A. or U.N.S. series are not covered by this investigation.

*Analysis of Programs*

Throughout this notice, we refer to certain general principles applied to the facts of the current investigation. These general principles are described in the "Subsidies Appendix" attached to the notice of *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina: Final Affirmative Countervialing Duty Determination and Countervailing Duty Order* (49 FR 18006, April 26, 1984).

For purposes of this final determination, the period for which we are measuring subsidies ("the review period") is calendar year 1985, which corresponds to the last complete fiscal year of both Peachiney and Trefimetaux.

Petitioners alleged that Trefimetaux has been both unequityworthy and uncreditworthy since 1981. We address this issue in section I.A. of this notice.

Based upon our analysis of the petition and the responses to our questionnaire submitted by the Government of France, Pechiney and Trefimetaux, our verification and written comments submitted by interested parties, we determine the following:

**I. Programs Determined to Confer Subsidies**

We determine that subsidies are being provided to manufacturers, producers, or exporters in France of brass sheet and strip under the following programs:

*A. Government Equity Infusion and Other Financial Assistance to Trefimetaux*

Trefimetaux, the producer and exporter of brass sheet and strip, is a subsidiary of Pechiney, which has been owned by the French government since it was nationalized by Frency Law No. 82–155 of February 11, 1982. During 1985, the French government owned 85 percent of the voting shares of Pechiney. Societe Francaise de Participations Industrielles, a nationalized company, owned all the remaining voting shares with the exception that each of the members of Pechiney's board owned one share ot that company's stock.

Pechiney is a holding company that does not produce any goods itself. Pechiney has numerous subsidiaries, and the subsidiaries' expertise is concentrated in the area of non-ferrous metal manufacturing. Pechiney owns virtually all the stock of Trefimetaux.

The Government of France provided funds to Pechiney during 1982–1985 in the form of direct equity investment, conversion of debt into equity, and subordinated shareholder investments. These subordinated shareholder investments, which were treated by the company as equity for financial analysis purposes, have a yearly return based on the company's yearly cash flow and gross income and a fixed percentage component.

Although the French government made no direct equity investments in Trefimetaux, Pechiney provided equity infusions and other financial assisance to Trefimetaux. As discussed in detail below, we have concluded that Trefimetaux was neither equityworthy nor creditworthy during this period. This raises the question of whether Pechiney's transfer of funds to Trefimetaux during the same period that Pechiney was receiving funds from the French government should properly be viewed as transfers of funds from the French government to Trefimetaux. We have concluded that this is the appropriate characterization of these transactions.

As noted above and discussed below, Trefimetaux was neither equityworthy nor creditworthy during this period. Accordingly, Trefimetaux could not have raised funds from commercial sources. Pechiney's infusion of funds into Trefimetaux makes sense only when viewed in connection with the fact that the French government made funds available to Pechiney during the relevant period that substantially exceeded the amounts Pechiney transferred to Trefimetaux. Furthermore, since Pechiney was merely a holding company, these funds, for the most part, benefitted its subsidiaries. Therefore, we consider the funds that Trefimetaux received from Pechiney to be provided by the French government.

1. Equity Infusions

During 1983–1985, Pechiney made equity infusions into Trefimetaux in the form of conversion of debt, stock purchases and subordinated shareholder investments, which were made without provisions for repayment or the payment of interest.

We have consistently held that government provision of equity does not *per se* confer a subsidy. Government equity infusions bestow countervailable benefits only when provided on terms inconsistent with commercial considerations. When there is no market-determined price for equity, it is necessary to determine whether equity purchases in the company are reasonable commercial investments. Trefimetaux's voting shares are not publicly traded, and there are no market-determined prices for its shares.

We reviewed Trefimetaux's financial statements from 1976 to 1985, analyzing its financial results and evaluating this information from the viewpoint of an investor. This review included analysis of the following ratios:

- Rate of return on sales and equity,
- Gross margin to sales,
- Financial expenses to sales,
- Cash flow to debt service payment,
- Current ratio, and
- Debt to equity.

Based on these factors, we determine Trefimetaux to be unequityworthy between 1983–1985. Consequently, the action of the government, through Pechiney, in taking an equity position in the company in those years is inconsistent with commercial considerations and confers a subsidy.

To calculate the benefit during the review period, we compared Trefimetaux's rate of return on equity with the average rate of return in France for 1985. We used as best information available for the rate of return on equity in France, figures developed from U.S. Direct Investment Abroad as published in *Survey of Current Business*.

During the review period, Trefimetaux's losses were large, resulting in negative returns on equity. Comparing the national average returns with Trefimetaux's large negative returns yielded benefits exceeding the amounts we would have calculated for each year of the review period had we treated the equity infusions as outright grants rather than as equity. Under no circumstances do we countervail in any year an amount greater than what we would have countervailed had we treated the government's equity infusion as an outright grant. Therefore, we have capped the subsidy for each year at the level that would have resulted if we had treated the equity infusions as grants. We divided the benefit from this program by Trefimetaux's total sales in 1985 to calculate an estimated net subsidy of 5.50 percent *ad valorem*.

2. Loans on Terms Inconsistent With Commercial Considerations

Petitioners alleged that Trefimetaux had received loans on terms inconsistent with commercial considerations and that Trefimetaux was uncreditworthy since at least 1981. During the period 1982–1985, Pechiney provided loans to Trefimetaux. For the reasons discussed in section I.A., we conclude that these loans came from funds provided by the Government of France. We have no information

indicating that such loans are available to any other company in France.

To determine the creditworthiness of Trefimetaux, we analyzed its present and past health, as reflected in various financial indicators calculated from its financial statements. Trefimetaux's inability to meet its costs and financial obligations from its cash flow, its consistent pattern of losses, and its deteriorating capital structure led us to determine the company was uncreditworthy during the period 1982–1985.

To determine whether the loans to Trefimetaux from Pechiney were on terms inconsistent with commercial considerations, we applied the loan methodology for uncreditworthy companies described in the Subsidies Appendix. We treated all loans with variable interest rates as short-term loans and compared the principal and interest a company would pay on short-term loans given at the benchmark rate in any given year with amounts actually repaid in that year under these loans.

For the benchmark rates, we used the "taux de base bancaire" (TBB), plus the maximum premium and other charges, plus the risk premium as explained in the Subsidies Appendix. The TBB is the rate used in France by banks for loans to corporations. Since the interest rates charged by Pechiney are less than the benchmark rates, we determine that these loans are inconsistent with commercial considerations. We allocated the benefits from these loans over Trefimetaux's total sales in 1985 and calculated an estimated net subsidy of 0.44 percent *ad valorem*.

3. Government Grants

During 1983, Pechiney provided Trefimetaux with a short-term advance. This debt and another loan provided in 1980 were subsequently written off in 1983. We verified that these funds were treated as grants in Trefimetaux's accounts. For the reasons discussed in section I.A., we conclude that the grants came from funds provided by the French government. We have no information indicating that such grants are available to any other company in France, nor do we have reason to believe that the grants were tied to exports. Therefore, we are considering the grants to be domestic subsidies.

To calculate the benefits attributable to these grants, we used our grant methodology and allocated the grant amounts over 14 years (the average useful life of renewable physical assets for the manufacture of primary nonferrous metals) using the weighted-average cost of capital for Trefimetaux in 1983 as the discount rate. We divided the benefits provided by the grants by the value of Trefimetaux's 1985 sales to arrive at an estimated net subsidy of 1.11 percent *ad valorem*.

*B. Certain Financing from Credit National*

Trefimetaux received financing from Credit National during the period 1976–1985. Credit National is a major financial institution, and it has a special legal status. Although Credit National is not nationalized, the General Manager is nominated by the President of France, and the government is at least indirectly represented by a majority of its board of directors. Credit National undertakes special operations for the government. These include extending "special procedures loans" on behalf of the government and performing certain advisory and management functions on projects designated by the government, its agencies and authorities. At the beginning of the year, the Government of France notifies Credit National of how many special loans it can grant, and the government provides funds to make up the difference between the ordinary and the special loan rates. Thus, while Credit National is not a government institution, it does maintain a variety of official, semi-official and indirect ties with the Government of France.

While some of the loans made by Credit National are of a "special" nature (i.e., at interest rates set by the government and made in conjunction with medium-term credits which may be rediscounted), "ordinary" loans are also extended on commercial terms, with interest rates similar to those of commercial banks in France. In the *Final Affirmative Countervailing Duty Determination: Industrial Nitrocellulose from France* (48 FR 11971, March 22, 1983) we found the "ordinary" loans to be made on commercial terms and hence not countervailable. We found that the nature of these "ordinary" loans has not changed since the time of our previous investigation.

We verified that Trefimetaux received both "ordinary" and "special" loans from Credit National. During 1985, Trefimetaux received a loan on terms inconsistent with commercial considerations under the special refinancing program for the modernization of production facilities, as well as an "ordinary" loan at commercial rates. Because no interest was due on the special refinancing loan in 1985, we determine that no benefits were conferred by this loan during the review period.

While some of Trefimetaux's special loans were for products not subject to this investigation, one loan was specifically related to brass sheet and strip. This "special" loan included an interest reduction contingent upon increasing exports of certain products including brass sheet and strip. Because the "special" Credit National loan for the products under investigation is at a preferential interest rate that is specifically linked to a target level of exports, we determine that it is an export subsidy within the meaning of the countervailing duty law.

We calculated the benefits conferred by this loan in accordance with our long-term loan methodology as contained in the Subsidies Appendix. We divided the benefit provided by the loan by the value of Trefimetaux's 1985 exports of brass sheet and strip to arrive at an estimated net subsidy of 0.19 percent *ad valorem*.

**II. Programs Determined Not To Confer Subsidies**

We determine that subsidies are not being provided to manufacturers, producers or exporters in France of brass sheet and strip under the following programs:

*A. Fonds National de l'Emploi (FNE)*

The FNE was established in 1963 to provide vocational training programs and early retirement allowances to workers confronted with industrial changes brought about by economic development. The FNE provides benefits to individuals and groups dismissed from employment because of technological evolution or by adverse economic conditions. These benefits consist of training agreements for wage-earners eligible for retraining and allowance agreements for older wage-earners who are not likely to be reemployed. The allowance agreements involve employees between the ages of 55 and 60 who choose early retirement and then receive their unemployment allowance from the FNE until they reach the retirement age of 60. The special allowance funds are obtained entirely from dues paid by employers and employees. Trefimetaux participated in the FNE programs.

Because we verified that the FNE programs are not limited to a specific enterprise or industry, or group of enterprises or industries, we determine that the program is not countervailable. As part of its labor negotiations, Trefimetaux also entered into collective agreements with the labor unions which provided training programs and severance pay to certain employees in amounts that exceeded the amounts the company would have otherwise been

legally required to pay. At verification we saw no evidence that the government provided assistance to Trefimetaux to relieve it of any of these labor-related obligations.

*B. Loans from Nationalized Banks*

After the preliminary determination, petitioners alleged that the loans that Trefimetaux received from nationalized banks constituted subsidies.

We verified that Trefimetaux received the loans from nationalized banks at rates comparable to other similarly situated companies in France. We also verified that loans from these banks are not limited to a specific enterprise or industry or group of enterprises or industries. Therefore, we find that such loans do not provide a countervailable benefit to Trefimetaux.

**III. Programs Determined Not to be Used**

Based on our verification of the responses of the Government of France and Pechiney and Trefimetaux, we determined that manufacturers, producers or exporters in France of brass sheet and strip did not use the following programs, which were listed in our notice of initiation:

*A. Preferential Electricity Rates for Trefimetaux*

Pechiney, on behalf of several subsidiaries, entered into agreements with Electricite de France to provide electricity. However, according to Trefimetaux's response and verified information, Trefimetaux did not receive electricity under any agreement providing preferential rates. We verified that Trefimetaux purchased electricity from Electricite de France at rates established in published tariffs, based on the level of consumption.

*B. Regional Development Incentives*

The Government of France provides a series of tax and non-tax regional incentives to French and foreign businesses to establish new, or to expand existing, businesses in certain French regions where the government wishes to promote additional development. The Delegation a l'Amenagement du Territoire et a l'Action Regionale (DATAR) coordinates the programs of various government agencies and ministries. We verified that Trefimetaux did not receive any benefits through DATAR for the products under investigation.

*C. Export Credit Insurance for Political, Exchange Rate Fluctuation and Inflation Risks*

The Companies Francaise d'Assurance pour le Commerce Exterieur (COFACE) is a government corporation that provides export insurance to cover commercial, political, exchange rate fluctuation and inflation risks. We have previously determined that COFACE export insurance does not confer a subsidy with respect to the commercial risk program. See *Final Affirmative Countervailing Duty Determination: Carbon Steel Wire Rod from France* (47 FR 42422 at 42427, September 27, 1982). We verified that COFACE does not insure Trefimetaux for political, exchange rate fluctuation, or inflation risk on its sales to the United States.

*D. Export Financing*

In France, exports may be financed of guaranteed throught the Banque Francaise du Commerce Exterieur ((BFCE), and French companies may receive financing from Companies pour le Financement du Stock a l'Etranger (COFISE) for the transfer abroad of their inventories of capital goods. Trefimetaux's response stated and we verified that it had no export financing under these programs outstanding during the review period.

**Petitioners' Comments**

*Comment 1:* Petitioners concur with the Department's conclusion in the preliminary determination that government equity infusions and other financial assistance to Trefimetaux through Pechiney constitute countervailable subsidies to Trefimetaux. Petitioners contend that the subsidies to Trefimetaux were both provided by government action and were also required by government action. Because Pechiney is a nationalized company, Pechiney's provisions of fund to Trefimetaux should be considered as funds provided by government action. The Government of France stated in its questionnaire response that: "The Government of France adopted a selective policy of recapitalization . . . [focusing on] Pechiney's traditional areas of expertise . . . including copper products. . . ." This shows that Pechiney's provision of funds to Trefimetaux was required by government action.

*DOC Postion:* We agree that Pechiney's provisions of funds to Trefimetaux should be considered as funds provided by the French government. We note, however, that we have not been able to find any concrete evidence that the French government explicitly directed Pechiney to invest in Trefimetaux. Instead, we found that without the funds provided by the French government to Pechiney, Trefimetaux, as an unequityworthy company, would not have had certain financial assistance available to it. Therefore, although it was not the initial recipient of government funds, Trefimetaux was the beneficiary of these funds.

*Comment 2:* Petitioners contend that Trefimetaux received an additional countervailable benefit in 1983 when Pechiney wrote off the balance of a loan provided in an earlier year.

*DOC Position:* We agree. We verified that Pechiney forgave the loan in 1983, and we have calculated the benefit from it along with the other grant Trefimetaux received in the same year.

*Comment 3:* Petitioners maintain that Trefimetaux is a separate, subsidiary company owned by Pechiney and not a division of Pechiney. Information submitted by Trefimetaux in the companion antidumping investigation directly contradicts Trefimetaux's claim that it is merely a division of Pechiney.

*DOC Position:* We agree. We verified that Trefimetaux is an independent company that maintains its own audited financial records and has its own related companies and subsidiary corporations separate from Pechiney. In addition, Trefimetaux negotiates for and obtains all of its short-term loans, and Credit National and other long-term loans are made directly to Trefimetaux.

*Comment 4:* Petitioners allege that treatment of government funds passed through Pechiney to Trefimetaux as a subsidy is consistent with U.S. law and with its underlying legislative history.

*DOC Position:* We agree. Congress made clear that if a government is providing benefits to a specific enterprise or industry or group thereof, either "directly or indirectly," with respect to the production of the relevant merchandise, then the program is countervailable. The reference in the law to indirect subsidies clearly encompasses a situation like this where government monies are channeled through a nationalized holding company to a subsidiary company. To allow a government to pass money to a subsidiary through a holding company, which has not been alleged to be uncreditworthy or unequityworthy, would permit our countervailing duty law to be circumvented. Such a rule in this case would allow the French government to subsidize unfairly Trefimetaux's brass sheet and strip.

Comment 5: Petitioners maintain that investments by the Government of France in Trefimetaux were inconsistent with commercial considerations. Because Trefimetaux is the recipient and beneficiary of the government

funds. Pechiney's financial status is irrelevant to this investigation.

*DOC Position:* We agree. See our discussion in section I.A. of this notice explaining the basis for our determination that Trefimetaux was unequityworthy and uncreditworthy during the years funds were provided by the Government of France.

*Comment 6:* Petitioners allege that the loans Trefimetaux received from nationalized banks also constituted subsidies. Trefimetaux, as an uncreditworthy entity, could never on its own obtain the significant loans and the low rates of interest that it has obatined from various financial institutions. The only reason Trefimetaux has obtained these loans is because Pechiney has either: (1) Directly borrowed the funds and funneled the monies down to Trefimetaux, or (2) served as a guarantor of the loans to Trefimetaux. To the extent any of these loans from nationalized banks were provided to Trefimetaux directly and without Pechiney's guarantee, these loans should be seen as separate government subsidies to Trefimetaux.

*DOC Position:* We verified that the loans from the nationalized banks were provided directly to Trefimetaux, and Pechiney did not serve as an explicit guarantor on these loans. In addition these loans to Trefimetaux from nationalized French banks were not given at the direction of the French government or at rates set by the French government. Since loans at similar rates are available to other companies in France, we find that the granting of such loans is not limited to a specific enterprise or industry or group of enterprises or industries and does not provide a countervailable benefit to Trefimetaux.

**Respondents' Comments**

*Comment 1:* Respondents contend that Pechiney is not "under the direction of the French [government]." Pechiney currently is, and has always been, a purely commercial entity, and not a political arm or agent of the French government.

*DOC Position:* Since February 1982, when Pechiney was nationalized, the French Government has appointed Pechiney's president, and one-third of Pechiney's Board of Directors are government officials. However, even though the French government undoubtedly has a great deal of influence on Pechiney's management, government direction is not the primary factor in our decision in this case. More important in this case is the government provision of funds rather than the government's direction in how the funds should be used.

*Comment 2:* Respondents argue that, unlike Pechiney, the government-owned entities whose funding the Department has countervailed in the past have been significantly political in nature, with close ties to, and closely coordinated policies with, the government.

*DOC Position:* We disagree that Pechiney does not have close ties to, and closely coordinated policies with, the government. See our response to Respondents' Comment 1. In addition, we verified that Pechiney, like the parent companies in *Certain Carbon Steel Products from Austria, Final Affirmative Countervailing Duty Determination* (50 FR 33369, August 19, 1985); *Certain Carbon Steel Products from Brazil, Final Affirmative Countervailing Duty Determination* (49 FR 17988, April 26, 1984); and *Certain Steel Products from Italy, Final Affirmative Countervailing Duty Determinations* (47 FR 39356, September 7, 1982), is merely a holding company; it is its subsidiaries that produce goods. The fact that Pechiney's origins were as a private entity rather than as a public or government entity is irrelevant.

*Comment 3:* Respondents argue that if an entity is not an agent of the State, as Pechiney is not, then any funds must be traceable as subsidies from the government in order to be countervailable. The Department clearly imposed a threshold requirement that funds received from the government be legally countervailable in order to support a determination that a subsequent reinvestment of these funds is countervailable in *Fuel Ethanol from Brazil; Final Affirmative Countervailing Duty Determination* (51 FR 3361, January 27, 1986). In that case, the Department was requested to examine equity infusions from the predominantly state-owned conglomerate Petroleos do Brasil, S.A. (PETROBRAS) to its wholly-owned subsidiary, INTERBRAS. The Department applied a two-prong test to determine whether or not these equity infusions could be considered subsidies. First, PETROBRAS had to have received countervailable subsidies from the Brazilian government. Second, any infusions made into INTERBRAS by PETROBRAS had to have been inconsistent with commercial considerations. If the Department applies this same test to the facts of this case, it will find that the funds to Pechiney from the French government did not constitute a subsidy. Therefore, there was no subsidy that Pechiney could pass on to Trefimetaux.

*DOC Position:* In *Ethanol*, petitioners alleged that equity infusions and loans to PETROBRAS conferred a benefit on ethanol. Unlike the present situation, PETROBRAS was involved in the distribution of ethanol in the domestic market and its subsidiary, INTERBRAS, exported the merchandise under investigation. The Department found that investments by PETROBRAS into INTERBRAS were not inconsistent with commercial considerations.

In this case, however, we have determined that investment in Trefimetaux is inconsistent with commercial considerations. Therefore, we have examined whether the French government's equity infusions into Pechiney are a potential source of subsidy funds for Trefimetaux.

As explained in section I.A., we have determined that these funds are the only funds from which Trefimetaux, as an unequityworthy company, can draw to support its operations. Under these circumstances, and particularly since Pechiney is merely a holding company, owned by the government and directed by a board consisting of one-third government officials, we consider Pechiney to be simply a conduit through which the French government provides equity funds to Trefimetaux.

*Comment 4:* Respondents argue that none of Pechiney's investment decisions have been directed by the government shareholder and that there is no evidence that the government directed Pechiney to make specific investments anywhere in the Pechiney Group.

*DOC Position:* Whether or not the government provided explicit instructions on their use, it still provided equity funds that were used by Trefimetaux. See our discussion in section I.A. of this notice and our response to Respondents' Comment 1.

*Comment 5:* Respondents contend that the Government of France invested in Pechiney, not Trefimetaux, and did so on terms consistent with commercial considerations. The French government's investment in Pechiney was the only money at issue "provided or required" by the government to a specific enterprise or industry. Consequently, the commercial reasonableness of such investment must, by law, be judged with reference to the health of Pechiney, not the health of any individual activity taken in isolation.

*DOC Position:* The equityworthiness and creditworthiness of Pechiney are not at issue in this case. We determined that the transfer of money from Pechiney to Trefimetaux constituted a receipt of money by Trefimetaux indirectly from the French government.

*Comment 6:* Respondents contend that Pechiney and Trefimetaux are a single commercial entity; the intracompany transactions between them are irrelevant under the statute. Internal company investment decisions cannot be meaningfully or fairly judged by the "commercial considerations" test provided by the statute. The legal form of a company's activity does not by itself change this analysis.

In the Department's investigation of *Ethanol*, the petitioners alleged three levels of equity infusions inconsistent with commercial considerations. On the first level, they alleged that government equity infusions into the predominantly state-owned energy conglomerate, PETROBRAS, were inconsistent with commercial considerations and were, therefore, subsidies. On the second level, the same allegation was made concerning PETROBRAS' equity infusions into its wholly-owned subsidiary, INTERBRAS. Finally, the same allegation was made concerning INTERBRAS' equity infusion into INTERNOR, INTERBRAS' wholly-owned trading company in the United States. The Department supported its decision not to examine the funding of INTERNOR, which was a separately incorporated entity, on the basis that INTERNOR was merely an extension of INTERBRAS' activities.

*DOC Position:* Pechiney is a holding company, while Trefimetaux is an independent subsidiary, with subsidiaries of its, own, that produces and sells fabricated copper products. They are not a single commercial entity. In contrast, INTERNOR in *Ethanol* was a selling arm of INTERBRAS, and it was not considered to be separate corporate entity.

*Comment 7:* Respondents argue that if the Departmernt erroneously concludes that Pechiney's investments in Trefimetaux constitute a countervailable "pass-through" of subsidies from the French government, then the funding should be limited to the percentage of funds provided by the French government that was available to Pechiney for investment in its activities in each of the years 1982–1985. Because Pechiney had investment funds available from operating profits, bank loans, stock earnings, sales of assets, and other normal commercial sources available to any business, it is inappropriate to assume that 100 percent of Trefimetaux's financial support came from government sources.

*DOC Position:* We disagree. During verification we were not able to obtain documentation used by the French government and Pechiney in connection with the equity infusions that would have indicated if any set amounts were earmarked for Trefimetaux. However, because Trefimetaux was unequitworthy and uncredityworthy during the period 1982–1985, no reasonable investor would have provided funding to Trefimetaux. Therefore, it is not reasonable to assume, without supporting documentation, that Pechiney would have transferred profits from its other subsidiaries to Trefimetaux in light of its financial health. Moreover, the funds provided to Pechiney by the French government more than exceeded the amounts transferred to Trefimetaux by Pechiney.

*Comment 8:* Respondents argue that, contrary to the claims of petitioners, there is nothing commercially inconsistent about Pechiney's investments in Trefimetaux, either before or after nationalization. Financial and commercial data submitted by respondents show that Trefimetaux's favorable commercial prospects more than justified the commitment of Pechiney funds to copper production.

*DOC Position:* We disagree. See section I.A. of this notice for a discussion of why we determine Trefimetaux is unequityworthy.

*Verification:* In accordance with section 776b(a) of the Act, we verified the information and data used in making our final determination. During verification we followed normal verification procedures, including meetings with government officials and inspection of documents, as well as on-site inspection of the accounting records of Pechiney and Trefimetaux.

*Suspension of Liquidation:* In accordance with our preliminary countervailing duty determination, published on June 9, 1986, we directed the U.S. Customs Service to suspend liquidation on the products under investigation and to require a cash deposit or bond equal to the estimated net subsidy. This final countervailing duty determination was extended to coincide with the final antidumping determination on the same products from France, pursuant to section 606 of the Trade and Tariff Act of 1984 (section 705(a)(1) of the Act). However, we cannot impose a suspension of liquidation on the subject merchandise for more than 120 days without the issuance of a final affirmative determination of subsidization and injury. Therefore, on October 7, 1986, we instructed the U.S. Customs Service to terminate the suspension of liquidation on the subject merchandise entered on or after October 7, 1986, but to continue the suspension of liquidation of all entries, or withdrawals from warehouse for consumption of the subject merchandise entered between June 9, 1986, and October 6, 1986. We will reinstate suspension of liquidation if the ITC issues a final affirmative injury determination and require a cash deposit on all entries of the subject merchandise in an amount equal to 7.24 percent *ad valorem*.

**ITC Notification**

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

If the ITC determines that material injury, or the threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, we will issue a countervailing duty order directing the Customs officers to assess countervailing duties on all entries of brass sheet and strip from France entered, or withdrawn from warehouse, for consumption, as described in the "Suspension of Liquidation" section of this notice.

This notice is published pursuant to section 705(d) of the Act (19 U.S.C. 1671(d)).

**Paul Freedenberg,**

*Assistant Secretary for Trade Administration.*

January 5, 1987.

[FR Doc. 87–606 Filed 1–9–87; 8:45 am]

BILLING CODE 3510-DS-M

## National Oceanic and Atmospheric Administration

## Pacific Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service.

The Pacific Fishery Management Council's (Council) Performance Select Group will meet January 12–13, 1987 in Room 330 at the Metro Center, 2000 S.W. First Avenue, Portland, OR, beginning at 1 p.m on the 12th.

The purpose of the meeting is for the Council Performance Select Group to continue its evaluation of the Council's

performance in carrying out mandates with respect to the Magnuson Fishery Conservation and Management Act and the Council's comprehensive management goals. This meeting is the second in a series of meetings which will result in a report to the Council in March 1987.

For further information, contact Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 221–6352.

Dated: January 7, 1987.

**Richard B. Roe,**

*Director, Office of Fisheries Management, National Marine Fisheries Service.*

[FR Doc. 87–509 Filed 1–9–87; 8:45 am]

BILLING CODE 3510–22–M

## Permits; Foreign Fishing

This document publishes for public review a summary of applications received by the Secretary of State requesting permits for foreign vessels to fish in the exclusive economic zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act, 16 U.S.C. 1801 *et seq.*)

Send comments on applications to:

Fees, Permits and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, DC 20235

or, send comments to the Fishery Management Council(s) which review the application(s), as specified below:

Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01906, 617/231–0422

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building Room 2115, 320 South New Street, Dover, DE 19901, 302/674–2331

Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407, 803/571–4366

Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, Banco De Ponce Building, Suite 1108, Hato Rey, PR 00918, 809/753–4926

Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Blvd., Tampa, FL 33609, 813/228–2815

Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, Metro Building, Suite 420, 2000 S.W. First Avenue, Portland, OR 97201, 503/221–6352

Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907/274–4563

Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1405, Honolulu, HI 96813, 808/523–1368

For further information contact John D. Kelly or Shirley Whitted (Fees, Permits, and Regulations Division, 202–673–5319).

The Magnuson Act requires the Secretary of State to publish a notice of receipt of all applications for such permits summarizing the contents of the applications in the **Federal Register.** The National Marine Fisheries Service, under the authority granted in a memorandum of understanding with the Department of State effective November 29, 1983, issues the notice on behalf of the Secretary of State.

Individual vessel applications for fishing in 1987 have been received from the Governments shown below.

Dated: January 6, 1987.

**Richard B. Roe,**

*Director, Office of Fisheries Management, National Marine Fisheries Service.*

Fishery codes and designation of Regional Fishery Management Councils which review applications for individual fisheries are as follows:

| Code and fishery | Regional fishery management councils |
|---|---|
| ABS Atlantic Billfishes and Sharks | New England, Mid Atlantic, South Atlantic, Gulf of Mexico, Caribbean |
| BSA Bering Sea and Aleutian Islands Groundfish | North Pacific |
| GOA Gulf of Alaska | North Pacific |
| NWA Northwest Atlantic Ocean | New England, Mid-Atlantic |
| SNA Snails (Bering Sea) | North Pacific |
| WOC Pacific Groundfish (Washington, Oregon and California) | Pacific |
| PBS Pacific Billfishes and Sharks | Western Pacific |

Activity codes which specify categories of fishing operations applied for are as follows:

| Activity code | Fishing operations |
|---|---|
| 1 | Catching, processing and other support |
| 2 | Processing and other support only |
| 3 | Other support only |
| (1) | Vessel(s) in support of U.S. vessels (Joint Venture) |
| (2) | Cargo transport vessels with fish finding equipment on board will receive an activity code 2 to enable them to perform both scouting as well as support activities. |

| Vessel name and type | Application No. | Fishery and activity |
|---|---|---|
| **Government of the Peoples' Republic of China** | | |
| *Geng Hai*, Large Stern Trawler | CH–87–0001 | BSA,[1] 1; GOA [1] 2 |
| *Kai Chuang*, Large Stern Trawler | CH–87–0003 | BSA,[1] 1; GOA[1] 2 |
| *Yan Yuan 1*, Large Stern Trawler | CH–87–0002 | BSA,[1] 1; GOA [1] 2 |
| **Government of Denmark** | | |
| *Ice Pearl*, Cargo/Transport Vessel | DA–87–0009 | NWA 3 |
| **Government of Japan** | | |
| *Akashi Maru No. 12*, Pair Trawler | JA–87–1531 | BSA, 1; GOA 2 |
| *Akashi Maru No. 63*, Pair Trawler | JA–87–0166 | BSA,[1] 1; GOA 2 |
| *Akashi Maru No. 65*, Pair Trawler | JA–87–0167 | BSA,[1] 1; GOA [1] 2 |
| *Anyo Maru No. 21*, Longline Fishing Vessel | JA–87–0621 | BSA, 1; GOA 2 |
| *Anyo Maru No. 22*, Longline Fishing Vessel | JA–87–0622 | BSA, 1; GOA 2 |
| *Choyo Maru No. 81*, Longline Fishing Vessel | JA–87–0615 | BSA, 1; GOA 2 |
| *Dairyo Maru*, Cargo/Transport Vessel | JA–87–1002 | BSA,GOA,NWA 2 |
| *Ebisu Maru No. 88*, Longline Fishing Vessel | JA–87–0118 | BSA, 1; GOA 2 |
| *Eikyu Maru No. 12*, Longline Fishing Vessel | JA–87–0124 | BSA, 1; GOA 2 |

| Vessel name and type | Application No. | Fishery and activity |
|---|---|---|
| *Fukuyoshi Maru No. 8,* Longline Fishing Vessel | JA-87-0624 | BSA, 1; GOA 2 |
| *Fukuyoshi Maru No. 85,* Longline Fishing Vessel | JA-87-0603 | BSA, 1; GOA 2 |
| *Habomai Maru No. 88,* Longliner | JA-87-0159 | ABS 1 |
| *Hatsue Maru No. 68,* Longline Fishing Vessel | JA-87-0562 | BSA, 1; GOA 2 |
| *Jinkyu Maru No. 21,* Longliner | JA-87-0191 | ABS 1 |
| *Kiyo Maru No. 55,* Longline Fishing Vessel | JA-87-0602 | BSA, 1; GOA 2 |
| *Koei Maru No. 56,* Longline Fishing Vessel | JA-87-0618 | BSA, 1; GOA 2 |
| *Koei Maru No. 10,* Longliner | JA-87-0149 | BSA, 1; GOA 2 |
| *Koei Maru No. 8,* Longliner | JA-87-0188 | ABS 1 |
| *Koryo Maru No. 15,* Longline Fishing Vessel | JA-87-1469 | ABS 1 |
| *Koryo Maru No. 32,* Longliner | JA-87-0189 | ABS 1 |
| *Koryo Maru No. 6,* Longliner | JA-87-1241 | ABS 1 |
| *Koshin Maru No. 21,* Medium Stern Trawler | JA-87-0525 | BSA 1 |
| *Matsuei Maru No. 88,* Longline Fishing Vessel | JA-87-0609 | BSA, 1; GOA 2 |
| *Mito Maru No. 82,* Longline Fishing Vessel | JA-87-0611 | BSA, 1; GOA 2 |
| *Ryuho Maru No. 38,* Longline Fishing Vessel | JA-87-0557 | BSA, 1; GOA 2 |
| *Ryusho Maru No. 15,* Longliner | JA-87-0619 | BSA, 1; GOA 2 |
| *Ryusho Maru No. 18,* Longline Fishing Vessel | JA-87-0620 | BSA, 1; GOA 2 |
| *Shinko Maru No. 11,* Longline Fishing Vessel | JA-87-0119 | BSA, 1; GOA 2 |
| *Shinmei Maru No. 78,* Longline Fishing Vessel | JA-87-1569 | ABS 1 |
| *Shintoku Maru No. 25,* Longline Fishing Vessel | JA-87-0613 | BSA, 1; GOA 2 |
| *Shoei Maru No. 1,* Longline Fishing Vessel | JA-87-1570 | ABS 1 |
| *Sumi Maru No. 15,* Longliner | JA-87-1329 | ABS 1 |
| *Sumi Maru No. 18,* Longline Fishing Vessel | JA-87-1491 | ABS 1 |
| *Sumiyoshi Maru No. 53,* Longline Fishing Vessel | JA-87-0608 | BSA, 1; GOA 2 |
| *Tenyu Maru No. 37,* Longline Fishing Vessel | JA-87-0616 | BSA, 1; GOA 2 |
| *Tomi Maru No. 88,* Longline Fishing Vessel | JA-87-0612 | BSA, 1; GOA 2 |
| *Tsune Maru No. 31,* Longline Fishing Vessel | JA-87-0601 | BSA, 1; GOA 2 |
| Government of the Republic of Korea | | |
| *No. 53 Oryong,* Longline Fishing Vessel | KS-87-3081 | PBS 1 |
| *No. 81 Oryong,* Longline Fishing Vessel | KS-87-3011 | PBS 1 |
| *No. 71 Oryong,* Longline Fishing Vessel | KS-87-3007 | PBS 1 |
| *No. 77 Oryong,* Longline Fishing Vessel | KS-87-3036 | PBS 1 |
| *No. 32 Oryong,* Longline Fishing Vessel | KS-87-3043 | PBS 1 |
| *No. 35 Oryong,* Longline Fishing Vessel | KS-87-3044 | PBS 1 |
| *No. 63 Oryong,* Longline Fishing Vessel | KS-87-3046 | PBS 1 |
| *No. 65 Oryong,* Longline Fishing Vessel | KS-87-3047 | PBS 1 |
| *No. 85 Oryong,* Longline Fishing Vessel | KS-87-3048 | PBS 1 |
| *No. 91 Oryong,* Longline Fishing Vessel | KS-87-3049 | PBS 1 |
| *No. 93 Oryong,* Longline Fishing Vessel | KS-87-3050 | PBS 1 |
| *No. 11 Heung Young,* Longline Fishing Vessel | KS-87-3067 | PBS 1 |
| *No. 6 Acacia,* Longline Fishing Vessel | KS-87-3076 | PBS 1 |
| *No. 36 Oryong,* Longline Fishing Vessel | KS-87-3080 | PBS 1 |
| *No. 87 Oryong,* Longline Fishing Vessel | KS-87-3082 | PBS 1 |
| *No. 88 Oryong,* Longline Fishing Vessel | KS-87-3083 | PBS 1 |
| *No. 95 Oryong,* Longline Fishing Vessel | KS-87-3084 | PBS 1 |
| *No. 96 Oryong,* Longline Fishing Vessel | KS-87-3085 | PBS 1 |
| *No. 15 Heung Young,* Longline Fishing Vessel | KS-87-3086 | PBS 1 |
| *No. 70 Oyang Ho,* Large Stern Trawler | KS-87-0048 | BSA,[1] 1; GOA [1] 2 |
| *Han Jin Ho,* Large Stern Trawler | KS-87-0045 | BSA [1] 1; GOA [1] 2 |
| *No. 99 Tae Baek,* Factory Ship | KS-87-0079 | BSA,GOA 3 |
| Government of the Polish People's Republic | | |
| *Kaszuby 2,* Cargo/Transport Vessel | PL-87-0027 | BSA,GOA,WOC 3 |
| *Sirius,* Large Stern Trawler | PL-87-0062 | BSA,WOC 1; GOA [1] 2 |
| *Terral,* Cargo/Transport Vessel | PL-87-0086 | BSA,GOAWOC,NWA 3 |
| Government of Spain | | |
| *Ria De Pontevedra,* Medium Stern Trawler | SP-87-0076 | NWA [1] 1 |
| Taiwan | | |
| *Ying Ruey Shiang 3,* Longline Fishing Vessel | TW-87-3013 | PBS 1 |
| *Yu Te No. 1,* Longline Fishing Vessel | TW-87-3145 | PBS 1 |
| *Yung Chang Fu 1,* Longline Fishing Vessel | TW-87-3094 | PBS 1 |
| *Yung Chang Fu No. 31,* Longline Fishing Vessel | TW-87-3061 | PBS 1 |

### Joint Venture

*Correction*

In 51 FR 42896 the joint venture species amounts requested in the Northwest Atlantic fisheries for the Government of Spain was incorrectly listed as 1000 mt each for *Illex* and *Loligo* squid. The correct species amount requested for *Illex* and *Loligo* is 1500 mt each.

[FR Doc. 87-502 Filed 1-7-87; 10:51 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1987, Proposed Additions, Correction

In FR. Doc. 85-29029 appearing on page 46908 in the issue of Monday, December 29, 1986, make the following correction:

In the third column under commodities, the size for NSN 7210-00-NIB-0006, Box Spring, should read:

(53 × 80")

Because of this change, the time for receipt of comments on the proposed addition of this service is extended until February 12, 1987.

C.W. Fletcher,

*Executive Director.*

[FR Doc. 87-508 Filed 1-9-87; 8:45 am]

BILLING CODE 6820-33-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### USAF Scientific Advisory Board; Meeting

December 30, 1986.

The USAF Scientific Advisory Board Aeronautical Systems Division (ASD) Advisory Group will meet on February 18, 1987, from 8:00 A.M. to 5:00 P.M. and February 19, 1987, from 8:00 A.M. to 3:00 P.M. at the ASD Headquarters, Building 14, Wright Patterson Air Force Base, Ohio.

The purpose of this meeting is to receive briefings, to discuss, and to advise the Commander, ASD, on the advanced tactical fighter program.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 87-542 Filed 1-9-87; 8:45 am]

BILLING CODE 3910-01-M

### Defense Mapping Agency

### Availability of Environmental Assessment and Negative Declaration Regarding the Providence Rhode Island Field Office Relocation

**AGENCY:** Defense Mapping Agency.

**ACTION:** Notice of the availability of environmental assessment and negative declaration Regarding the Providence Rhode Island Field Office Relocation.

**SUMMARY:** On 10 March 1986, Major General Robert A. Rosenberg, U.S. Air Force, the Director, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, DC 20305-3000, directed a Study under the Chairmanship of Captain Channing M. Zucker, U.S. Navy. The Chairman was charged to study the feasibility and desirability of closing the Providence Field Office of the Defense Mapping Agency (DMA) Hydrographic/Topographic Center, located in West Warwick, Rhode Island. The DMA Hydrographic/Topographic Center base plant is located in the Washington, DC suburb of Brookmont, Maryland. The Study Group completed its work and submitted its results to the Director, DMA on 25 August 1986. On 2 September 1986, the Director, DMA, issued his determination, based upon the Feasibility Study, that in view of the new and changing technology being incorporated in Agency operations, and in view of potential savings in the use of resources that would result from the new technology, the Providence Field Office is to be closed in a timely and orderly fashion and its mission and functions transferred to the Agency's base plants in the Washington, DC and St. Louis, Missouri areas.

Notice is hereby given, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Part 1500) and Department of Defense Regulation "Environmental Considerations in Department of Defense Actions" (32 CFR Part 214) that an Environmental Impact Statement is not being prepared for the proposed closure of Providence Field Office. The Environmental Assessment of this action indicates that this closure will not create any significant adverse impact on the physical environment and that no significant controversy related to the natural environment is associated with this action. As a result of these findings, the Director, DMA, has detemined that the preparation of an Environmental Impact Statement is not required in this case.

This relocation of the mission and functions performed by the Providence Office to other elements of the Defense Mapping Agency will affect approximately 227 personnel of the Providence Field Office. Although the workload currently assigned to the Providence Field Office will be transferred to Washington, DC and St. Louis, Missouri, qualified employees will also be offered employment at other DMA facilities.

The Feasibility Study upon which this management decision is based is a classified document and is not releasable to the public. The Environmental Assessment, the Finding of No Significant Impact, and an unclassified version of the Feasibility Study are on file and may be reviewed by interested parties.

**DATE:** Administrative action on implementation of the decision will be deferred for thirty (30) days from the date of publication, at which time implementation will begin unless comments are received which result in a contrary determination.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gerald H. Dunbar, Facilities, Engineering and Logistics Division, Headquarters, Defense Mapping Agency, Building 56, U.S. Naval Observatory, Washington, DC 20305-3000, phone number (202) 653-1450.

Patricia H. Means,

*OSD Federal Register, Liaison Officer, Department of Defense.*

January 7, 1987.

[FR Doc. 87-609 Filed 1-9-87; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF EDUCATION

### National Advisory Council on Indian Education; Meeting

**AGENCY:** National Advisory Council on Indian Eduction.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Indian Education. This notice also describes the functions of the

Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

**DATES:** January 27–28, 1987, 9:00 A.M. until conclusion of business each day.

**ADDRESS:** National Advisory Council on Indian Education, 2000 L Street, NW, Suite 574, Washington, DC 20036 (202/634–6160).

**FOR FURTHER INFORMATION CONTACT:** Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 2000 L Street, NW, Suite 574, Washington, DC 20036 (202/634–6160).

**SUPPLEMENTARY INFORMATION:** The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to assist the Secretary in carrying out responsibilities under section 441(a) of the Indian Education Act (Title IV of Pub. L. 92–318), through advising Congress, the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The meeting will be open to the public. The proposed agenda includes:

(1) NACIE Budget—FY '87 & '88

(2) Plans for NACIE activities for remainder of FY '87

(3) Other business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 2000 L Street, NW., Suite 574 Washington, DC 20036.

Dated: January 7, 1987. Signed at Washington, DC.

**Lincoln C. White,**

*Executive Director, National Advisory Council on Indian Education.*

[FR Doc. 87–592 Filed 1–9–87; 8:45 am]

BILLING CODE 4000–01–M

## Office of Postsecondary Education

### Perkins Loan Program

**AGENCY:** Department of Education.

**ACTION:** Notice of closing date for filing report of defaulted loans for the period ending December 31, 1986 (Form E40–1P; formerly ED Form 574)

The Secretary gives notice of the deadline for filing the Perkins Loan Program, formerly the National Direct Student Loan (NDSL) Program, Report of Defaulted Loans for the period ending December 31, 1986 (Form E40–1P; formerly ED Form 574) (Report). The Secretary takes this action under section 463(a)(4) of the Higher Education Act of 1965, as amended (20 U.S.C. 1087cc(a)(4)) which provides that an institution participating in the Perkins Loan Program shall report to the Secretary at least semi-annually the total number of loans it made under the Perkins Loan Program that are in default. The institution shall not include in the Report defaulted loans which have already been assigned to and accepted by the Department of Education. An institution shall file this Report if it is participating in the Perkins Loan Program, regardless of whether it is currently making loans under the Program. An institution shall submit the original Report and one copy of the Report.

Closing Date: The Report must be mailed or hand-delivered by February 16, 1987.

Reports Delievered By Mail: A Report sent by mail must be addressed to the Department of Education, Office of Student Financial Assistance, Campus-Based Programs Branch, DPO, 400 Maryland Avenue, SW., Washington, DC 20202.

An institution must show proof of mailing consisting of one of the following: (1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service: (2) A legibly dated U.S. Postal Service postmark; (3) A dated shipping label, invoice, or receipt from a commercial carrier; (4) Any other proof of mailing acceptable to the Secretary of Education.

If a Report is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office. An institution is encouraged to use certified or at least first-class mail.

Reports Delivered by Hand: A Report that is hand delivered must be taken to the Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus-Based Programs Branch, 7th and D Streets, SW., Room 4651, Regional Office Building 3, Washington, DC. The Campus-Based Programs Branch will accept hand-delivered Reports between 8:00 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays and Federal holidays. A Report that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

**FOR FURTHER INFORMATION CONTACT:** Program Service Section, Division of Program Operations (202) 732–3726.

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program)

(20 U.S.C. 1089cc(a)(4))

Dated: January 6, 1987.

**C. Ronald Kimberling,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 87–585 Filed 1–9–87; 8:45 am]

BILLING CODE 4000–01–M

### Perkins Loan (formerly National Direct Student Loan), College Work-Study, and Supplemental Educational Opportunity Grant Programs; Closing Date for Institutions To File "Request for Institutional Eligibility for Programs"

**AGENCY:** Department of Education.

**ACTION:** Notice of closing date for Institutions to file "Request for Institutional Eligibility for Programs" to participate in the Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs for the 1987–88 Award Year.

**SUMMARY:** The Secretary invites currently ineligible institutions of higher education that wish to participate in the "campus-based programs" in the 1987–88 award year to submit to the Secretary an institutional eligibility application form.

The campus-based programs are the Perkins Loan Program, the College Work-Study Program, and the Supplemental Educational Opportunity Grant Program and are authorized by Title IV of the Higher Education Act of 1965. The 1987–88 award year is July 1, 1987 through June 30, 1988.

(20 U.S.C. 1087aa–1087ii; 42 U.S.C. 2751–2756b; and 20 U.S.C. 1070b–1070b–3)

*Closing Date For Filing Application.* To participate in a campus-based program in the 1987–88 award year, an institution must mail or hand deliver its "Request for Institutional Eligibility for Programs" form to the address indicated below on or before February 11, 1987.

*Applications Delivered by Mail.* An institutional eligibility application delivered by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: DEC/DCMAS/OPE, 400 Maryland Avenue, SW., Washington, DC 20202.

An applicant must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark; (2) A legible mail

receipt with the date of mailing stamped by the U.S. Postal Service; (3) A dated shipping label, invoice, or receipt from a commercial carrier; (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Institutions which submit eligibility applications that are received after the closing date will not be considered for funding under the campus-based programs for award year 1987–88.

*Applications Delivered by Hand.* An institutional eligibility application that is hand-delivered must be taken to the U.S. Department of Education, Application Control Center (ACC), Room 3633, Regional Office Building 3, 7th and D Streets, SW., Washington, DC. The Application Control Center will accept hand-delivered applications between 8:00 a.m. and 4:30 p.m. (Eastern Standard Time) daily, except Saturdays, Sundays, and Federal holidays. An application for the 1987–88 award year eligibility that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

*Supplementary Information.* Under the three campus-based programs, the Secretary allocates funds to eligible institutions of higher education. The Secretary will not allocate funds under the campus-based programs in award year 1987–88 to any currently ineligible institution unless the institution files its "Request for Institutional Eligibility for Programs" form (ED Form 1059) by the closing date. If the institution submits its institutional eligibility application after the closing date, the Secretary will use this application in determining the institution's eligibility to participate in the campus-based programs beginning with the 1988–89 award year.

Ineligible institutions include:

(1) An institution that has not been designated as an eligible institution by the Secretary.

(2) A location of an eligible institution that is currently not included in the Department's eligibility certification but has been included in the institution's Fiscal-Operations Report and Application to Participate (FISAP).

(3) A branch campus that is currently part of an eligible institution but has filed its own FISAP and is seeking eligibility as a separate institution of higher education. (ED Form 1059, OMB #1840–0098 approved through August 31, 1987)

The Secretary wishes to advise institutions that the institutional eligibility form "Request for Institutional Eligibility for Programs" (ED Form 1059) should not be confused with the FISAP (ED Form 646–1) that institutions were required to submit by September 26, 1986, in order to receive funds under the campus-based programs for the 1987–88 award year.

*Applicable Regulations.* The following regulations apply to the campus-based programs:

(1) Student Assistance General Provisions, 34 CFR Part 668.

(2) National Direct Student Loan Program, 34 CFR Part 674.

(3) College Work-Study Program, 34 CFR Part 675.

(4) Supplemental Educational Opportunity Grant Program, 34 CFR Part 676.

*For Further Information Contact.* For information concerning designation of eligibility, contact: Dr. Joan E. Duval, Director, Division of Eligibility and Certification, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW., (Mail Stop 3329, ROB–3), Washington, DC 20202. Telephone (202) 245–9703.

For technical assistance concerning the FISAP and/or other operational procedures of the campus-based programs, contact: Robert R. Coates, Chief, Campus-Based Programs Branch, Division of Program Operations, 400 Maryland Avenue, SW., (Mail Stop 4621, ROB–3), Washington, DC 20202. Telephone: (202) 732–3715.

(20 U.S.C. 1087 *et seq.*; 42 U.S.C. 2751 *et seq.*; and 20 U.S.C. 1070b *et seq.*

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loans; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grants)

Dated: January 6, 1987.

**C. Ronald Kimberling,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 87–584 Filed 1–9–87; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

### Naational Petroleum Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council.

Date: February 24, 1987—10:00 a.m.

Place: Madison Hotel, Dolley Madison Ballroom, Fifteenth and M Streets, NW., Washington, DC

Contact: Patricia B. Dickinson, U.S. Department of Energy, Office of Advanced Fuels, Technology, Extraction and Environmental Controls, Mail Stop—FE–30, GTN, Washington, DC 20545, Telephone: 301–353–2430.

Purpose: To receive a final report from the NPC Committee on U.S. Oil & Gas Outlook and to consider any other matters appropriately brought before the Council.

**Tentative Agenda:**

—Call to Order by Ralph E. Bailey, Chairman, National Petroleum Council.

—Proposed Final Report of the NPC Committee on U.S. Oil & Gas Outlook, James L. Ketelsen, Chairman.

—Remarks by the Honorable John S. Herrington, Secretary of Energy.

—Consideration of Administrative Matters.

—Discussion of Any Other Business Properly Brought Before the National Petroleum Council.

—Public comment (10-minute rule).

**Public Participation**

The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Patricia B. Dickinson at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

**Transcripts**

Available for public review and copying at the Public Reading Room, Room lE–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on January 5, 1987.

**J. Robert Franklin,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 87–530 Filed 1–9–87; 8:45 am]

BILLING CODE 6450–01–M

## Ecomomic Regulatory Administration

[ERA Docket No. 86-57-NG]

## Paramount Resources U.S. Inc.; Order Granting Blanket Authorization To Import Natural Gas From Canada

**AGENCY:** Economic Regulatory Administration, Department of Energy.

**ACTION:** Notice of order granting blanket authorization to import natural gas from Canada.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting blanket authorization to import natural gas from Canada to Paramount Resources U.S. Inc. (Paramount). The order issued in ERA Docket No. 86-57-NG authorizes Paramount to import up to 400 MMcf of natural gas per day, not to exceed a total of 300 Bcf over a two-year period, for sale in the domestic spot market.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 31, 1986.

**Barton R. House,**

*Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 87-531 Filed 1-9-87; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket No. RP86-106-005]

## Arkla Energy Resources; Compliance Filing

January 6, 1987.

Take notice that Arkla Energy Resources (AER) on December 29, 1986, tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 1-A:

First Revised Sheet Nos. 1 through 116

According to § 381.103(b)(2)(iii) of the Commission's regulations (18 CFR 381.103(b)(2)(iii)), the date of filing is the date on which the Commission receives the appropriate filing fee, which in the instant case was not until December 30, 1986.

AER states that these sheets are filed in compliance with Ordering Paragraph (B) of the Commission's order dated December 24, 1986, in this docket. Such order required AER to filed the general terms and conditions of its FT, IT, and LT Rate Schedules within 5 days.

AER requests any waivers of the Commission's regulations that may be necessary in order for these sheets to become effective on November 1, 1986.

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 January 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-512 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87-16-000]

## Columbia Gas Development Corp.; Petition for Adjustment

January 7, 1987.

On November 4, 1986, Columbia Gas Development Corporation filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Columbia seeks an extension of up to one year of the deadline for payment of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5] Columbia also requests a stay on accural of interest on these refunds until it receives payment from the royalty owner.

Columbia requests the extension on grounds that the question of the extent to which MMS will refund these royalty payments to Columbia is still pending. It states that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6]

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-513 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA87-27-000]

## Conoco Inc.; Petition for Adjustment

January 7, 1987.

On November 6, 1986, Conoco Inc. filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Conoco seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to (1) the Minerals Management Service of the U.S. Department of the Interior (MMS) and (2) the State of Louisiana for sales of gas from state-owned leases. Under Order No. 399,

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[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water staturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Conoco's request for waiver relative to Federal leases is on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] Conoco's request for waiver relative to leases owned by the State of Louisiana is on grounds that the Louisiana State Minerals Board has adopted a resolution prohibiting producers from recovering Btu refund amounts attributable to state royalty payments by deductions from current royalty payments.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-514 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA87-21-000]**

## Ecee, Inc.; Petition for Adjustment

January 7, 1987.

On November 5, 1986, Ecee, Inc., filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Ecee seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Ecee requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] Ecee also states that it has thus far been unable to recoup certain royalty refunds from MMS that were claimed within the statute of limitations period and seeks a temporary postponement of the deadline until it receives payment from MMS.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-515 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. CP82-446-014]**

## Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

January 6, 1987.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on 12-23, 1986 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 the following tariff sheet:

Second Revised Eighty-second Revised Sheet No. 14

Pursuant to the Stipulation and Agreements filed November 17, 1983 and March 16, 1984 (Phase IA Agreement) in *Boundary Gas, Inc. et al.*, Docket Nos. CP81-107-000 *et al.* and *Texas Eastern Transmission Corporation, et al.* Docket Nos. CP82-446 *et al.*, respectively, which were approved by Commission orders dated February 2, 1984 and June 18, 1984, Texas Eastern renders a firm transportation service pursuant to its Rate Schedule FTS which was filed with the Commission on August 10, 1984 and accepted as part of Texas Eastern's FERC Gas Tariff, Fourth Revised Volume No. 1 by Commission order dated September 7, 1984.

Pursuant to the Phase IA Agreement, Texas Eastern was authorized to construct and operate the pipeline facilities described in Appendices C and G of the Phase IA Agreement and to render additional transportation services under Rate Schedule FTS consisting of two stages—Stage 1 with an actual commencement date of November 1, 1984 and Stage 2 with an actual commencement date of November 1, 1986. In compliance with Article VII of the Phase IA Agreement, Texas Eastern filed on September 2, 1986 in Docket No. CP82-446-011 a tariff sheet to establish initial estimated rates for firm transportation service under Rate Schedule FTS reflecting the construction of the Phase IA Stage 2 facilities. The September 2, 1986 filing was approved by Commission order issued September 30, 1986.

In accordance with such Article VII of the Phase IA Agreement, Texas Eastern is also required, in the event the actual costs of facilities and other costs incurred in connection with providing service pursuant to Rate Schedule FTS vary from the estimates set forth in the Phase IA Agreement, to file within sixty days from November 1, 1986 (date of commencement of service) a revised tariff sheet which sets forth rates for Rate Schedule FTS based upon actual costs. The rates set forth in proposed Second Revised Eighty-second Revised Sheet No. 14 have been calculated on the foregoing basis.

As required by the Phase IA Agreement, factors underlying the cost of service, including an overall rate of return of 14.704%, are based on Texas Eastern's current system-wide sales and transportation rates which are subject to refund in Docket No. RP85-177 *et al.*

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[4] 49 FR 37735 at 37,740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,812.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37,740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), cert denied, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

The above tariff sheet also reflects the filing for a revised GRI funding unit of 1.47 cents per dry dekatherm made on December 2, 1986 which has not yet been approved by the Commission. In the event the sheets filed on December 2, 1986 are not approved or are revised in any way, Texas Eastern will refile the above listed tariff sheet to reflect the final determination on Texas Eastern's December 2, 1986 filing.

The proposed effective date of the above listed tariff sheet is January 1, 1987.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 January 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-525 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA87-24-000]**

## Texas Production Co.; Petition for Adjustment

January 7, 1987.

On November 5, 1986, Texas Production Company filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Texas Production seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Texas Production requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] Texas Production also states that it has thus far been unable to recoup certain royalty refunds from MMS that were claimed within the statute of limitations period and seeks a temporary postponement of the deadline until it receives payment from MMS.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-526 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket Nos. CI87-163-000 and CI87-164-000]**

## Union Exploration Partners, Ltd.; Application

January 6, 1987.

Take notice that on December 1, 1986, Union Exploration Partners, Ltd. (UXP), a Texas limited partnership, of P.O. Box 7600, Los Angeles, California 90051, filed an application in Docket No. CI87-163-000 pursuant to the provisions of §§ 2.77 and 157.30 of the Commission's Regulations under the Natural Gas Act, for permanent abandonment of service to United Gas Pipe Line Company (United) from the Tiger Field located in Jones and Perry Counties, Mississippi, authorized in Docket No. CI77-597 and for permission and approval on an expedited basis as set forth in Docket No. RM85-1-000 and in Docket No. CI87-164-000 for a blanket Certificate of Public Convenience and Necessity authorizing sales of gas in interstate commerce for resale with blanket, pre-granted abandonment authorization.

In support of its proposed abandonment UXP states that United alleged it had a continuing situation of force majeure, commercial impracticability and impossibility on the purchaser's pipeline system. United in its letter of January 31, 1986, had reasserted these claims and had stated its intent to permanently cease taking all gas not subject to Natural Gas Act (NGA) jurisdiction and to temporarily cease taking, through the Fall of 1986, all gas subject to the NGA. By letter dated November 6, 1986, United notified UXP of its election to cancel the contract pursuant to the terms of the contract and file for abandonment. The November 6, 1986, letter provides that the contract shall be terminated sixty days from the date all necessary abandonment approvals are effective.

UXP advises that its share of the available gas production consists of approximately 500 mcf/day of section 104 "Post 74" vintage and approximately 300 mcf/day of section 106(a) gas. UXP alleges that United's refusal to take gas from the Tiger Field is imposing considerable hardship and loss upon UXP.

In support of its request for blanket certificate authorization with pre-granted abandonment UXP indicates that it proposes to sell the gas produced from the Tiger Field to a new purchaser and that such authorization would allow it to respond promptly to sudden changes in the market for this gas.

By letter filed December 8, 1986, UXP requests that the requested blanket certificate with pre-granted abandonment be issued for a period of three years from the date of Commission authorization.

The Commission, in its Docket No. RM85-1-000 and in § 2.77(a)(1) of its regulations, has announced an expedited abandonment procedure for producers affected by substantially reduced takes without payment. UXP believes this situation qualifies for consideration under the expedited abandonment procedures.

Accordingly, any person desiring to be heard or to make any protest with reference to said applications should on or before 15 days after the date of

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[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water staturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), cert. denied, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

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 to the proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-527 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA87-10-000]**

## Union Oil Co. of California; Petition for Adjustment

January 7, 1987.

On October 29, 1986, Union Oil Company of California filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Union seeks an extension of up to one year of the deadline for payment of that portion of its Btu refund obligation attributable to certain royalties paid by it to (1) the Minerals Management Service of the U.S. Department of the Interior (MMS) and (2) certain states for sales of gas from state-owned leases. Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5] Union also requests a stay on accural of interest on these refunds until it receives payment from its royalty owners.

Union requests the extension on grounds that the question of the extent to which MMS will refund royalty payments to Union is still pending. It states that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] Union also states that it requests the extension on grounds that the States of Louisiana, Wyoming, and New Mexico have served notice on Union that they will not refund overpaid royalties or allow offsets from future production.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-528 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA87-20-000]**

## VSEA, Inc.; Petition for Adjustment

January 7, 1987.

On November 5, 1986, VSEA, Inc., filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] VSEA seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

VSEA requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] VSEA also states that it has thus far been unable to recoup certain royalty refunds from MMS that were claimed within the statute of limitations period and seeks a temporary postponement of the deadline until it receives payment from MMS.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Reqister.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-529 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA87-19-000]**

## Odeco Oil & Gas Co.; Petition for Adjustment

January 7, 1987.

On November 5, 1986, Odeco Oil & Gas Company filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section

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[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37,740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water staturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37,740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46,353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Odeco seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Odeco requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6]

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-520 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA87-11-000]**

## Phillips Petroleum Co., Phillips 66 Natural Gas Co.; Petition for Adjustment

January 7, 1987.

On October 24, 1986, Phillips Petroleum Company and Phillips 66 Natural Gas Company (Phillips) filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Phillips seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to (1) the Minerals Management Service of the U.S. Department of the Interior (MMS) and (2) the State of Louisiana for sales of gas from state-owned leases. Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Phillips bases its request for waiver relative to Federal leases on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] Phillips bases its request for waiver relative to leases owned by the State of Louisiana on grounds that the Louisiana State Minerals Board has adopted a resolution prohibiting producers from recoverinq Btu refund amounts attributable to state royalty payments by deductions from current royalty payments.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-521 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. SA87-18-000]**

## Placid Oil Co.; Petition for Adjustment

January 7, 1987.

On November 5, 1986, Placid Oil Company filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399-A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Placid seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to (1) the Minerals Management Service of the U.S. Department of the Interior (MMS) and (2) the State of Louisiana for sales of gas from state-owned leases. Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Placid's request for waiver relative to Federal leases is on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] Placid's request for waiver relative to leases owned by the State of Louisiana is on grounds that the Louisiana State Minerals Board has adopted a resolution prohibiting producers from recovering Btu refund amounts attributable to state royalty payments by deductions from current royalty payments. Placid also states that it has filed a petition in bankruptcy under Chapter 11, Title 11 of the United States Code and that payment by it of refunds without reimbursement would be a special hardship to it, as well as an inequitable and unfair distribution of burdens.

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[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46,353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert denied,* 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46,353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,612.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 C.F.R. 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water staturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied,* 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87–522 Filed 1–9–87; 8:45 am]

BILLING CODE 6717–01–M

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**[Project No. 8848–001]**

## Sawyer-Bellamy Mills Associates; Surrender of Exemption

January 7, 1987.

Take notice that the Exemptee for the Sawyer Mills Project No. 8848, has requested that its exemption be terminated. The order granting exemption for Project No. 8848 was issued on September 30, 1985. The project would have been located on the Bellamy River, in Strafford County, New Hampshire. Exemptee has not started project construction.

The Exemptee filed the request on November 5, 1986, and the Exemption from Licensing for Project No. 8848 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the Exemption from Licensing shall remain in effect through the first business day following that day. New applications involving this project site may be filed on the next business day.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87–523 Filed 1–9–87; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. SA87–25–000]**

## TBP Offshore Co.; Petition for Adjustment

January 7, 1987.

On November 5, 1986, TBP Offshore Company (TBP) filed with the Federal Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399–A,[1] section 502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] TBP seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

TBP requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] TBP also states that it has thus far been unable to recoup certain royalty refunds from MMS that were claimed within the statute of limitations period and seeks a temporary postponement of the deadline until it receives payment from MMS.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87–524 Filed 1–9–87; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. CP86–676–000]**

## Equitable Gas Co. and Equitable Transmission Co.; Informal Technical Conference

January 2, 1987.

Take notice that an informal technical conference will be held at the Office of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on January 21, 1987 at 10:00 a.m. in the above-captioned matter. In Docket No. CP86–676–000, Equitable Gas Company (Equitable) and Equitable Transmission Company (Transmission) filed an application, under section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the transfer of Equitable's jurisdictional natural gas facilities to the newly formed Transmission as part of a corporate restructuring. At the conference, various issues associated with the application will be discussed, particularly those issues raised in the interventions filed by the Pennsylvania Office of Consumer Advocate and the Pennsylvania Public Utility Commission.

All parties to this proceeding, the Commission's staff, and interested members of the public are invited to attend. However, mere attendance at the conference will not confer party status. Any person wishing to become a party to this proceeding must file a Motion to Intervene in accordance with Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

For further information contact Lou Sacher, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357–8861.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87–516 Filed 1–9–87; 8:45 am]

BILLING CODE 6717–01–M

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**[Docket No. SA87–22–000]**

## Ernie H. Cockrell Texas Testamentary Trust and Carol Cockrell Jennings Curran Texas Testamentary Trust, Successors-in-Interest to Pinto, Inc.; Petition for Adjustment

January 7, 1987.

On November 5, 1986, Ernie H. Cockrell Texas Testamentary Trust and Carol Cockrell Jennings Curran Texas Testamentary Trust, Successors-in-Interest to Pinto, Inc. (Petitioner), filed with the Energy Regulatory Commission a petition for waiver pursuant to Commission Order No. 399–A,[1] section

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[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,612.

[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water staturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[5] In Order No. 399–C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

[1] Refunds Resulting from Btu Measurement Adjustments, 49 FR 46353 (November 26, 1984); FERC Stats. & Regs. [Regulations Preambles 1982–1985] ¶ 30,612.

502(c) of the Natural Gas Policy Act of 1978,[2] and Subpart K of the Commission's Rules of Practice and Procedure.[3] Petitioner seeks waiver of that portion of its Btu refund obligation attributable to certain royalties paid by it to the Minerals Management Service of the U.S. Department of the Interior (MMS). Under Order No. 399, these refunds were due by November 5, 1986,[4] but this deadline has been postponed.[5]

Petitioner requests waiver on grounds that MMS has taken the position that refunds not filed for within the statute of limitations period under section 10 of the Outer Continental Shelf Lands Act are barred.[6] Petitioner also states that it has thus far been unable to recoup certain royalty refunds from MMS that were claimed within the statute of limitations period and seeks a temporary postponement of the deadline until it receives payment from MMS.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register.**

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-517 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. RP87-29-000]**

## Lawrenceburg Gas Transmission Corp.; Proposed in Change FERC Gas Tariff

January 6, 1987.

Take notice that on December 22, 1986, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing proposed changes to its FERC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets submitted in Lawrenceburg's filing reflect a change other than in rate level, as defined in 18 CFR 154.63, that will alter Lawrenceburg's current purchased gas cost adjustment provision (PGA) in order to allow it to track the cost of gas purchases from producers and spot market supply sources. Lawrenceburg's current PGA reflects its historic purchases from a single pipeline supplier and, according to Lawrenceburg, prohibits it from taking advantage of the increased supply options now available to jurisdictional pipeline companies. Lawrenceburg has requested that its proposed tariff sheets become effective February 1, 1987.

Lawrenceburg states that copies of its filing have been served upon 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. All such motions or protests should be filed on or before January 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-518 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket No. TA87-1-15-000, 001]**

## Mid Louisiana Gas Co.; Proposed Change in Rates

January 6, 1987.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on December 23, 1986, tendered for filing as a part of First Revised Volume No. 1 of its FERC Gas Tariff, Fifty-Seventh Revised Sheet No. 3a and Fifteenth Revised Sheet No. 3c to become effective February 1, 1987.

Mid Louisiana states that the purpose of the filing of Fifty-Seventh Revised Sheet No. 3a is to reflect a purchased gas cost current adjustment, a purchased gas cost surcharge, and a NGPA Pricing Surcharge resulting in a rate of 301.88¢ per Mcf.

This filing is being made in accordance with section 19 of Mid Louisiana's FERC Gas Tariff. The purchased gas cost current adjustment reflects rates payable to Mid Louisiana's suppliers during the period February 1, 1987 through July 31, 1987.

Copies of this filing have been mailed to Mid Louisiana'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 a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 87-519 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

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**[Docket Nos. CP87-136-000 et al.]**

## Associated Natural Gas Co. et al.; Natural Gas Certificate Filings

January 6, 1986.

Take notice that the following filings have been made with the Commission.

### 1. Associated Natural Gas Co.

[Docket No. CP87-136-000]

Take notice that on December 19, 1986, Associated Natural Gas Company (Applicant), 405 West Park Street, Blytheville, Arkansas, 72315, filed in Docket No. CP87-136-000 an application pursuant to section 1(c) of the Natural Gas Act (Hinshaw exemption) and Part 152 of the Commission's Regulations for exemption of its facilities and operations in certain areas in the States of Arkansas and Missouri from the provisions of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that it currently operates a natural gas distribution system consisting of eleven separate segments which are located in the States

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[2] 15 U.S.C. 3412(c) (1982).

[3] 18 CFR 385.1101 through 385.1117 (1986).

[4] 49 FR 37735 at 37740 (September 26, 1984), FERC Stats. & Regs. [Regulations Preambles 1982-1985] ¶ 30,597 at p. 31,150. In Order No. 399, the Commission established refund procedures for charges for natural gas that exceeded NGPA ceilings as a result of Btu measurements based on the water vapor content of the gas "as delivered," rather than on a water saturated basis. In so doing, the Commission was implementing the decision in Interstate Natural Gas Association of America v. Federal Energy Regulatory Commission, 716 F.2d 1 (D.C. Cir. 1983), *cert. denied*, 465 U.S. 1108 (1984).

[5] In Order No. 399-C, issued November 5, 1986, the Commission postponed the November 5, 1986 deadline for payment of Btu refunds attributable to royalty payments for any first seller that has a petition on file with the Commission seeking waiver of or postponement of the deadline to pay Btu refunds attributable to royalty payments.

[6] 43 U.S.C. 1339 (1982).

of Arkansas and Missouri. Applicant further states that its rates, sevices, and facilities in the States of Arkansas and Missouri are regulated by the Arkansas Public Service Comission and the Missouri Public Service Commission, respectively. Applicant also states that it is a natural gas company subject to the Commission's jurisdication pursuant to the order issued May 4, 1978 in Docket No. CP78–245–000 (3 FERC ¶61,107).

In Docket No. CP87–136–000, Applicant shows nine areas of operations in the State of Missouri and one area of operations in the State of Arkansas for which it requests an order from the Commission declaring that these facilities and operations are exempt from the Commission's jurisdiction. Applicant states that its facilities and operations for which it seeks the Hinshaw exemption are located wholly within either the State of Arkansas or the State of Missouri; furthermore, all of the natural gas supply received by Applicant is received and consumed within the same state, it is alleged. Applicant claims that, for the subject facilities and operations, each off the elements necessary for an exemption from the provisions of the Natural Gas Act exist, pursuant to section 1(c) of the Natural Gas Act.

*Comment date:* January 27, 1987, in accordance with Standard Paragraph F at the end of this notice.

**2. Arkla Energy Resources a division of Arkla, Inc.**

[Docket No. CP87–125–000]

Take notice that on December 12, 1986, Arkla Energy Resources (AER), a division of Arkla, Inc., P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP87–125–000, as supplemented on December 24, 1986, a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon certain facilities and for authority to construct and operate a new tap under the certificate issued in Docket Nos. CP82–384–000 and CP82–384–001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

AER proposes (1) to abandon the existing tap and market lateral currently utilized to serve the MacMillian Petroleum, Inc. (MacMillian) refinery in Union County, Arkansas, and (2) to construct and operate a new tap on another AER transmission line, which tap will be used to deliver gas into a new market lateral that AER will construct from the proposed tap to the MacMillian refinery pursuant to § 157.208(a) of the Commission's Regulations, 18 CFR 157.208(a)(1986) and AER's blanket certificate. AER states that it currently serves the MacMillian refinery from a tap on its Line KM–3 and approximately 0.6 mile of 4-inch pipeline designated as Line KM–15 and that no other customers are served from these facilities. AER states that Line KM–15 is a dresser-coupled pipeline that was installed in 1930 and, because of its age, design and lack of protective coating, is in generally poor condition and has experienced some leakage. In addition, AER states that changing operating conditions on Line KM–3 have caused a reduction in the pressure available from that line to a degree that has made service to Line KM–15 difficult. To resolve these problems, AER proposes to abandon the tap on Line KM–3 and all of Line KM–15.

To provide continued, reliable service to the MacMillian refinery, AER seeks authority herein to construct and operate the new tap on AER's Line HM–1. In conjunction with the installation of such tap, AER would construct, pursuant to § 157.208 of the Commission's regulations and AER's blanket certificate, a new 4-inch pipeline extending approximately 1.14 miles from the proposed tap to the MacMillian refinery, to be designated as AER's Line HM–39. It is stated that these new facilities would enable AER to continue to service the MacMillian refinery with its full requirements for natural gas, which currently average approximately 77,000 Mcf of natural gas per month. The total expenditure for the proposed new facilities will be approximately $89,740, AER states.

*Comment date:* February 20, 1987, in accordance with Standard Paragraph G at the end of this notice.

**3. Black Marlin Pipeline Co.**

[Docket No. CP84–354–003]

Take notice that on December 23, 1986, Black Marlin Pipeline Company (Black Marlin), 1200 Travis Street, Houston, Texas 77002, filed in Docket No. CP84–354–003 a petition to amend the Commission order pursuant to section 7(c) of the Natural Gas Act issued October 17, 1984 in Docket No. CP84–354–000, to allow the transportation of additional volumes of natural gas for Enron Industrial Natural Gas Company (Enron), under Rate Schedule T–1 of Black Marlin's FERC Gas Tariff, Original Volume No. 1 (Rate Schedule T–1) from an existing point of receipt on Black Marlin's pipeline in High Island (HI) Block A–6, Offshore Texas (HI Block A–6) and from proposed points of receipt in HI Block 171 and in State Tract 98–L, High Island Area Offshore, Galveston, County, Texas (State Tract 98–L), to an existing point or points of delivery to Houston Pipe Line Company (HPL) in Texas City, Galveston County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By its application, Black Marlin seeks to amend the existing certificate issued in Docket No. CP84–354–000 which, *inter alia*, authorized the transportation of gas purchased by Enron from HI Blocks A–6 and 201 (HI Block A–6/201). Black Marlin seeks authorization to include within Enron's existing 75,000 Mcf per day (Mcf/d) firm volumes certain volumes of natural gas purchased by Enron from HI Blocks 105 and 199, and to permit the transportation for Enron pursuant to the effective excess quantity provisions contained in Black Marlin's Rate Schedule T–1, of up to an additional 75,000 Mcf/d that will be purchased by Enron from HI Blocks A–6/201, 105 and 199. Sepcifically, Black Marlin states that Enron has advised that it has contracted to purchase 100 percent of the HI Block A–6/201 reserves, and that it is currently negotiating to purchase certain volumes produced by Pelto Oil Company, *et al.* (Pelto) from HI Block 105 and volumes produced by Cities Service Oil & Gas Corporation (Cities) and/or Conoco, Inc. (Conoco) from HI Block 199. Based on current and future deliverability from these sources and subject to Enron's successful completion of negotiations with Pelto, Cities and Conoco, volumes to be made available to Enron for purchase from HI Blocks A–6/201, 105 and 199 could exceed 75,000 Mcf/d by as much as an additional 75,000 Mcf/d, it is stated.

Black Marlin states that Enron would continue the delivery of all volumes purchased by it from HI Block A–6/201 to Black Marlin at the existing point of receipt located on the Shell Glenda Field platform in HI Block A–6, and that it would deliver the volumes it purchases from HI Block 199 to Black Marlin at the existing Black Marlin—Northern Natural Gas Company (Northern) interconnection located in HI Block 171 (pursuant to a transportation service to be provided by Northern for Enron or for the producers. Black Marlin states that Enron will deliver the volumes it purchases from HI Block 105 to Black Marlin at an interconnection of Black Marlin's pipeline and Pelto's pipeline facilities to be located in State Tract 98–L. In order to receive such gas, Black

Marlin indicates that it would construct and operate a sub-sea tap on its pipeline at State Track 98–L. Black Marlin states that it would transport such volumes to an existing point or points of delivery to HPL for Enron's account located near the terminus of Black Marlin's system in Texas City, Galveston County, Texas which are the points of delivery authorized by Commission order October 17, 1984 in Docket No. CP84–354–000. HPL subsequently would redeliver to Enron or for its account under section 311 of the Natural Gas Policy Act of 1978, it is said.

Black Marlin further states that in order to permit the delivery of additional volumes of gas for Enron and volumes in excess of all shipper's daily contract quantities under its Rate Schedule T–1 as proposed by its application, and in order to place such excess quantity service under its Rate Schedule T–1 on an equal footing with interruptible service provided under its Rate Schedules T–2 and T–3, it is proposing certain revisions to its FERC Gas Tariff, Original Volume No. 1, (i) In Rate Schedule T–1, Black Marlin would eliminate the currently effective 125 percent limitation on excess quantity gas; (ii) in Rate Schedules T–2 and T–3, Black Marlin would eliminate the "impairment of deliveries" sections currently contained therein; and (iii) in the General Terms and Conditions, Black Marlin would include, in place of the foregoing provisions in (ii) above, a provision providing for the allocation of capacity on a *pro rata* basis for excess quantity service under Rate Schedule T–1 and interruptible service, and further provide for deliveries of Enron's HI Block 105 gas and HI Block 199 gas in the table of receipt and delivery points.

Black Marlin proposes to render service to Enron Industrial at the currently effective T–1 rate, which is 5.0 cents per day per Mcf of daily contract quantity with an overrun charge during any month of 5.0 cents per Mcf of gas transported.

*Comment date:* January 27, 1986, in accordance with Standard Paragraph F at the end of this notice.

**4. Michigan Consolidated Gas Co. Interstate Storage Division**

[Docket No. CP87–89–000]

Take notice that on November 19, 1986, Michigan Consolidate Gas Company—Interstate Storage Division (Applicant), 500 Griswold Street, Detroit, Michigan 48226, Filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the firm and interruptible transportation service of natural gas for Consumers Power Company (Consumers), all as more fully set in the application which is on file with the Commission and open to public inspection.

The Applicant and Consumers have entered into two transportation agreements which provide for the firm and interruptible transporation of natural gas by the Applicant for Consumers for an initial term of 25 years. It is stated that the firm transportation agreement, dated October 2, 1986, provides for the transportation of up to 25,000 billion Btu equivalent for natural gas per day. However, on April 1, 1988, or anytime thereafter until April 1, 1992, Consumers may, with the concurrence of the Applicant, elect to increase, but not decrease, the maximum daily quantity up to 125,000 billion Btu equivalent of natural gas. Applicant states that it would retain 5 percent of the volumes received from Consumers as compensation for its compressor fuel usage.

It is stated that the interruptible transportation agreement dated October 1, 1986, provides for the transportation of up to 125,000 billion Btu equivalent of natural gas per day. Applicant states that it would retain 4 percent of the volumes received from Consumers as compensation for its compressor fuel usage.

It is alleged that both the firm and interruptible volumes would be received by the Applicant from ANR Pipeline Company (ANR), for the account of Consumers, at the interconnection between the facilities of the Applicant and ANR in Ypsilanti Township, Washtenaw County, Michigan. Applicant states that it would transport the subject volumes less compressor fuel, to the interconnection between the facilities of Applicant and Consumers in Northville Township Wayne County, Michigan, or other mutually agreeable delivery points.

It is stated that for the firm transportation service, Consumer would pay Applicant a monthly transportation charge of $79,844 multiplied by a fraction, the denominator which is 125,000 billion Btu equivalent per day and the numerator which is the maximum daily quantity. For the interruptible transportation charge of $.021 per billion Btu equivalent of gas transported.

Applicant states that it would use existing certificate facilities to provide both the firm and interruptible transportation service for Consumers. It is stated that no new facilities would be required to provide the proposed service.

*Comment date:* January 27, 1987, in accordance with Standard Paragraph F at the end of this notice.

**5. Transwestern Pipeline Co.**

[Docket No. CP87–135–000]

Take notice that on December 18, 1986, Transwestern Pipeline Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP87–135–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the Puckett processing plant (Puckett plant) in Pecos County, Texas, all as more fully set forth in the applicant which is on file with the Commission and open for public insepction.

Applicant states that the Puckett plant was opened in 1960 pursuant to an order issued August 10, 1959, in Docket Nos. G–14871, *et al.* It is explained that the plant has a capacity of 180,000 Mcf of natural gas per day (Mcfd), but Applicant is currently purchasing approximately 38,000 Mcfd from the Puckett field and the production from the field is expected to decline at a rate of approximately nine percent per year over the next several years. In addition, Applicant indicates that there are a number of surface impoundments on the plant site which have, over the years, collected hazardous waste material and which, pursuant to the Resource Conservation and Recovery Act, must now be closed and the hazardous waste disposed.

Applicant explains that because of operating and environmental considerations, the gas from the Puckett field is currently being processed at its Pyote processing plant (Pyote plant). It is asserted that no customer's service would be terminated as a result of the proposed abandonment because the gas would continue to be processed at the Pyote plant.

Applicant states that the estimated cost of the proposed abandonment is $20,558,000.

*Comment date:* January 27, 1987, in accordance with Standard Paragraph F at the end of this notice.

**Standard Paragraphs**

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North

Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed 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 the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 87-565 Filed 1-9-87; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51657; FRL-3141-5]

## Certain Chemicals Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of fourteen such PMNs and provides a summary of each.

**DATES:** Close of Review Period.

P 87-400, 87-401, 87-402, 87-403, 87-404 and 87-405, March 29, 1987

P 87-406, 87-407, 87-408, 87-409, 87-410, 87-411, 87-412 and 87-413, March 30, 1987

Written comments by:

P 87-400, 87-401, 87-402, 87-403, 87-404 and 87-405, February 27, 1987

P 87-406, 87-407, 87-408, 87-409, 87-410, 87-411, 87-412 and 87-413, February 28, 1987

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51657]" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. L-100, 401 M Street, SW., Washington, DC 20460, (202) 554-1305.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** Effective with this notice, a nonsubstantive change in format is being initiated for information published under sections 5 (d)(2) and 5 (h)(6) of the Toxic Substances Control Act. Toxicity data will only appear in the notice when submitted with the PMN. Exposure and environmental release/disposal information will no longer be published in the notice. The following notice contains information extracted from the non-confidential version of the PMNs received by EPA. The complete non-confidential PMNs are available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

**P 87-400**

*Manufacturer.* American Hoechst Corporation.

*Chemical.* (G) Substituted azo naphthalene sulfonic acid.

*Use/Production.* (S) Industrial fiber reactive dye. Prod. range: Confidential.

**P 87-401**

*Manufacturer.* American Hoechst Corporation.

*Chemical.* (G) Substituted azo naphthalene sulfonic acid.

*Use/Production.* (S) Industrial fiber reactive dye. Prod. range: Confidential.

**P 87-402**

*Manufacturer.* American Hoechst Corporation.

*Chemical.* (G) Substituted azo naphthalene sulfonic acid.

*Use/Production.* (S) Industrial fiber reactive dye. Prod. range: Confidential.

**P 87-403**

*Manufacturer.* Genesee Polymers.

*Chemical.* (S) Siloxanes and silicones, dimethyl, 3-methacryloxy propyl methyl.

*Use/Production.* (S) Industrial UV curable coatings and dielectric gel encapsulant. Prod. range: 51,000 to 15,000 kg/yr.

**P 87-404**

*Manufacturer.* Ashland Chemical Company.

*Chemical.* (G) Copolymer of acrylic acid esters, acrylic acid, and styrene.

*Use/Production.* (G) Pressure sensitive adhesive. Prod. range: Confidential.

**P 87-405**

*Manufacturer.* Confidential

*Chemical.* (G) Benzyl ammonium chloride quarternary.

*Use/Production.* (G) Dyeing assistant for acrylic fibers. Prod. range: 10,000 to 44,000 kg/yr.

**P 87-406**

*Manufacturer.* Confidential.

*Chemical.* (G) Butyl(mercapto)tin sulfide.

*Use/Production.* (G) PVC stabilizer. Prod. range: Confidential.

**P 87-407**

*Manufacturer.* Confidential.

*Chemical.* (G) Amine/carboxylic acid salt.

*Use/Production.* (S) Industrial internal mold release. Prod. range: Confidential.

**P 87–408**

*Importer.* Manchem, Incorportated.
*Chemical.* (G) Aluminum carboxylate.
Use/Import. (S) Site-limited and industrial gelation agent for hydrocarbon solutions. Import range: 10,000 to 30,000 lbs/yr.

**P 87–409**

*Manufacturer.* Confidential.
*Chemical.* (G) Butyl(mercapto)tin sulfide.
*Use/Production.* (G) PVC stabilizer. Prod. range: Confidential.

**P 87–410**

*Importer.* Confidential.
*Chemical.* (G) Polyalkoxylated alkyl diamine.
Use/Import. (G) Rubber additive (open, non-dispresive use). Import range: Confidential.

**P 87–411**

*Importer.* Confidential.
*Chemical.* (G) Polyalkoxylated alkyl diamine.
Use/Import. (G) Rubber additve (open, non-dispersive use). Import range: Confidential.

**P 87–412**

*Manufacturer.* E.I. du Pont de Nemours and Company Inc.
*Chemical.* (G) Copolyester.
*Use/Production.* (G) General purpose molding resins. Prod. range: Confidential.

**P 87–413**

*Manufacturer.* E.I. du Pont De Nemours and Company Inc.
*Chemical.* (G) Copolyester.
*Use/Production.* (G) General purpose molding resins. Prod. range: Confidential

Dated: January 6, 1987.

**Denise Devoe,**

*Acting Division Director, Information Management Division.*

[FR Doc. 87–550 Filed 1–9–87; 8:45 am]

BILLING CODE 6560–SI–M

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**[OPTS–59801; FRL–3141–6]**

## Certain Chemical Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of two such polymer exemption submissions and provides a summary of each.

**DATES:** Close of review period:

Y 87–82—January 18, 1987.
Y 87–83—January 19, 1987.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Roan, Premanufacture Notice Management Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M Street, SW., Washington, DC 20460, (202) 382–3725.

**SUPPLEMENTARY INFORMATION:** Effective with this notice, a non-substantive change in format is being initiated for information published under sections 5 (d)(2) and 5 (h)(6) of the Toxic Substances Control Act. Toxicity data will only appear in the notice when submitted with the polymer exemption submission. Exposure and environmental release/disposal information will no longer be published in the notice. The following notice contains information extracted from the non-confidential version of the submission by the manufacturer on the exemption received by EPA. The complete non-confidential document is available in the Public Reading Room NE–G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

**Y 87–82**

*Importer.* Confidential.
*Chemical.* (G) Modified terephthalic acid/neopentyl glycol polyester resin.
*Use/Import.* (G) Powder paint binder. Import range: Confidential.

**Y 87–83**

*Manufacturer.* Confidential.
*Chemical.* (G) Polyurethane/styrene-ecrylic graft copolymer.
*Use/Production.* (S) Industrial, commercial and consumer general purpose coating and modifiers for coatings, inks, and adhesive. Prod. range: Confidential.

Dated: January 6, 1987.

**Denise Devoe,**

*Acting Division Director, Information Management Division.*

[FR Doc. 87–551 Filed 1–9–87; 8:45 am]

BILLING CODE 6560–50–M

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**[OPTS—140081; FRL–3141–7]**

## Contractor and Subcontractor Access to Confidential Business Information

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized several contractors and subcontractors for access to information which has been submitted to EPA under various sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

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

**SUPPLEMENTARY INFORMATION:** Under TSCA, EPA must determine whether the manufacture, processing, distribution in commerce, use, or disposal of certain chemical substances or mixtures may present an unreasonable risk of injury to human health or the environment. New Chemical substances, i.e., those not listed on the TSCA Inventory of Chemical Substances, are evaluated by EPA under section 5 of TSCA. Existing chemical substances, i.e., those listed on the TSCA Inventory, are evaluated by the Agency under sections 4, 6, 7, and 8 of TSCA. Section 12 requires a person to report his or her intent to export certain chemical substances to foreign countries.

In accordance with 40 CFR 2.306(j), EPA has determined that the following contractors and subcontractors will require access to CBI submitted to EPA under TSCA to successfully perform work under the contracts described in the following units of this notice.

### I. Previously Announced Contracts

Access to CBI by the contractors and subcontractors shown on the chart below was announced in earlier **Federal Register** notices. EPA is issuing this notice to inform submitters of changes in the TSCA CBI access status under these contracts.

| Contract No. | Contractor name | Address | Authorized sections of TSCA | Site information | FR publication date/cite | Extended expiration date |
|---|---|---|---|---|---|---|
| 68-01-6814 | Chemical Abstracts Service (CAS) | 2540 Olentangy River, P.O. Box 3012, Columbus, OH. | 5 and 8 | CAS facilities | Feb. 15, 1984 (49 FR 5830) | Jan. 10, 1987. |
| 68-02-4215 | Jeffinek, Schwartz, Connolly & Freshman (JSCF). | 1350 New York Avenue, NW, Suite 400, Washington, DC. | 5 and 8 | EPA headquarters, JSCF facilities. | Sept. 20, 1985 (50 FR 38199). | Sept. 30, 1989. |
| 68-02-3056 | Research Triangle Institute (RTI) | P.O. Box 12194, Research Triangle Park, NC. | 8 | RTI facilities | Feb. 8, 1984 (49 FR 4841) | Oct. 12, 1988. |
| 68-01-6658 | Systems Development Corporation (SDC). | P.O. Box 12314, Research Triangle Park, NC. | All | EPA Headquarters, RTP facilities. | May 3, 1985 (50 FR 18914) | Sept. 30, 1987. |
| 68-01-7037 | Planning Research Corporation (PRC). | 303 East Wacker Drive, Suite 500, Chicago, IL. | All | EPA facilities, PRC facilities | June 13, 1985 (50 FR 24831). | Sept. 30 1987. |

## II. New Contractors and Subcontractors

Access to CBI by the contractors and subcontractors described in this unit is being announced for the first time. EPA is issuing this initial notice to affected business informing them that EPA may provide access to TSCA CBI to these contractors and subcontractors, under the contracts that are indicated, on a need-to-know basis.

Under contract No. 68–02–4260, the Dynamac Corporation, 11140 Rockville Pike, Rockville, Maryland, and its subcontractors, Arthur D. Little, Incorporated, Acorn Park, Cambridge, Massachusetts, and ICF, Incorporated, 1850 K Street NW., Suite 950, Washington, DC, will assist the Office of Toxic Substances' (OTS) Chemical Control Division in developing regulatory strategies for selected chemicals or chemical categories currently being studied by OTS for possible regulation or referral to other agencies. These chemicals, or chemical categories, generally identified in either the new or existing chemical review program may be designated for expedited review under section 4(f) of TSCA. The Dynamac employees must also summarize and evaluate documents entered in public rulemaking dockets. During the review of new and existing chemicals (and chemical categories) for possible control actions, numerous meetings are held. The Dynamac employees must provide support in meetings that are a regularly scheduled part of the new and existing chemical review process. Dynamac personnel will be given access to information submitted under all sections of TSCA. Access to TSCA CBI under this contract will take place at EPA Headquarters, Dynamac's facilities, and at ICF's facilities. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1989.

Under contract No. 68–02–4257, the Science Applications International Corporation (SAIC), 8400 Westpark Drive, McLean, Virginia, will perform expert examinations of Premanufacture Notices (PMN) to contribute to initial hazard assessment of new chemicals. SAIC will also prepare and bring to completion critical, predictive reviews on the potentially synergistic, antagonistic, or additive combination effects of chemicals that may have carcinogenic potential as well on structural features which render chemicals tumorigenesis promotors. In these reviews the contractor will develop the framework for structure-activity relationship (SAR) analysis for the evaluation of combination effects of classes or families of chemicals. SAIC's personnel will be given access to information submitted under sections 5 and 8 of TSCA. All access to TSCA CBI under this contract will take place at EPA Headquarters. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1989.

Under contract No. 68–02–4254, Versar, Incorporated, 6850 Versar Center, Springfield, Virginia, will provide exposure assessment support for OTS for both new and existing chemicals. This support may be in the form of developing human and environmental exposure assessment; estimating pertinent physical, chemical, biological, and fate properties for all PMNs submitted under section 5 of TSCA; or critically reviewing fate testing data or testing protocols. In addition, exposure assessments will be developed for PMNs that enter Standard Review. Data submitted under section 8 of TSCA will be used in developing exposure estimates for chemicals being reviewed under sections 4 and 6 of the Act. Fate and exposure data under sections 4 and 6 also will be used. Versar's personnel will be given access to information submitted under sections 4, 5, 6, and 8 of TSCA. Access to TSCA CBI under this contract will take place at EPA Headquarters and at Versar's facilities. Clearance for access to TSCA CBI under this contract is scheduled to expire on September 30, 1989.

The contractors and subcontractors listed above that are authorized to transfer CBI materials from EPA Headquarters to their facilities will, upon completing review of the CBI materials, return them to EPA.

Contractors and subcontractors requiring access to TSCA CBI at their facilities will be authorized for such access under the EPA "Contractor Requirements for the Control and Security of TSCA Confidential Business Information" security manual. EPA has received their security plans and will perform the required inspections of their facilities before CBI access at the sites will be allowed.

All contractor and subcontractor personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: January 5, 1987.

**Charles L. Elkins,**

*Director, Office of Toxic Substances.*

[FR Doc. 87–549 Filed 1–9–87; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed

The Federal Maritime Commission hereby gives notices 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.: 202–010676–023
Title: Mediterranean/U.S.A. Freight Conference
Parties:
Achille Lauro
C.I.A. Venezolana de Navigacion

Compania Trasatlantica Espanola, S.A.
Costa Line
Farrell Lines, Inc.
Italia di Navigazione, S.p.A.
Jugolinija
Jugooceanija
Lykes Lines
A.P. Moller-Maersk Line
Nedlloyd Lines
Sea-Land Service, Inc.
Trans Freight Lines
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would require that all parties to the agreement also be members of the Italy/U.S.A. North Atlantic Pool Agreement (F.M.C. Agreement No. 212-010286).

Dated: January 7, 1987.

By Order of the Federal Maritime Commission.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 87-539 Filed 1-9-87; 8:45 am]

BILLING CODE 6730-01-M

## Ocean Freight Forwarder License Applicants; Melendez Shipping Co., Inc., et al.

Notice is hereby given that the following persons have filed applications for licenses as ocean freight forwarders with the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and 46 CFR Part 510.

Persons knowing of any reason why any of the following persons should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573:

Melendez Shipping Co., Inc., 1300 Newark Turnpike, Kearny, NJ 07032, Officer: Miguel Melendez, President
Robert Carranza, 3434 West 84th Street, Inglewood, CA 90305, Officers.

Dated: January 7, 1987.

**Joseph C. Polking,**

*Secretary.*

[FR Doc. 87-540 Filed 1-9-87; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

## Bank of New England Corp. et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23 (a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23 (a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than January 27, 1987.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Bank of New England Corporation,* Boston, Massachusetts; to acquire Financial Enterprises Corp., Canton, Massachusetts, and thereby engage in making and servicing mortgage and real estate related loans, primarily residential one-to-four family and second mortgage loans under § 225.25(b)(1)(iii) of the Board's Regulation Y.

2. *Bank of New England Corporation,* Boston, Massachusetts; to acquire Plymouth, Inc., Miami Lakes, Florida, and thereby engage in financing insurance premiums under § 225.25(b)(1)(i) of the Board's Regulation Y.

B. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Bank of Tokyo Ltd.,* Tokyo, Japan; to retain ownership of Nissei Bot Asset Management Corporation, New York, New York, and thereby engage in (i) providing portfolio investment advice to domestic and foreign persons pursuant to § 225.25(b)(4)(iii); (ii) serving as investment adviser (as defined in section 2(a)(20) of the Investment Company Act of 1940, 15 U.S.C. section 80a-2(a)(20), to investment companies registered under the Act pursuant to § 225.25(b)(4)(ii); and (iii) providing investment advice on financial futures and options on futures as a commodity trading advisor pursuant to § 225.25(b)(19) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 6, 1987.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 87-504 Filed 1-9-87; 8:45 am]

BILLING CODE 6210-01-M

## Donald B. Betts et al.; Acquisitions of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 27, 1987.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Donald B. Betts,* Harlington, Texas; Arthur R. Friday, Harold O. Larsen, LeRoy F. Nelson, Darryl D. Smith and Kendal C. Warne, Sr., all of Atlantic, Iowa; Charles E. Hornbuckle and W. E. Lloyd, both of Shenandoah, Iowa, Roy D. Harris, Harlan, Iowa; Lynn F. Johnson, Essex, Iowa; Edward Naven, Corning, Iowa; C. Norlyn Taylor, Woodbine, Iowa, and Lynn Taylor, Villisca, Iowa; to acquire 100 percent of the voting shares of Anita

Bancorporation, Newton, Iowa, and thereby indirectly acquire Anita State Bank, Anita, Iowa.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *John R. Browne,* Stephen Browne, and Mrs. Frank J. Quan, all of Oklahoma City, Oklahoma; Margaret Reese, Tulsa, Oklahoma; and Kelsey Evans, Jackson, Mississippi; to acquire 63.3 percent of the voting shares of Union Bancorporation, Inc., Oklahoma City, Oklahoma, and thereby indirectly acquire Union Bank and Trust Company, Oklahoma City, Oklahoma.

C. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *James D. Yoo,* Dallas, Texas; Cheol H. Nam, Carrollton, Texas; Don S. Kim, Arlington, Texas; Young K. Moon, Carrollton, Texas; Samuel S. K. Hong, Garland, Texas; Hee D. Lee, Mesquite, Texas; Jeffrey S. Gibbens, Plano, Texas; Thomas L. Fiedler, Richardson, Texas; Chung Hui Cho, Dallas, Texas; James P. Lee, Dallas, Texas; Gerald J. LaFountain, Dallas, Texas; American Religious Town Hall Meeting, Inc., Dallas, Texas; Robert W. Leiske, Dallas, Texas; Jerry B. Cotner, Dallas, Texas; and S. Lewis Hutcheson, Dallas, Texas; to acquire 100 percent of the voting shares of United Bankers, Inc., Waco, Texas, and thereby indirectly acquire Southwest Bank—Garland, Garland, Texas.

Board of Governors of the Federal Reserve System, January 6, 1987.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 87–505 Filed 1–9–87; 8:45 am]

BILLING CODE 6210–01–M

## CityTrust Bancorp, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo,* either directly or through a 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.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 30, 1987.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *CityTrust Bancorp, Inc.,* Bridgeport, Connecticut; to engage *de novo* through its subsidiary, CityTrust of New Jersey, Inc., Edison, New Jersey, as a loan production office for CityTrust pursuant to § 225.25(b)(1) of the Board's Regulation Y by soliciting credit applications from individuals in commercial organizations, performing appropriate preliminary credit investigations sufficient to permit recommending a credit to CityTrust for approval, and otherwise generally acting as CityTrust's agent in matters of customer contact, acquisition of information, and administrative issues pertaining to loan servicing. Comments on this application must be received by January 26, 1987.

2. *The Norinchukin Bank,* Tokyo, Japan; to engage *de novo* through its subsidiary, Kyodo Leasing Co., Ltd., Tokyo, Japan, in the business of making, acquiring, and servicing loans or other extensions of credit for its own account or for the account of others such as would be made by a mortgage and commercial finance company pursuant to § 225.25(b)(1) of the Board's Regulation Y; and leasing transactions of a type permissible for bank holding company affiliates under § 225.25(b)(5) of the Board's Regulation Y.

B. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Huntington Bancshares, Incorporated,* Columbus, Ohio; to engage *de novo* through its subsidiary, Huntington Mortgage Company, Columbus, Ohio, in originating, making, servicing, buying and selling mortgage loans pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Signet Banking Corporation,* Richmond, Virginia; to engage *de novo* through its subsidiary, Landmark Financial Services, Inc., Silver Spring, Maryland, in the activities of providing to individuals, businesses, and nonprofit organizations tax planning and tax preparation services, including advice and strategies to minimize tax liabilities, and the preparation of tax forms, provided: (i) The materials used by the tax planner or preparer do not promote other specific products and services; and (ii) the tax planner or preparer does not obtain or disclose confidential information concerning its customers without the customer's written consent or pursuant to legal process pursuant to § 225.25(b)(21) of the Board's Regulation Y.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Cole-Taylor Financial Group, Inc.,* Northbrook, Illinois; to engage *de novo* through its subsidiary, Cole-Taylor Trust Company, Northbrook, Illinois, in trust company functions pursuant to § 225.25(b)(3) of the Board's Regulation Y; and through Cole-Taylor Family Financial Group, Inc., Northbrook, Illinois, in providing personal portfolio investment advice pursuant to § 225.25(b)(4); real estate appraising pursuant to § 225.25(b)(13); consumer financial counseling services pursuant to § 225.25(b)(20); and tax planning and preparation pursuant to § 225.25(b)(21). Comments on this application must be received by January 23, 1987.

Board of Governors of the Federal Reserve System, January 6, 1987.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 87–506 Filed 1–9–87; 8:45 am]

BILLING CODE 6210–01–M

**National Penn Bancshares, 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 January 27, 1987.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *National Penn Bancshares, Inc.*, Boyertown, Pennsylvania; to acquire 20 percent of the voting shares of Penncore Financial Services Corporation, Camp Hill, Pennsylvania, and thereby indirectly acquire Commonwealth State Bank, Newtown, Pennsylvania, a *de novo* bank.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *CB&T Bancshares*, Columbus, Georgia; to merge with First Community Bancshares of Tifton, Inc., Tifton, Georgia, and thereby indirectly acquire First Community Bank of Tifton, Tifton, Georgia.

2. *CSB Financial Corporation*, Ashland City, Tennessee; to become a bank holding company by acquiring 92 percent of the voting shares of Cheatham State Bank, Kingston Springs, Tennessee.

3. *Southeast Banking Corporation*, Miami, Florida; to merge with Popular Bancshares Corporation, Miami, Florida, and thereby indirectly acquire The Bank of Miami, Miami, Florida.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *CCSB Corporation*, Charlevoix, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of Charlevoix County State Bank, Charlevoix, Michigan.

2. *First Dolton Corp.*, Dolton, Illinois; to become a bank holding company by acquiring 97.5 percent of the voting shares of First National Bank in Dolton, Dolton, Illinois.

D. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Old National Bancorp*, Evansville, Indiana; to merge with Security Bancorp, Inc., Vincennes, Indiana, and thereby indirectly acquire Security Bank and Trust Co., Vincennes, Indiana. Comments on this application must be received by January 30, 1987.

2. *Union Planters Corporation*, Memphis, Tennessee; to acquire at least 90 percent of the voting shares of BoRC Financial Corporation, Harriman, Tennessee, and thereby indirectly acquire Bank of Roane County, Harriman, Tennessee.

Bank acts as agent in the sale of collateral insurance, accidental death benefit insurance, and travel insurance for scheduled airlines. Comments on this application must be received by January 30, 1987.

3. *Union Planters Corporation*, Memphis, Tennessee; to acquire 90 percent of the voting shares of First Citizens Bank of Hohenwald, Hohenwald, Tennessee. Comments on this application must be received by January 30, 1987.

E. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Con-West Inc.*, Billings, Montana; to become a bank holding company by acquiring 80 percent of the voting shares of First Security Bank of Glendive, Glendive, Montana. Comments on this application must be received by January 30, 1987.

Board of Governors of the Federal Reserve System, January 6, 1987.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 87-507 Filed 1-9-87; 8:45 am]

BILLING CODE 6210-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Family Support Administration**

**Refugee Resettlement Program; Proposed Allocations to States of FY 1987 Funds for Social Services for Refugees and Cuban/Haitian Entrants**

**AGENCY:** Office of Refugee Resettlement (ORR), FSA, HHS.

**ACTION:** Notice of proposed allocations to States of FY 1987 funds for refugee and entrant social services.

**SUMMARY:** This notice proposes the allocations to States of FY 1987 funds for social services under the Refugee Resettlement Program (RRP).

**DATE:** Comments on the allocations provided for in this notice will be considered if received by February 11, 1987.

**ADDRESS:** Address written comments, in duplicate, to: Ellen M. McGovern, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street SW., Washington, DC 20201.

**FOR FURTHER INFORMATION CONTACT:** Ellen M. McGovern (202) 245-1957.

**SUPPLEMENTARY INFORMATION:**

**I. Amounts Proposed for Allocation**

The Office of Refugee Resettlement (ORR) expects to have available $68,617,000 in FY 1987 refugee/entrant social service funds. This determination is based upon the Continuing Resolution for FY 1987 (Pub. L. 99-500) which provides for funding for social services to be at the same level as in FY 1986.

Of the total of $68,617,000, the Director of ORR proposes to make available to States during FY 1987 approximately $58,000,000 (85%) under the allocation formulas set out in this notice. These funds will be made available for the purpose of providing social services to refugees and entrants.

All allocation figures include both refugees and Cuban/Haitian entrants since both populations may be served through funds addressed in this notice. (A State must, however, have an approved State plan for the Cuban/Haitian Entrant Program in order to use funds on behalf of entrants as well as refugees.)

Of the $58,074,584 covered by this notice, the Director proposes to allocate funds directly to States in the following manner:

- $55,000,000, the same amount as in FY 1986, will be allocated on the basis of each State's proportion of the national population of refugees and entrants who

had been in the U.S. less than 3 years as of October 1, 1986.

• $177,326 will be allocated in order to provide a floor for States which have small refugee/entrant populations. This proposal for a floor is based on a recommendation made by a State Refugee Coordinator last year. Under the proposal, if a State's formula amount is $45,000 or less, $30,000 will be added to the formula amount; if the formula amount is more than $45,000 but less than $75,000, the floor will be set at $75,000. We believe that the use of such a floor will enable States with small refugee/entrant populations to provide or arrange for appropriate services, while not overfunding the States with the smallest populations.

• $2,897,258 will be allocated to each State on the basis of its proportion of the 3-year refugee/entrant population (including a floor amount of $5,000 to States with small refugee/entrant populations) in order to provide an incentive for States to fund refugee/entrant mutual assistance associations (MAAs). The amount being allocated to MAAs, exclusive of the floor, is $2,871,000, the same amount as in FY 1986. A written assurance that these optional funds will be used for MAAs is required in order for a State to receive the funds. Guidance to States regarding this assurance is provided below.

The use of the 3-year population base in the allocation formula is required by the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605) which amended section 412(c) of the Immigration and Nationality Act to require that the "funds available for a fiscal year for grants and contracts [for social services] . . . shall be allocated among the States based on the total number of refugees (including children and adults) who arrived in the United States not more than 36 months before the beginning of such fiscal year and who are actually residing in each State (taking into account secondary migration) as of the beginning of the fiscal year."

The $10,542,416 in remaining social service funds is currently expected to be used by ORR on a discretionary basis to provide funds for individual projects intended to contribute to the effectiveness and efficiency of the refugee resettlement program.

The discretionary funds will support specific program activities designed to improve the delivery of services to refugees. Announcements of the availability of funding and grant application procedures for some projects have been issued (Availability of Funding for Grants to States to Implement Favorable Alternate Sites Demonstration Projects, Memorandum to State Refugee Coordinators issued October 1, 1984; and Availability of Funding for Planned Secondary Resettlement of Refugees, 50 FR 20038, May 13, 1985). Other announcements will be made when initiatives are decided on.

While the formula is based on the 3-year refugee population, social service programs are not limited to refugees who have been in the U.S. only 3 years. States may provide services without regard to an individual refugee's or entrant's length of residence.

ORR funds may not be used to provide services to United States citizens since they are not covered under the refugee and entrant legislation (except that services may be provided to a U.S.-born minor child in a family in which both parents are refugees or entrants or, if only one parent is present, in which that parent is a refugee or entrant).

In accordance with ORR's "Statement of Program Goals, Priorities and Standards for State-Administered Refugee Resettlement Program" issued March 1, 1984, funds awarded under this notice are subject (as were FY 1985 and FY 1986 funds) to a requirement that at least 85% of a State's award be used for employment services, English language training, and case management services, reflecting the Congressional objective that "employable refugees should be placed in jobs as soon as possible after their arrival in the United States" and that social service funds be focused on these types of services. (Immigration and Nationality Act, section 412(a)(1)(B).) As in previous years, ORR will consider granting, under specific circumstances, a waiver of this provision. In order to receive a waiver, a State must meet either of the following two conditions:

1. The State demonstrates to the satisfaction of the Director of ORR that two of the following three circumstances exist: The cash assistance rate for time-eligible refugees/entrants in the State is below the national average for all time-eligible refugees/entrants in the U.S.; less than 85% of the State's social service allocation is sufficient to meet all employment-related needs of the State's refugees/entrants; and/or there are non-employment-related service needs which are so extreme as to justify an allowance above the basic 50%. *Or*

2. In accordance with section 412(c)(1)(B) of the Immigration and Nationality Act, as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605), the State submits to the Director a plan (established by or in consultation with local governments) which the Director determines provides for the maximum apppropriate provision of employment-related services for, and the maximum placement of, employable refugees consistent wih performance standards established under section 106 of the Job Training Partnership Act.

States should also expect to use funds available under this notice to pay for social services which are provided to refugees/entrants who participate in alternative projects. The Continuing Resolution for FY 1985 (Pub. L. 98–473) amended the Immigration and Nationality Act to provide that:

> "The Secretary [of HHS] shall develop and implement alternative projects for refugees who have been in the United States less than thirty-six months, under which refugees are provided interim support, medical services, support [social] services, and case management, as needed, in a manner that encourages self-sufficiency, reduces welfare dependency, and fosters greater coordination among the resettlement agencies and service providers."

This provision is generally known as the Wilson/Fish Amendment. The Department has already issued a separate notice in the **Federal Register** with respect to applications for such projects (50 FR 24583, June 11, 1985). The notice on alternative projects does not contain provisions for the allocation of additional social service funds beyond the amounts proposed for availability in this notice. Therefore a State which may wish to consider carrying out such a project should take note of this in planning its use of social service funds being allocated under the present notice.

Finally, ORR believes that the continued and/or increased utilization of refugee mutual assistance associations (MAAs) in the provision of social services promotes appropriate use of services as well as the effectiveness of the overall service system. This belief is reinforced by the interest in MAAs which has developed under similar incentive funds awarded to States in previous years. Therefore additional funds which would be targeted specifically to these organizations have been included as an optional award to States which would use them for this purpose.

In order to receive the MAA incentive funds, the appropriate State agency official must provide written assurance to the Office of Refugee Resettlement that the following conditions will be observed by the State agency in using funds made available to the State under this special allocation:

(1) That such funds will be used to fund refugee/entrant mutual assistance associations for the direct provision of services to refugee and entrant clients.

(2) That the MAA incentive allocation is subject to and included under ORR's requirement that 85% of the total amount of social service funds allocated by this notice to a State be used for priority services, as defined elsewhere in this notice.

(3) That the State agency will observe the following definition of a mutual assistance association:

(a) The organization must be legally incorporated as a nonprofit organization; *and*

(b) Not less than 51% of the composition of the Board of Directors or governing board of the mutual assistance association will be comprosed of refugees/entrants or former refugees/entrants.

(4) That the State agency will assist MAAs in seeking other public and/or private funds for the provision of services for refugee and entrant clients in subsequent years.

Written assurances should be sent to the Director, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street, SW., Washington, DC 20201, with a duplicate copy to the appropriate ORR Regional Director. States must respond by May 29, 1987, in order to avail themselves of this special allocation.

**II. [Reserved for discussion of comments in final notice.]**

**III. Proposed Allocation Formula**

Of the funds available for FY 1987 for social services, $55,000,000 is proposed for allocation to States in accordance with the formula specified below. A State's allowable allocation will be calculated as follows:

1. The total amount of funds determined by the Director to be available for this purpose; divided by—

2. The total number of refugees and entrants who arrived in the United States not more than three years prior to the beginning of the fiscal year for which the funds are appropriated, as shown by the ORR Refugee Data System. The resulting per capita amount will be multiplied by—

3. The number of refugees and entrants in item 2, above, in the State as of October 1, 1986, adjusted for estimated secondary migration.

The calculation above will yield the formula allocation for each State.

MAA incentive award supplements are allocated on the same 3-year population basis as that used in the social service formula. These funds will be made available contingent upon letters of assurance from States.

**IV. Basis of Refugee and Entrant Population Estimates**

The population estimates for the allocation of funds in FY 1987 are based on data on refugee arrivals from the ORR Refugee Data System, adjusted as of October 1, 1986, for estimated secondary migration. The data base includes refugees of all nationalities as well as Cuban and Haitian entrants resettled after September 30, 1983.

For fiscal year 1987, ORR's formula allocations to the States for social services for refugees are based on the numbers of refugees who arrived, and on the numbers of entrants who arrived or were resettled, during the preceding three fiscal years: 1984, 1985, and 1986. Therefore estimates have been developed of the numbers of refugees and entrants with arrival or resettlement dated between October 1, 1983, and September 30, 1986, who are thought to be living in each State as of October 1, 1986. The population estimates for the FY 1987 allocations cover refugees of all nationalities and Cuban/Haitian entrants.

All participating States submitted data on their secondary in-migration on Form ORR–11 in time for use in adjusting these population estimates. The total reported migration was summed, yielding a net migration figure for each State. This figure, the minimum documented migration affecting each State, was applied to the total arrival figure, resulting in a revised population estimate. This estimate was converted into a percentage of the total 3-year refugee population. The percentage distribution was compared with the percentage distribution generated from the refugee child count done by the U.S. Department of Education in May 1986. Where a significant discrepancy between the two percentage distributions existed which could not be explained except by secondary migration, a further ajdustment was made to the State's estimated population. The population estimates of 14 States were adjusted in this manner. Finally, each State's population was deflated by approximately 0.74% to constrain the sum of the State figures to the known national total.

Estimates were developed separately for refugees and entrants and then combined into a total estimated 3-year refugee/entrant population for each State. In doing so, ORR excluded from the population totals nationwide 3,281 refugees who were resettled subject to a full Federal match of $957 under ORR's matching-grant program with national voluntary refugee resettlement agencies. The social service funds available to serve non-matching-grant refugees are limited and are, therefore, directed to the areas where those refugees live.

Table 1, below, shows the estimated 3-year populations, as of October 1, 1986, of all refugees (col. 1) and entrants (col. 2), excluding those matching-grant refugees discussed above; the total refugees and entrants (col. 3); the formula amounts which the population estimates yield (col. 4); the total allocation amounts after allowing for the minimum amounts (col. 5); and the amounts available as an incentive to States to use MAAs as service providers (col. 6).

A detailed explanation of the development of data used in this formula allocation can be obtained by writing to the address indicated in Section VI of this notice.

**V. Proposed Allocation Amounts**

The following amounts are proposed for allocation for refugee social services in FY 1987:

TABLE 1.—ESTIMATED 3-YEAR REFUGEE ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND SOCIAL SERVICE FORMULA AMOUNTS AND PROPOSED ALLOCATIONS FOR FY 1987

| State | Refugees (1) | Entrants (2) | Total population (3) | Formula amount (4) | Proposed allocation (5) | MAA incentive allocation (6) |
|---|---|---|---|---|---|---|
| Alabama | 1,005 | 0 | 1,005 | $279,563 | $279,563 | $14,593 |
| Arizona | 2,633 | 0 | 2,633 | 732,428 | 732,428 | 38,233 |
| Arkansas | 539 | 0 | 539 | 149,935 | 149,935 | 7,827 |
| Calif | 67,449 | 49 | 67,498 | 18,776,090 | 18,776,090 | 980,112 |
| Colorado | 2,090 | 25 | 2,115 | 588,335 | 588,335 | 30,711 |
| Conn | 2,302 | 2 | 2,304 | 640,910 | 640,910 | 33,455 |
| Delaware | 59 | 0 | 59 | 16,412 | 46,412 | 5,000 |
| Dist. Col | 454 | 1 | 455 | 126,569 | 126,569 | 6,607 |
| Florida | 3,964 | 345 | 4,309 | 1,198,645 | 1,198,645 | 62,569 |
| Georgia | 3,245 | 39 | 3,284 | 913,519 | 913,519 | 47,686 |
| Guam | 50 | 0 | 50 | 13,909 | 43,909 | 5,000 |

TABLE 1.—ESTIMATED 3-YEAR REFUGEE ENTRANT POPULATIONS OF STATES PARTICIPATING IN THE REFUGEE PROGRAM AND SOCIAL SERVICE FORMULA AMOUNTS AND PROPOSED ALLOCATIONS FOR FY 1987—Continued

| State | Refugees (1) | Entrants (2) | Total population (3) | Formula amount (4) | Proposed allocation (5) | MAA incentive allocation (6) |
|---|---|---|---|---|---|---|
| Hawaii | 795 | 0 | 795 | 221,147 | 221,147 | 11,544 |
| Idaho | 969 | 0 | 969 | 269,549 | 269,549 | 14,070 |
| Illinois | 8,194 | 8 | 8,202 | 2,281,571 | 2,281,571 | 119,098 |
| Indiana | 770 | 0 | 770 | 214,193 | 214,193 | 11,181 |
| Iowa | 2,024 | 0 | 2,024 | 563,021 | 563,021 | 29,390 |
| Kansas | 2,427 | 0 | 2,427 | 675,125 | 675,125 | 35,242 |
| Kentucky | 759 | 0 | 759 | 211,133 | 211,133 | 11,021 |
| Louisiana | 2,554 | 0 | 2,554 | 710,453 | 710,453 | 37,086 |
| Maine | 878 | 3 | 881 | 245,070 | 245,070 | 12,793 |
| Maryland | 3,509 | 2 | 3,511 | 976,664 | 976,664 | 50,982 |
| Mass | 8,748 | 19 | 8,767 | 2,438,739 | 2,438,739 | 127,302 |
| Michigan | 3,050 | 0 | 3,050 | 848,426 | 848,426 | 44,288 |
| Minnesota | 5,544 | 0 | 5,544 | 1,542,189 | 1,542,189 | 80,502 |
| Miss. | 301 | 0 | 301 | 83,730 | 83,730 | 5,000 |
| Missouri | 2,234 | 1 | 2,235 | 621,716 | 621,716 | 32,454 |
| Montana | 86 | 0 | 86 | 23,923 | 53,923 | 5,000 |
| Nebraska | 390 | 0 | 390 | 108,487 | 108,487 | 5,663 |
| Nevada | 725 | 103 | 828 | 230,327 | 230,327 | 12,023 |
| New Hamp. | 262 | 0 | 262 | 72,881 | 75,000 | 5,000 |
| New Jer. | 2,641 | 87 | 2,728 | 758,855 | 758,855 | 39,612 |
| New Mexico | 428 | 0 | 428 | 119,058 | 119,058 | 6,215 |
| New York | 12,679 | 125 | 12,804 | 3,561,721 | 3,561,721 | 185,922 |
| No. Car. | 1,694 | 1 | 1,695 | 471,502 | 471,502 | 24,612 |
| No. Dak. | 423 | 0 | 423 | 117,667 | 117,667 | 6,142 |
| Ohio | 2,751 | 0 | 2,751 | 765,253 | 765,253 | 39,946 |
| Oklahoma | 2,084 | 0 | 2,084 | 579,712 | 579,712 | 30,261 |
| Oregon | 2,684 | 0 | 2,684 | 746,615 | 746,615 | 38,973 |
| Penn. | 5,908 | 9 | 5,917 | 1,645,947 | 1,645,947 | 85,918 |
| R.I. | 1,896 | 0 | 1,896 | 527,415 | 527,415 | 27,531 |
| So. Car. | 267 | 4 | 271 | 75,385 | 75,385 | 5,000 |
| So. Dak. | 336 | 0 | 336 | 93,466 | 93,466 | 5,000 |
| Tenn. | 2,145 | 0 | 2,145 | 596,680 | 596,680 | 31,147 |
| Texas | 13,950 | 5 | 13,955 | 3,881,898 | 3,881,898 | 202,635 |
| Utah | 2,033 | 1 | 2,034 | 565,803 | 565,803 | 29,535 |
| Vermont | 179 | 0 | 179 | 49,793 | 75,000 | 5,000 |
| Virginia | 6,051 | 10 | 6,061 | 1,686,004 | 1,686,004 | 88,009 |
| Wash. | 8,425 | 0 | 8,425 | 2,343,604 | 2,343,604 | 122,336 |
| W. Va. | 68 | 0 | 68 | 18,916 | 48,916 | 5,000 |
| Wisc. | 2,206 | 0 | 2,206 | 613,649 | 613,649 | 32,032 |
| Wyoming | 23 | 0 | 23 | 6,398 | 36,398 | 500 |
| Total | 196,880 | 839 | 197,719 | $55,000,000 | $55,177,326 | $2,897,258 |

### VI. State Evidence on Refugee Population

If a State wishes ORR to reconsider its population estimate, it should submit written evidence through its ORR Regional Director. Requests will be evaluated according to a strict standard. The following is the type of evidence which would be considered appropriate:

- Documentation and discussion should be confined to the population entering during fiscal years 1984, 1985, and 1986, and should clearly identify what refugee or entrant groups are being discussed.
- Evidence should include a description of the information collection system(s) used by the State, including data sources, time period covered, timeliness, and validation procedures.
- Special studies and reports can be considered only if they are submitted for review.
- An example of acceptable evidence would be a list of refugees identified by name, alien number, date of arrival, and case size, if appropriate.

Any state evidence on population estimates should be submitted separately from comments on the proposed allocation formula no later than 30 days from date of publication of this notice and should be addressed to: Dr. Linda W. Gordon, Office of Refugee Resettlement, Room 1229 Switzer Building, 330 C Street SW., Washington, DC 20201. Telephone: (202) 245–1968.

### VII. Paperwork Reduction Act

This notice does not create any reporting or recordkeeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance No. 13.814 Refugee Assistance State Administered Programs)

Dated: December 17, 1986.

**Bill Gee,**

*Director, Office of Refugee Resettlement.*

[FR Doc. 87–581 Filed 1–9–87; 8:45 am]

BILLING CODE 4150-04-M

## Food and Drug Administration

### Center for Devices and Radiological Health; Request for Nominations for Representatives of Consumer and Industry Interests on Public Advisory Committees or Panels

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is requesting nominations for consumer and industry representatives to serve on certain public advisory committees or panels in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and for those that will or may occur during the next 17 months.

FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates, and nominations from small businesses that manufacture medical devices subject to the regulations.

**DATE:** Nominations should be received by March 13, 1987.

**ADDRESSES:** Written nominations and curricula vitae for consumer representatives to Naomi Kulakow, Office of Consumer Affairs (HFE–40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Written nominations and curricula vitae (which includes nominee's office address and telephone number) for industry representatives to Kay Levin, Center for Devices and Radiological Health (HFZ–20), Food and Drug Administration, 12720 Twinbrook Parkway, Rockville, MD 20857.

**FOR FURTHER INFORMATION CONTACT:**

For consumer Interests: Naomi Kulakow (see address above), 301–443–5006.

For Industry Interests: Kay Levin (see address above), 301–443–3516.

**SUPPLEMENTARY INFORMATION:** FDA is requesting nominations for members representing consumer and industry interests for the following:

| Committee or panel | Approximate date representative is needed | |
|---|---|---|
| | Consumer | Industry |
| 1. Clinical Chemistry and Clinical Toxicology Devices Panel. | NV [1] | Feb. 28, 1988. |
| 2. Device Good Manufacturing Practice Advisory Committee. | May 31, 1987–May 31, 1988. | NV |
| 3. Ear, Nose, and Throat Devices Panel. | NV [1] | Oct. 31, 1987. |
| 4. Gastroenterology-Urology Devices Panel. | NV [1] | Dec. 31, 1987. |
| 5. Immunology Devices Panel. | NV [1] | Feb. 28, 1988. |
| 6. Neurological Devices Panel. | NV [1] | Nov. 30, 1987. |

[1] NV = No Vacancy.

## Functions

*Medical Devices Panels*

The functions of the medical devices panels are to (1) review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

*Device Good Manufacturing Practice Advisory Committee*

The function of the Device Good Manufacturing Practice Advisory Committee is to review regulations for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and make recommendations regarding the feasibility and reasonableness of those proposed regulations. The Committee also reviews and makes recommendations on proposed guidelines (e.g., Guideline on General Principles of Process Validation) developed to assist the medical device industry in meeting the good manufacturing practice requirements, and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from good manufacturing practice regulations.

## Consumer and Industry Representation

Section 513 of the act (21 U.S.C. 360c) provides that each medical devices panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the device manufacturing industry. Section 513 of the act also provides that the Device Good Manufacturing Practice Advisory Committee include as members two voting representatives of the general public and two voting representatives of interests of the device manufacturing industry.

## Nomination Procedure

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee or panel to represent consumer interests as identified in this notice. Self-nominations are also accepted. To be eligible for selection, applicants' experience and/or education will be evaluated against Federal civil service criteria for the position to which they will be appointed.

Any organization in the medical device manufacturing industry ("industry interests") wishing to participate in the selection of an appropriate member of a particular committee or panel may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industrial representatives will not participate in the selection process. It is, therefore, recommended that all nominations be made by someone with an organization or firm who is willing to participate in the selection process.

Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and, in the case of consumer representative, appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee or panel or in any advisory committee or panel. The term of office is between 3 and 4 years, depending on the appointment date.

## Selection Procedure

Selection of members representing consumer interests is conducted through procedures which include use of a consortium of consumer organizations which has the responsibility for screening, interviewing, and recommending candidates to the agency for the agency's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

Regarding nominations for members representing the interests of the device manufacturing industry, a letter will be sent to each organization that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each organization to consult with the others in selecting a single member representing industry interests for that particular committee within 60 days after receipt of the letter.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: January 7, 1987.

**Ronald G. Chesemore,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 87–556 Filed 1–9–87; 8:45 am]

BILLING CODE 4160–01–M

## Request for Nominations for Voting Members on Public Advisory Panels and Committees

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on certain public advisory panels and committees in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and those that will or may occur during the next 17 months.

FDA has a special interest in ensuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and physically handicapped candidates.

**DATES:** Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this notice.

**ADDRESSES:** All nominations and curricula vitae for the medical devices panels shall be sent to J. Thomas Lowe, Center for Devices and Radiological Health (HFZ–70), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7034.

All nominations and curricular vitae for the Device Good Manufacturing Practice Advisory Committee shall be sent to Sharon Kalokerinos, Center for Devices and Radiological Health (HFZ–332), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910.

**FOR FIJRTHER INFORMATION CONTACT:**

For the medical devices panels contact: J. Thomas Lowe (address above).

For the Device Good Manufacturing Practice Advisory Committee contact: Kay Levin, Center for Devices and Radiological Health (HFZ–20), Food and Drug Administration, 12720 Twinbrook Parkway, Rockville, MD 20857, 301–443–3516.

**SUPPLEMENTARY INFORMATION:** FDA is requesting nominations of voting members for vacancies listed below. If specific expertise is not indicated, individuals should have expertise relevant to the field of activity of the panel or committee.

1. *Anesthesiology and Respiratory Therapy Devices Panel:* Three vacancies occurring immediately; clinician/researchers with demonstrated experience in the treatment of respiratory disorders with an emphasis on neonatal/pediatric problems and some working experience with new (experimental) therapies including high frequency ventilation and/or extracorporeal membrane oxygenation.

2. *Circulatory System Devices Panel:* One vacancy occurring June 30, 1987; biomedical engineer.

3. *Clinical Chemistry and Clinical Toxicology Devices Panel:* Two vacancies occurring immediately, three vacancies occurring February 28, 1987; doctors of medicine or philosophy experienced with clinical chemistry, clinical toxicology, and therapeutic drug monitoring devices.

4. *Dental Devices Panel:* One vacancy occurring immediately, two vacancies occurring October 31, 1987; individuals with expertise in dental devices and materials.

5. *Device Good Manufacturing Practice Advisory Committee:* One vacancy immediately, three vacancies occurring May 31, 1987; two representatives from State, local, or Federal government and two health professionals employed in the human health are profession with expertise in quality assurance concerning manufacturing of medical devices and/or sterilization of medical devices during the manufacturing process.

6. *Ear, Nose, and Throat Devices Panel:* Two vacancies occuring October 31, 1987; otolaryngologists.

7. *Gastroenterology-Urology Devices Panel:* One vacancy occurring immediately, two vacancies occurring December 31, 1987; interventional gastroenterologist; clinical immunologist; clinician/biomedical engineer with experience in membrane transport and hemodialysis or other extracorporeal therapy.

8. *General Hospital and Personal Use Devices Panel:* One vacancy occurring immediately; general practitioner, internist, and/or oncologist.

9. *Hematology and Pathology Devices Panel:* One vacancy occurring February 28, 1987; individual involved in the practice of medicine or clinical laboratory science familiar with clinical hematology.

10. *Immunology Devices Panel:* One vacancy occurring immediately, one vacancy occurring February 28, 1987, one vacancy occurring February 28, 1988; clinical oncologists with background in immunology.

11. *Microbiology Devices Panel:* One vacancy occurring February 28, 1987; infectious disease clinician, individual with expertise in antimicrobial susceptibility testing and devices, and virology testing devices.

12. *Neurological Devices Panel:* Three vacancies occurring immediately, one vacancy occurring November 30, 1987; neurologists and neurosurgeons.

13. *Obstetrics-Gynecology Devices Panel:* Four vacancies occurring immediately, one vacancy occurring January 31, 1988; obstetricians-gynecologists, perinatologists, reproductive specialist.

14. *Ophthalmic Devices Panel:* One vacancy occurring immediately, one vacancy occurring October 31, 1987; ophthalmologists.

15. *Orthopedic and Rehabilitation Devices Panel:* One vacancy occurring August 31, 1987; orthopedic surgeon with expertise in joint structure and function, prosthetic ligament devices, or joint biomechanics and implants, or biomaterials engineer.

16. *Radiologic Devices Panel:* Two vacancies occurring January 31, 1987; two vacancies occurring Janaury 31, 1988; radiologist, radiation oncologist, oncologist expert in hyperthermia.

### Functions

*Medical Devices Panels*

The functions of the medical devices panels are to (1) review and evaluate available data concerning the safety and effectiveness of medical devices currently in use; (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories; (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval cateogry; (4) advise on any possible risks to health associated with the use of devices; (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approal category; (6) review classification of devices to recommend changes in classification as appropriate; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; (8) advise on the necessity to ban a device; and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

*Device Good Manufacturing Practice Advisory Committee*

The function of the Device Good Manufacturing Practice Advisory

Committee is to review proposed regulations governing current good manufacturing practice regarding the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and to make recommendations regarding the feasibility and reasonableness of those proposed regulations.

The committee also reviews and makes recommendations on proposed guidelines (e.g., Guideline on General Principles of Process Validation) developed to assist the medical device industry in meeting current good manufacturing practice requirements, and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from current good manufacturing practice regulations.

**Qualifications**

*Medical Devices Panels*

Persons nominated for membership on the medical devices panels shall have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The particular needs at this time for each panel are shown above. The term of office is between 3 and 4 years, depending on the appointment date.

*Device Good Manufacturing Practice Advisory Committee*

Persons nominated for membership on the Device Good Manufacturing Practice Advisory Committee should have expertise in any one or more of the following areas: quality assurance concerning manufacturing of medical devices and/or sterilization of medical devices during the manufacturing process. In addition, nominees should have experience with the use and application of medical devices. The particular needs for this committee are shown above. The term of office is between 3 and 4 years, depending on the appointment date.

**Nomination Procedure**

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees or panels. Self-nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee, current business address and telephone number, and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (Pub. L. 94–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14, relating to advisory committees.

Dated: January 7, 1987.

**Ronald G. Chesemore,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 87–555 Filed 1–9–87; 8:45 am]

BILLING CODE 4160–01–M

## Consumer Participation; Open Meetings

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is annoucing the following consumer exchange meetings:

*Los Angeles District Office*, chaired by George Gerstenberg, District Director. The topic to be discussed is proposed labeling regulations for cholesterol, definitions of cholesterol free, low cholesterol, and reduced cholesterol.

Date: Wednesday, January 14, 1987, 10 a.m. to 12 m.

Address, Maricopa County Cooperative Extension Service Auditorium, 4341 East Broadway, Phoenix, AZ 85040.

**FOR FURTHER INFORMATION CONTACT:** Irene Gomez Caro, Regional Consumer Affairs Officer, Food and Drug Administration, 1521 West Peco Blvd., Los Angeles, CA 90015, 213–252–7597.

*St. Louis Branch Office*, chaired by Raymond Hedblad, Director. The topic to be discussed is cholesterol/fatty acid labeling.

Date: Wednesday, January 21, 1987, 1 p.m. to 3 p.m.

Address: St. Louis Metropolitan Medical Society, 3839 Lindell Blvd., St. Louis, MO 63108.

**FOR FURTHER INFORMATION CONTRACT.** Mary-Margaret Richardson, Consumer Affairs Officer, Food and Drug Administration, 808 North Collins, St. Louis, MO 63102, 314–425–5021.

*Detroit District Office*, chaired by A. L. Hoeting, District Director. The topics to be discussed are cholesterol labeling and updates on health issues.

Date: Monday, January 26, 1987, 1:30 p.m.

Address: Minton-Capehart Federal Bldg., Rm. 284, 575 North Pennsylvania St., Indianapolis, IN 46204.

**FOR FURTHER INFORMATION CONTACT:** L. M. Goossens, Consumer Affairs Officer, Food and Drug Administration, 575 North Pennsylvania St., Rm. 693, Indianapolis, IN 46204, 317–269–6500.

**SUPPLEMENTARY INFORMATION:** The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: January 7, 1987.

**Ronald G. Chesemore,**

*Acting Associate Commissioner for Regulatory Affairs.*

[FR Doc. 87–557 Filed 1–9–87; 8:45 am]

BILLING CODE 4160–01–M

**[Docket No. 85N–0474]**

## Federation of American Societies for Experimental Biology Scientific Steering Group; Closed Meeting

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing a forthcoming closed meeting of the Federation of American Societies for Experimental Biology (FASEB) Scientific Steering Group on the Use of Scientific Expertise in Food and Cosmetic Safety Analyses (Scientific Steering Group). The Scientific Steering Group will meet in executive session to continue preparation of its final report under a contract that FDA has with FASEB concerning the use of outside scientific expertise in food and cosmetic safety analyses.

**DATE:** The closed meeting will he held on Friday, February 6, 1987, at 9 a.m.

**ADDRESS:** The closed meeting will be held at the Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20814.

**FOR FURTHER INFORMATION CONTACT:** Kenneth D. Fisher, Director, Life Sciences Research Office, Federation of American Societies for Experimental

Biology, 9650 Rockville Pike, Bethesda, MD 20814, 301–530–7030.

**SUPPLEMENTARY INFORMATION:** FDA has a contract with FASEB concerning the use of outside scientific expertise in food and cosmetic safety analyses. The objectives of this contract are (1) to provide expert, objective counsel to FDA on general and specific issues of scientific fact and (2) to explore various review mechanisms with respect to their effectiveness and efficiency. FASEB established the Scientific Steering Group to serve FASEB in conjunction with this contract.

Since June 1, 1984, FDA has given FASEB a series of Task Orders under this contract to study various issues. See, e.g., 50 FR 46832 (November 13, 1985); 50 FR 51453 (December 17, 1985); 51 FR 2577 (January 17, 1986); and 51 FR 8030 (March 7, 1986). Copies of each Task Order report completed under terms of this contrast are on display at the Life Sciences Research Office (address above). A list of the Task Order Reports may be obtained by writing the contact person. Copies of each Task Order report are also on display at the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

The Scientific Steering Group is now engaged in preparing its final scientific report to FASEB evaluating the effectiveness and the efficiency of the various review mechanisms employed under the contract. This report will help FASEB respond to Task Order No. 1.

In accordance with 21 CFR 14.15(b)(1), notice is given that the Scientific Steering Group will hold a closed meeting on February 6, 1987, to continue prepartion of its final report to FASEB.

Dated: January 7, 1987.

**Ronald G. Chesemore,**

*Acting Associate Commissioners for Regulatory Affairs.*

[FR Doc. 85–558 Filed 1–9–85; 8:45 am]

BILLING CODE 4160–01–M

## National Institutes of Health

### Lister Hill Center Subcommittee of the Board of Regents, National Library of Medicine; Meeting

Notice is hereby given of a change in the time of the meeting to be held on January 28, 1987, of the Lister Hill Center Subcommittee of the Board of Regents of the National Library of Medicine, which was published in the **Federal Register** on December 22, 1986 (51 FR 45818 and 45819).

This Subcommittee was to have met from 1:00 to 2:00 p.m. on January 28, 1987, but has been changed to 3:30 to 4:30 p.m., on the same date in the 7th-floor Conference Room of the Lister Hill Center Building, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public.

Dated: January 6, 1987.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 87–563 Filed 1–9–87; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Assistant Secretary for Fair Housing and Equal Opportunity

**[Docket No. N–87–1667; FR–2323]**

### Revised Memorandum of Understanding Between HUD and the National Association of Realtors

**AGENCY:** Office of the Assistant Secretary for Fair Housing and Equal Opportunity (HUD).

**ACTION:** Notice.

**SUMMARY:** HUD is publishing a revised Memorandum of Understanding recently entered into by HUD and the National Association of Realtors. The revised Memorandum of Understanding renews the parties' previous approval of a form of Affirmative Marketing Agreement for Voluntary Use by Boards of Realtors and clarifies and modifies certain provisions of that agreement. The text of the revised Memorandum of Understanding is being published in order to make interested members of the public aware of its terms.

**FOR FURTHER INFORMATION CONTACT:** Nathaniel K. Smith, Director, Office of Voluntary Compliance, Office of the Assistant Secretary for Fair Housing and Equal Opportunity, Room 5242, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 755–7008 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** On December 16, 1975, representatives of HUD and the National Association of Realtors ("NAR") jointly approved a form of Affirmative Marketing Agreement for Voluntary Use by Boards of Realtors ("VAMA"). The text of the agreement was published in the **Federal Register** on September 30, 1976 (41 FR 43221). The VAMA was designed to provide a means for local Boards of Realtors and individual Realtor members of a local Board to make a voluntary commitment to implement through local action the fair housing provisions of Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601–19). The VAMA was amended by mutual agreement of the parties, as of May 7, 1978.

On November 16, 1981, HUD and NAR entered into a Memorandum of Understanding, the purposes of which were to renew their approval of the VAMA, until September 20, 1986, and to clarify the meaning and intent of certain provisions of the VAMA. Approval of the VAMA was extended beyond September 20, 1986, pending negotiation of certain revisions to the Memorandum of Understanding.

HUD and NAR entered into a revised Memorandum of Understanding, dated November 17, 1986, to renew further their approval of the VAMA and to clarify and modify certain provisions of the VAMA. The revised Memorandum of Understanding supersedes the 1981 Memorandum of Understanding and will be effective until May 19, 1987.

The text of the revised Memorandum of Understanding follows.

Dated: December 31, 1986.

**William E. Wynn,**

*Acting General Deputy Assistant Secretary for Fair Housing and Equal Opportunity.*

#### Memorandum of Understanding

On December 16, 1975, representative of the U.S. Department of Housing and Urban Development ("HUD") and the NATIONAL ASSOCIATION OF REALTORS® ("NAR") jointly approved a form of Affirmative Marketing Agreement for Voluntary Use by Boards of REALTORS® ("VAMA"). The VAMA was amended by mutual agreement of the parties, as of May 7, 1978.

On November 16, 1981, HUD and NAR entered into a Memorandum of Understanding, the purposes of which were to renew their approval of the VAMA, until September 20, 1986, and to clarify the meaning and intent of certain provisions of the VAMA. On September 20, 1986, HUD and NAR further renewed their approval of the VAMA, until November 10, 1986.

HUD and NAR now enter into this Revised Memorandum of Understanding ("this MOU") for the purposes of renewing further their approval of the VAMA and clarifying and/or modifying certain provisions of the VAMA. This MOU supersedes the Memorandum of Understanding between HUD an NAR dated November 16, 1981 and shall remain in effect until May 19, 1987. It is agreed that existing and future VAMAs adopted by State Associations, Boards and signatory members will be construed in accordance with, and as if

modified by, the provisions of this MOU. The modifications and clarifications contained in this MOU shall take effect without the need for any further action by existing VAMA signatories.

**I. Definitions**

For the purposes of this MOU, the following terms will have the meanings set forth below, unless the context indicates otherwise:

A. "NAR" means the National Association of Realtors.

B. "HUD" means the U.S. Department of Housing and Urban Development.

C. "Assistant Secretary" means the HUD Assistant Secretary for Fair Housing and Equal Opportunity.

D. "VAMA" means the Affirmative Marketing Agreement for Voluntary Use by Boards of Realtors, in the form jointly approved by HUD and NAR on December 16, 1975 and amended by them as of May 7, 1978.

E. "Board" means a local Board of Realtors which is a party to a VAMA with HUD.

F. "Member" means a Realtor member of a Board.

G. "Signatory member" means a member who has subscribed to a VAMA.

H. "Associate" means a sales employee of a member or a salesperson associated with a member in an independent contractor status.

I. "EOC" means the Equal Opportunity Committee of a Board or State Association.

J. "CHRB" means a Community Housing Resource Board.

**II. Joint Approval of VAMA and Agreement Relating to VAMA Provisions**

HUD and NAR hereby renew their joint approval of the VAMA, as construed and modified by the following provisions of this MOU, for use in agreements between HUD and Boards of Realtors (or State Associations) until May 19, 1987. A copy of this MOU will be attached to each VAMA entered into by HUD and a Board or State Association.

*A. Signatory Members*

Paragraph I.C. of the VAMA provides that individual members of a Board may subscribe to the VAMA on behalf of their real estate firms in one of two ways described in that paragraph. A member that so subscribes to the VAMA is described in this MOU as a "signatory member." The following provisions set forth certain responsibilities of the Board with respect to its signatory members and its other members:

1. The Board will maintain a current list of all signatory members. This list will be made available for review by the Assistant Secretary, or other designated HUD official, upon request. The Board may provide a copy of its list of signatories to HUD, upon request, on condition that HUD use the list for internal purposes only and not disclose the list or its contents to third persons without the consent of the Board, except for disclosure pursuant to a legal requirement (such as litigation discovery or a request under the Freedom of Information Act), in which case HUD will advise the Board of such disclosure. The Board will provide five days notice to the NAR before providing a list of signatory members requested by HUD.

2. The Board will explain and publicize the purposes and provisions of the VAMA to all of its members, and through them to their associates, in order to achieve broad participation in the VAMA by members and to encourage them to become signatory members.

3. The Board, upon request by a designated HUD official, will verify in writing the current signatory status of any member who has applied for participation in a HUD/FHA program and has referenced his or her signatory status under a VAMA for the purposes provided in Paragraph VII of the VAMA.

*B. Definitions*

1. Paragraph II.A. of the VAMA states a definition of the affirmative marketing program to be implemented by the VAMA. That definition is superseded by the following statement of purpose of the affirmative marketing program:

The purpose of the affirmative marketing program undertaken by the parties to the VAMA is to achieve a condition in which individuals with similar financial resurces and interests in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, sex or national origin. Participation in the program signifies a commitment by each signatory member to seek to assure that the availability of homes listed for sale or rental to which the signatory member has access is made known to all individuals with similar financial resources and interests, and that such individuals feel welcome to apply and are assured of the free opportunity to buy or rent, without regard to their race, color, religion, sex, or national origin. In dealings with prospects, the signatory member must seek to assure that his or her conduct does not impede, delay, discourage, or otherwise limit or restrict a homeseeker's choice so as to make any housing "unavailable" to a prospective buyer or renter on account of race, color, religion, sex or national origin.

2. In Paragraph II.B. of the VAMA, the term "buyer" is defined to include, to the extent applicable, a person seeking to rent, as well as buy, residential property. There are, however, several places in the VAMA where a word other than "buyer" is used to describe such a person. The parties wish to make clear their intent that all provisions of the VAMA apply to housing for rent as well as to housing for sale. Accordingly, any reference to sale or purchase of housing shall be deemed to refer also to rental of housing; any reference to seller or purchaser shall be deemed to refer also to lessor or renter, respectively.

*C. Goal*

The second paragraph of Paragraph III of the VAMA is superseded by the following revised paragraph:

Based on the premise that a free housing choice is a choice free of practices or influences that would limit that choice because of race, color, religion, sex, or national origin, the more specific goal of HUD, the Board, and the signatory members is to provide information and service that will enable all buyers and renters to have a free housing choice. The object of marketing is to sell; the object of "affirmative marketing" is to provide free housing choice.

*D. Advertising Provisions*

1. Paragraphs IV.A.3. and 4. of the VAMA contain provisions for the use of the HUD Equal Housing Opportunity slogan or logotype in advertising by signatory members. These provisions are superseded by the following paragraph IV.A.3:

3.(a) Each signatory member shall include the official Equal Housing Opportunity logotype in all space advertising (advertising in regularly printed media such as newspapers or magazines) which is "display" advertising, in accordance with the size standards set forth in Table 1 of the Appendix to HUD's Fair Housing Advertising Regulation, 24 CFR Part 109, where its inclusion does not significantly increase the cost of advertising. For "display" space advertising which is less than 4 column inches in size, the Equal Housing Opportunity slogan should be used.

(b) Each signatory member shall include the official Equal Housing Opportunity slogan or logotype in each "classified" space advertisement of six column inches or larger in size, except where the HUD "Publisher's Notice" appears on the same page as the advertisement.

(c) Each signatory member shall include the official Equal Housing Opportunity slogan or logotype in a prominent place in all advertising other than space advertising, including brochures, circulars, billboards and direct mail advertising, where its inclusion does not significantly increase the cost of advertising.

2. The following provision, relating to advertising policies and practices, is

added to the VAMA as paragraph IV.A.4:

4. Each signatory member shall adopt and utilize advertising policies and practices designed to attract buyers and renters, without regard to race, color, religion, sex or national origin, to housing offered for sale or rent, including practices designed to make availability of the housing known to all persons of similar financial resources and interests.

*E. Development of Office Procedures and Techniques to Carry Out the Purposes of the VAMA*

The provisions contained in paragraph IV.D. of the VAMA are superseded by the following revised paragraph IV.D:

*D. Development of Office Procedures and Techniques to Carry Out the Purposes of the Agreement*

1. The National Association of Realtors will, from time to time, promulgate suggested principles of office management designed to further the attainment of the goals and purposes set forth in Part III of the VAMA and paragraph II.B.1. of this MOU. Within 60 days after the date of this MOU, and within 60 days of receipt of any new or revised suggested principles of office management promulgated after the date of this MOU, the Board will develop specific suggested office management procedures designed to implement each of the principles and will disseminate the procedures to its members with a recommendation for adoption. Each signatory member should adopt the procedures for their use and advise the Board of any changes or innovations in the procedures which they may consider necessary or advisable.

2. The office management procedures will address the following areas of concern:

(a) Making prospective buyers and renters aware of an optimum number (consistent with the resources of the member firm) of available choices of location within their price and interest ranges;

(b) Providing prospective buyers and renters with complete and accurate information on availability of homes, alternative methods of financing, and other facts affecting choice of location (such as schools, employment or transportation);

(c) Eliciting opinions of prospective minority buyers and renters (e.g., by suggestion box or questionnaire) on ways in which real estate services to minority prospects can be improved or changed to increase Board and member responsiveness to their needs;

(d) Recording the names of prospective buyers and renters and the addresses of homes (including apartments) shown to them, to enable management to monitor the performance of associates in carrying out the purposes of this Agreement; and

(e) Assuring that associates of the signatory member avoid practices that limit housing choice of prospects, and that they act in accordance with the principles set forth in questions and answers 4 through 7, and 9, contained in the Model Equal Opportunity Training Manual promulgated by the National Association of Realtors in June, 1982.

3. The Board will establish procedures to review with its members their progress in developing and adopting the office management procedures described under paragraph D.2. and to assess whether adherence to those procedures is achieving the intended goals and purposes.

4. HUD will provide technical assistance to the Board, upon request, in developing, or measuring the effectiveness of, any of the office management procedures referred to in this Paragraph D.

*F. Community Housing Resource Boards*

Paragraph V.D. of the VAMA provides that HUD, in conjunction with State and/or local human rights agencies, will organize a Community Housing Resource Board (CHRB), consisting of representatives of organizations throughout the community served by a Board that have a substantial interest in fair housing and equal opportunity, to meet regularly with the Board and assist it in its implementation of the VAMA. It is agreed that each CHRB will be organized and will function in accordance with the following:

1. The CHRB will have two basic objectives:

a. To monitor effectively the implementation of the affirmative marketing provisions of the VAMA, in order to enhance the prospect that the commitments of HUD and housing industry groups (including the Board and its signatory members) will be met; and

b. To maximize communication between the local housing industry and community groups which foster civil rights and the interests of minorities and women.

2. The Director of Fair Housing and Equal Opportunity in the local HUD office will solicit and appoint the members of the CHRB. HUD will try to obtain a balanced representation on the CHRB, to provide an equal voice for all of the groups and interests involved in it, such as representatives of State and local agencies of government, civil rights and fair housing groups, and business and civic organizations which have a substantial interest in housing and equal opportunity. The CHRB may include one or more Realtors who are members of the Board.

3. The CHRB will meet at least quarterly with the Board to assist it with any problems which may arise in the implementation of the VAMA and will participate with HUD in the annual evaluation of the effectiveness of the VAMA.

4. The Board will make reasonable efforts to assist the CHRB in identifying meeting facilities and providing clerical support; however, the Board will be under no obligation to provide other monetary support to the CHRB.

5. In providing program implementation assistance to the Board, the CHRB may engage in a variety of activities that are designed to support the goals of the VAMA and be of assistance to the Board in achieving program requirements, as set forth in Part IV of the VAMA. Activities appropriate for a CHRB include:

a. Assessing the effectiveness of the implementation of the VAMA;

b. Making information public regarding the goals fair housing and the VAMA;

c. Assessing community fair housing needs;

d. Expanding minority involvement as professionals in the industry;

e. Expanding public awareness of housing opportunities in the community;

f. Developing cooperative solutions to problems associated with the implementation of the VAMA;

g. Joining with the Board to negotiate with local newspapers for inclusion of a HUD-prescribed publisher's notice regarding refusal to accept real estate advertising that violates the 1968 Act and the availability, on an equal opportunity basis, of all advertised dwellings;

h. Joining with the Board to negotiate with television and radio stations for public service time to promote fair housing;

i., Persuading the press to carry articles on the VAMA and the role of the CHRB in promoting affirmative marketing;

j. Seeking air time on community television and radio talk shows to discuss the VAMA and fair housing issues; and

k. Providing community officials with a set of recommendations to improve fair housing conditions.

6. Effectiveness of CHRB activity is dependent upon its identification as a voluntary effort and not as an enforcement effort. Accordingly, the CHRB may not sponsor, conduct, or fund programs of real estate testing or industry self-testing programs.

7. If an organization represented on the CHRB, or a signatory member, becomes involved in litigation or in an administrative complaint under the Federal Fair Housing Law or the Realtors Code of Ethics, representatives of both parties in the proceedings must refrain from participation in CHRB matters relating to issues involved in the litigation or administrative complaint during the period of the proceedings.

8. In geographical areas where a number of VAMAs have been executed, HUD may establish a county-wide or multi-jurisdictional CHRB to work with all the signatory boards in that geographical area. A multi-board CHRB will not be created without the mutual consent of HUD and NAR.

9. The CHRB is not authorized to establish or become a member of a State association of CHRBs. However, the CHRB is encouraged to participate with other CHRBs in statewide conferences or meetings convened for the purposes of facilitating communication among CHRBs and sharing ideas and programs that address similar problems at the local level.

10. HUD will provide the CHRB with a copy of the Board's annual evaluation report completed by HUD. The CHRB must receive a copy of the report (HUD Form 941) within two weeks of the evaluation and provide comments to HUD within three months of receipt of the report.

*G. Annual Reviews*

Paragraph VIII of the VAMA provides that representatives of the Board, HUD, the CHRB and the State or local human rights enforcement agency will meet annually to evaluate the effectiveness of the VAMA. In this regard, HUD and NAR have jointly developed an "annual evaluation of effectiveness report" (HUD Form 941) to be used to evaluate effectiveness of the VAMA. The Board will annually complete and submit this report to both HUD and NAR.

*H. Suspension of Signatory Member*

The following provisions, setting forth a procedure for suspension of a signatory member who has failed to comply with his or her responsibilities under the VAMA, are added to the VAMA as a new Part VIII–B:

VIII–B Suspension of Signatory Member

A. Whenever HUD or the Equal Opportunity Committee ("EOC") has reasonable cause to believe that a signatory member has failed to make good faith efforts to comply with his or her responsibilities under this Agreement, representatives of the HUD Regional Office of Fair Housing and Equal Opportunity and the EOC shall meet to discuss the matter. If the HUD representatives determine that corrective action by the signatory member is needed to achieve compliance, the representatives of the EOC shall contact the signatory member and arrange for a joint meeting with the HUD representatives and the principals of the signatory member to identify and discuss the area(s) of non-compliance. The HUD representatives shall determine the appropriate corrective action needed to achieve compliance, including a timetable for taking such action.

B. If the signatory member does not agree to take the needed corrective action, or fails to take such action within the time specified, the matter shall be submitted to the Regional Director of Fair Housing and Equal Opportunity to consider whether the signatory member should be suspended as a party to this Agreement. Written notice of such submission shall be given to the signatory member. The signatory member may submit written arguments and/or other materials in support of its position to the Regional Director. The Regional Director shall make a recommendation to the Assistant Secretary, who shall make this final decision on suspension of the signatory member. The signatory member shall be notified in writing of the action of the Assistant Secretary.

C. The suspension of a signatory member as a party to this Agreement shall remain in effect until the Assistant Secretary had determined that the signatory member should be reinstated.

D. During the time that a signatory member is suspended as a party to this Agreement, the signatory member shall be subject to the requirements of the HUD Affirmative Fair Housing Marketing Regulations, and shall be required to submit an individual Affirmative Fair Housing Marketing Plan or to execute a Joint HUD–VA Nondiscrimination Certification in connection with any new application for participation in any HUD/FHA assistance or insurance program. In addition, the suspended signatory member shall have 30 days from the date of suspension to submit to HUD an individual Affirmative Fair Housing Marketing Plan for each of its current projects for which an individual plan had not previously been submitted.

**III. Undertakings of HUD and NAR**

*A. Advertising*

1. Paragraph IV.A.5. of the VAMA sets forth HUD's agreement to provide technical assistance to the Board and its signatory members in developing advertising techniques consistent with the objectives of the advertising provisions of the VAMA. In addition, HUD agrees to provide camera-ready copy of the Equal Housing Opportunity logotype, in appropriate sizes, for the use of the signatory members in complying with the advertising provisions of the VAMA.

2. HUD and NAR agree to work jointly in a national effort to obtain the support of the newspaper industry for the placement of the HUD "Publisher's Notice" on each full page of newspaper classified advertising.

*B. Principles of Office Management*

NAR agrees that it will, from time to time, develop and promulgate to its Boards suggested principles of office management designed to further the attainment of the goals and purposes set forth in Part III of the VAMA and paragraph II.B.1. of this MOU.

*C. Outreach and Training*

1. Paragraph IV.E. of the VAMA defines responsibility for outreach and training programs to attract minority groups into the real estate industry as licensed real estate brokers and salespersons. To this end, NAR will participate in such national "Fair Housing Conference" as may be convened by HUD to discuss programs designed to promote the concepts and objectives of the VAMA.

2. NAR agrees to work jointly with HUD and to use its expertise in the development of programs for fair housing training suitable for use by all housing industry groups. It is contemplated that Community Housing Resource Boards (CHRBs) would sponsor the training, on a periodic basis, for housing industry groups located in the area served by the CHRB.

*D. Review Meetings*

The Assistant Secretary and the NAR President, or their respective designated representatives, will meet at least quarterly for the purposes of continuing dialogue and prompt resolution of problems or concerns in application or interpretation of the VAMA.

*E. Annual Review of VAMAs*

HUD and NAR agree to carry out a joint annual review of the effectiveness of a representative sample of VAMAs in accordance with the following provisions:

1. A review team of three persons designated by the Assistant Secretary and three persons designated by the NAR President will conduct the annual review of effectiveness of the VAMA.

2. The review team, taking into consideration current market conditions and fiscal considerations, will annually review a minimum of 25% of the VAMSs in force at that time (but not necessarily through on-site visits), as an indicator of nationwide progress, based on a percentage of small Boards and large Boards which have voluntarily adopted

the VAMA and based on a range of geographic locations and length of time since adoption.

3. The review team will determine the intervals at which such evaluations will be done and issue joint advance notification of intent to evaluate selected Boards.

4. The review team will receive and analyze results of the evaluations and prepare at least annually a summary report for the Assistant Secretary and the NAR President.

5. The review team will develop recommendations for consideration to improve the implementation of the VAMA.

*F. Community Housing Resource Board Document*

HUD and NAR will work jointly to develop a mutually acceptable and jointly published document as a reference source and guidebook on organization, appointment and operation of a CHRB.

**IV. State Association Adoption of VAMA**

Although the VAMA is designed for adoption by Boards, many State Associations have also adopted the VAMA as part of their leadership role within the State. It is agreed that the responsibilities of a State Association which adopts a VAMA will be as follows:

A. The State Association will establish an Equal Opportunity Committee to explain and publicize the purposes of the VAMA to Boards, coordinate the activities of signatory Boards, promote adoption by non-signatory Boards and make the VAMA available to members in unassigned territory.

B. The State Association will develop specific suggested office management procedures designed to implement each of the suggested principles of office management promulgated from time to time by NAR, and it will disseminate and encourage the use of the procedures and other educational and promotional materials by members in unassigned territory, as provided under paragraph IV. D. of the VAMA.

C. The State Association will conduct at least two educational seminars annually on Fair Housing Laws and implementation of the VAMA pursuant to paragraph IV. C. of the VAMA.

D. The State Association will collect data on program implementation within the State and provide an annual report, identifying successes and examples of innovative implementation and/or areas where assistance is required, to NAR, through the State Association Equal Opportunity Chairman to the Enlarged Equal Opportunity Committee.

E. The State Association will adopt the Code for Equal Opportunity in Housing, and secure and disseminate Fair Housing Posters for display in the offices of members in unassigned territory.

F. The State Association is not expected to place advertising in every general circulation newspaper in the State to fulfill its advertising responsibilities under paragraph IV.A. of the VAMA. Rather, the State Association will place an approved Affirmative Marketing Advertisement in either the largest general circulation newspaper in the State or the general circulation newspaper serving the city in which the State Association headquarters is located.

**V. Agreement Renewal**

The Voluntary Affirmative Marketing Agreement approved by the NATIONAL ASSOCIATION OF REALTORS® Board of Directors on November 11, 1975, and jointly approved by representatives of the Department of Housing and Urban Development and the NATIONAL ASSOCIATION OF REALTORS® on December 16, 1975, together with all Voluntary Affirmative Marketing Agreements adopted by individual REALTORS®, Member Boards and State Associations, will remain in full force and effect until May 19, 1987 as modified and clarified by this Memorandum of Understanding.

Signed at Chicago, Illinois, this 17th day of November, 1986.

For the National Association of realtors.

**William D. North,**

*Executive Vice President.*

For the U.S. Department of Housing and Urban Development.

**Samuel R. Pierce,**

*Secretary, U.S. Department of Housing and Urban Development.*

[FR Doc. 87-611 Filed 1-9-87; 8:45 am]

BILLING CODE 4210-28-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AA-620-86-4111-24-10]

### Mineral Leasing Within Units of the National Park System

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Statement of new policy affecting leasing of Federal minerals within units of the National Park System.

**SUMMARY:** The purpose of this notice is to inform the public of a new policy affecting the availability of Federal mineral leases within the National Park System. Unless Congress has specifically declared a unit of the National Park System to be open to leasing or unless drainage of oil and gas is occurring, leasing shall not be considered.

**EFFECTIVE DATE:** January 12, 1987.

**ADDRESS:** Director (140), Bureau of Land Management, 18th & C Streets, NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Karl Duscher, Bureau of Land Management, (202) 653-2187.

**SUPPLEMENTARY INFORMATION:** In passing the Mineral Leasing Act of 1920 (30 U.S.C. 181) and the Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 352), Congress specifically prohibited Federal mineral leasing within national "parks" and national "monuments." However, there are other types of land administered by the Park Service including but not limited to: national historical parks, national battlefields, national historic sites, national parkways, national preserves, and national recreation areas. With the exception of a few national recreation areas for which Congress specifically authorized leasing, it is unclear whether leasing is authorized or prohibited in these other types of Park System units. As a result, the Bureau of Land Management has, until recently, been forwarding applications for mineral leases to the National Park Service. Upon receipt of consent and protective stipulations from the Park Service, leases have been issued from time to time in various units of the National Park System. However, the Department has reviewed this issue and has concluded that, regardless of legal interpretation, development of Federal minerals is inconsistent with the public's expectations for protection and use of the National Park System. As such, the Bureau of Land Management shall no longer forward applications for mineral leases, exploration licenses, or prospecting permits for Federal minerals within any unit of the National Park System to the Park Service for review except for the five national recreation areas where Congress has specifically authorized mineral leasing or in the event that oil and gas is being drained from a particular unit. The five recreation areas in which Congress has specifically authorized leasing are Lake Mead, Glen Canyon, Whiskeytown, Lake Ross and Lake Chelan. The public is advised that leases in these areas, and in units where drainage is occurring, may be issued but only if the National Park Service determines that no significant adverse impacts to park values would result and only after the Bureau of Land Management and National Park Service have jointly

complied with all applicable environmental protection statutes. No leasing shall occur without the consent of the Park Service or without protective stipulations deemed necessary by the Park Service.

**Steven Griles,**

*Assistant Secretary, Land and Minerals Management.*

January 5, 1987.

[FR Doc. 87-547 Filed 1-9-87; 8:45 am]

BILLING CODE 4310-86-M

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[CO-942-06-4520-12]

## Colorado; Filing of Plats of Survey

December 30, 1986.

The plat of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10:00 a.m., February 18, 1987.

The plat, in two sheets, representing the dependent resurvey of a portion of the south and east boundaries, subdivisional lines, certain meanders of the left and right banks of the Colorado River, the survey of the subdivision of certain sections, the accretion to certain public land lots in sections 24, 33, and 34, the meanders of a portion of the present left and right banks of the Colorado River, and an island designated as Tract 38, T. 6 S., R. 94 W., Sixth Principal Meridian, Colorado, Group No. 714, was accepted December 19, 1986.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215.

**Marlin G. Livermore,**

*Acting Chief, Cadastral Surveyor for Colorado.*

[FR Doc. 87-501 Filed 1-9-87; 8:45 am]

BILLING CODE 4310-JB-M

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## Minerals Management Service

### Outer Continental Shelf Development Operations Coordination; Mark Producing

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed Development Operations Coordination Document (DOCD).

**SUMMARY:** Notice is hereby given that Mark Producing has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 5521, Block 336, Eugene Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

**DATE:** The subject DOCD was deemed submitted on January 2, 1987. Comments must be received on or before January 27, 1987, or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

**ADDRESSES:** A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico Region, Minerals Management Service, 1201 Wholesalers Pkwy., Room 114, New Orleans, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

**FOR FURTHER INFORMATION CONTACT:** Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section; Exploration/Development Plans Unit, Telephone (504) 736-2876.

**SUPPLEMENTARY INFORMATION:** The purpose of this Notice is to inform the public pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 5, 1987.

**J. Rogers Pearcy,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 87-500 Filed 1-9-87; 8:45 am]

BILLING CODE 4310-MR-M

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## INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30963]

### CSX Transportation, Inc., Norfolk and Western Railway Co., and Southern Railway Co., Trackage Rights; Exemption

CSX Transportation, Inc. (CSX), Norfolk and Western Railway Company (NW) and Southern Railway Company (Southern), have agreed to engage in the following trackage rights transactions [1]:

(1) CSX will obtain overhead trackage rights over Southern between Big Stone Gap, VA (milepost 3.31T) and Frisco, TN (milepost 46.48 TC), approximately 43.29 miles;

(2) CSX will obtain overhead trackage rights over NW at St. Paul, VA, over the west leg of a wye (milepost 42.74) to milepost 42.95, approximately 0.21 miles;

(3) NW and Southern will obtain overhead trackage rights over CSX between St. Paul, VA (milepost 42.20) and Frisco, TN (milepost 87.06), approximately 44.99 miles; and

(4) NW and Southern will use the trackage rights in (3) above as part of an interroad train operation between points on NW between Carbo (milepost N-434.5) and Norton, VA (milepost N-465.8), inclusive, and Bulls Gap, TN (milepost 87.OTC) on Southern.

The trackage rights became effective January 1, 1987.[2]

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

As a condition to use of this exemption, any employees affected by

[1] Together with the Notice of Exemption, CSX, NW, Southern and Interstate Railroad Company (Interstate) filed a petition under 49 U.S.C. 10505, for exemption from the provision of 49 U.S.C./11343-11345 in connection with proposed purchase of line under a coordination project. This petition will be addressed in a subsequent decision.

[2] These transactions involve in part the grant of permanent trackage rights to continue temporary trackage operations previously exempted from Commission regulation in Finance Docket No.s. 30389, 30390, 39391, and subnumbers thereunder.

the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: January 7, 1987.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

*Secretary.*

[FR Doc. 87-666 Filed 1-9-87; 8:45 am]

BILLING CODE 7035-01-M

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[Docket No. AB-57 (Sub-23X)]

## Soo Line Railroad Co.; Exemption for Abandonment in Waukesha County, WI

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Exemption.

**SUMMARY:** The Interstate Commerce Commission exempts under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by Soo Line Railroad Company of 3.25 miles of rail line between milepost 13.31 near Brookfield and milepost 16.56 near Waukesha, in Waukesha County, WI, subject to standard labor protection conditions.

**DATES:** This exemption will be effective on February 11, 1987. Petitions to stay must be filed by January 22, 1987, and petitions for reconsideration must be filed by February 2, 1987.

**ADDRESSES:** Send pleadings referring to Docket No. AB-57 (Sub-No. 23X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Larry D. Starns, 804 Soo Line Building, P.O. Box 530, 105 South Fifth Street, Minneapolis, MN 55440

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: January 5, 1987.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

*Secretary.*

[FR Doc. 87-536 Filed 1-9-87; 8:45 am]

BILLING CODE 7035-01-M

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[Docket No. AB-12; Sub-No. 109]

## Southern Pacific Transportation Co.; Abandonment in Travis County, TX; Findings

The Commission has issued a certificate authorizing Southern Pacific Transportation Company to abandon its 1.469-mile rail line between milepost 113.541 near Canadian Street and milepost 115.010 near Congress Avenue, in Austin, TX. The abandonment certificate will become effective 30 days after this 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 Part 1152.

Noreta R. McGee,

*Secretary.*

[FR Doc. 87-553 Filed 1-9-87; 8:45 am]

BILLING CODE 7035-01-M

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[Docket Nos. AB-33 (Sub-No. 39X) and (AB-37 (Sub-No. 20X)]

## Union Pacific Railroad Co.; Exemption for Discontinuance of Operations in Lewis, Thurston and Grays Harbor Counties, WA, and Oregon-Washington Railroad & Navigation Co.—Exemption—Abandonment in Lewis, Thurston and Grays Harbor Counties, WA

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Interstate Commerce Commission exempts from the requirements of 49 U.S.C. 10903, *et seq.*, the discontinuance of service by Union Pacific Railroad Company over, and the abandonment by Oregon-Washington Railroad & Navigation Company of, approximately 28.70 miles of rail line in Lewis, Thurston, and Grays Harbor Counties, WA, subject to employee protective conditions and subject to conditions with respect to compliance with the Coastal Zone Management Act and the Endangered Species Act.

**DATES:** With respect to Docket No. AB-33 (Sub-No. 39X) this exemption will be effective on February 11, 1987. With respect to Docket No. AB-37 (Sub-No. 20X), this decision will be effective upon petitioners' compliance with the requirements of the Coastal Zone Management Act and the regulations promulgated thereunder and proof that the State of Washington has concurred with petitioners' consistency certificate. Petitions to stay must be filed by January 27, 1987, and petitions for reconsideration must be filed by February 6, 1987.

**ADDRESSES:** Send pleadings referring to Docket No. AB-33 (Sub-No. 39X) and Docket No. AB-37 (Sub-No. 20X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Jeanna L. Regier, 1416 Dodge Street, Omaha, NE 68179.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

Decided: January 5, 1987.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

Noreta R. McGee,

*Secretary.*

[FR Doc. 87-537 Filed 1-9-87; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 86-44]

### John F. Bookhardt, M.D.; Revocation of Registration

On March 31, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) directed an Order to Show Cause to John F. Bookhardt, M.D. (Respondent) c/o Family Health Associates, P.C., 560 Geneva, Aurora, Colorado 80010. The Order to Show Cause sought to revoke his DEA Certificate of Registration AB1581683. The proposed action was predicated on Respondent's lack of authorization to handle controlled substances in the State of Colorado and his controlled substance-related felony conviction in the District Court, City and County of Denver, State of Colorado. 21 U.S.C. 824(a)(2) and 824(a)(3).

Respondent was granted three extensions of time to respond to the Order to Show Cause. By letter dated August 13, 1986, Respondent requested a hearing on the issues raised by the Order to Show Cause and the matter was docketed before Administrative Law Judge Francis L. Young. The Administrative Law Judge provided the Government an opportunity to file a motion for summary disposition, which the Government filed. The Administrative Law Judge then provided Respondent an opportunity to respond to the motion for summary disposition. Respondent did not file such a response. Judge Young considered the motion for summary disposition, and on November 3, 1986, issued his opinion and recommended decision in this matter. Neither side filed exceptions to the recommended ruling of the Administrative Law Judge. On December 1, 1986, Judge Young transmitted the record in this matter to the Administrator. The Administrator hereby adopts the opinion and recommended decision of the Administrative Law Judge in its entirety and enters his final order in this mater.

On December 16, 1985, Respondent was convicted in the District Court for the City and County of Denver, Colorado, of theft and obtaining controlled substances by fraud and deceit, a felony relating to controlled substances. As a result of this conviction, on December 17, 1985, the Colorado State Board of Medical Examiners summarily suspended Respondent's license to practice medicine in the State of Colorado.

During the period of time provided Respondent to respond to the Order to Show Cause, the Colorado State Board of Medical Examiners issued a Stipulation and Order which was signed by Respondent on June 5, 1986. As a result of the Stipulation and Order, Respondent's license to practice medicine in the State of Colorado is suspended until December 1988. In addition, Respondent agreed to immediately surrender his DEA Certificate of Registration. Respondent did not comply with the Board's Order until November 26, 1986, the date he surrendered his DEA Certificate of Registration. This was after Respondent received the Administrative Law Judge's opinion and recommended ruling in this matter. Therefore, the Administrator refuses to accept Respondent's surrender of his DEA Certificate of Registration.

Respondent is without authority to practice medicine or handle controlled substances in the State of Colorado. Therefore, lawful grounds exist to revoke Respondent's registration. 21 U.S.C. 824(a)(3). Judge Young found, as does the Administrator, that DEA does not have the statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances. See, 21 U.S.C. 823(f). The Administrator and his predecessors have consistently so held. See, *George S. Heath, M.D.*, Docket No. 86-24, 51 FR 26610 (1986); *Dale D. Shahan, D.D.S.*, Docket No. 85-57, 51 FR 23481 (1986); *Emerson Emory, M.D.*, Docket No. 85-46, 51 FR 9543 (1986); *Agostino Carlucci, M.D.*, Docket No. 82-20, 49 FR 33184 (1984).

The Administrative Law Judge also found that the motion for summary disposition was properly entertained and must be granted. When no fact question is involved, or when the facts are agreed, there is no requirement that an agency convene a plenary, adversarial administrative proceeding, even though the pertinent statute prescribes a hearing. Congress does not intent administrative agencies to perform meaningless tasks. See, *United States* v. *Consolidated Mines and Smelting Co., Ltd.*, 445 F.2d 432, 453 (9th Cir. 1977); *NLRB* v. *International Association of Bridge, Structural and Ornamental Ironworkers, AFL-CIO*, 549 F.2d 634 (9th Cir. 1977).

Having considered the record in this matter, the Administrator concludes that Respondent's DEA Certificate of Registration should be revoked due to his lack of authorization to handle controlled substances in the State of Colorado. Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823, and 824 and 21 CFR 0.100(b), orders that DEA Certificate of Registration AB1581683, previously issued to John F. Bookhardt, M.D., be, and it hereby is revoked. This order is effective January 12, 1987.

Dated: January 7, 1987.

**John C. Lawn,**

*Administrator.*

[FR Doc. 87-336 Filed 1-9-87; 8:45 am]

BILLING CODE 4410-09-M

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[Docket No. 86-38]

### George Forest Landman, D.O.; Denial of Application for Registration

On April 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to George Forest Landman, D.O., Respondent, of 1595 Grand Avenue, San Marcos, California 92069. The Order to Show Cause sought to deny Respondent's application for registration, executed on January 15, 1986, on the ground that Respondent's registration would be inconsistent with the public interest, as evidenced by, but not limited to, the fact that Respondent was convicted of two felony violations relating to controlled substances.

Respondent, through counsel, requested a hearing on the issues raised in the Order to Show Cause. Following prehearing procedures, a hearing in the matter was held on July 9, 1986, in Phoenix, Arizona. Administrative Law Judge Francis L. Young presided at the hearing.

In his Opinion and Recommended Ruling, Finding of Fact, Conclusions of Law and Decision, the Administrative Law Judge, based upon all the evidence presented at the hearing, recommended that the Administrator not grant Respondent a DEA Certificate of Registration. After reviewing the entire record, the Administrator concurs with the Administrative Law Judge's recommended ruling. The Administrator accepts the findings of fact of the Administrative Law Judge inasmuch as they appear below. In addition, the Administrator makes additional findings based upon the entire record as it appears.

The Administrator finds that Respondent became a licensed Doctor of Osteopathy (D.O.) in the State of Arizona on September 15, 1979. Shortly thereafter, the Arizona Department of

Public Safety, Narcotics Unit, received information that certain local Tucson physicians, including Respondent, were easy sources for obtaining controlled substances such as Demerol, Percodan, Ritalin, as well as other drugs, for no legitimate medical purpose. Based upon this information, the Narcotics Unit initiated an investigation of prescriptions issued by Respondent.

In January 1980, Respondent was arrested by the Showlow Police Department in Arizona, and was charged with driving under the influence of drugs (DUI). At the time of his arrest, Respondent was found to be in possession of Quaalude tablets without a valid prescription, a wooden pipe, and a pharmacy dispenser vial containing narcotics.

The Administrator further finds that on June 11, 1981, in the Superior Court of the State of Arizona, in and for the County of Pima, Respondent was convicted, after entering a plea of guilty, to one count of obtaining a narcotic drug by fraud. The substance was meperidine, a Schedule II controlled substance. This was a felony violation of Arizona Revised Statutes section 36–1017. Respondent's conviction resulted from the Arizona Department of Public Safety's ongoing investigation of his prescribing activities. On September 19, 1980, the Arizona Department of Public Safety, narcotics Unit, received a call from a Tucson pharmacist who was concerned about a prescription for Demerol, the trade name for meperidine, she had just filled for Respondent. The prescription was written for "Robert Fulmer," alleged to be one of Respondent's patients. After leaving with the Demerol, Respondent returned to the pharmacy several minutes later in a "stuporous state with blood trailing from his hand and arm." The pharmacist concluded that Respondent had an adverse reaction after injecting himself with the Demerol. Police questioned Robert Fulmer, Respondent's neighbor, regarding the prescription for Demerol. He told police that he was never Respondent's patient, nor was he aware that Respondent ever issued a prescription for Demerol in his name. Mr. Fulmer had not requested or authorized Respondent to write or fill a prescription for Demerol in his name. In addition, Mr. Fulmer told police that while attending a party at his apartment complex, Respondent had give him an unsolicited injection represented to be Demerol with vitamins, allegedly to treat Mr. Fulmer's injured knee.

On September 23, 1980, police received another call from the Tucson pharmacist. Respondent again tried to fill a prescription for Demerol in the name of an alleged patient. As directed by the police, the pharmacist informed Respondent that the Demerol was out of stock, but that she was expecting a shipment later that day. Respondent was advised to return at that time. Police had set up surveillance at the pharmacy when Respondent returned to fill the Demerol prescription. One of the officers observed Respondent write out a prescription while seated in his car and then present the prescription to the pharmacist. The prescription was in the name of John Martell. Upon receiving the Demerol, Respondent left the pharmacy and was arrested. He was charged with obtaining narcotics by fraud or deceit. Subsequent to his arrest, police officers searched Respondent's person and shoulderbag. In the search, officers found used and unused surgical syringes and needles, a bottle of liquid Demerol, a bottle of eye drops, vitamin E ointment, a rubber strap used to locate a vein when preparing for an injection or extraction of blood, and some packaged marijunana. Officers also observed fresh track marks on Respondent's arms. An interview with John Martell revealed that, although he was Respondent's patient, he was not aware that Respondent had issued a prescription for Demerol in his name on September 23, 1980, nor did he authorize Respondent to pick up any prescriptions for Demerol allegedly issued to him. On October 8, 1980, approximately two weeks after he was arrested, Respondent attempted to obtain Demerol from another pharmacy, using an executed DEA order form. Following his arrest, Respondent pleaded guilty to one count of obtaining a narcotic drug by fraud. He was subsequently convicted and was ordered to surrender his license to practice medicine in the State of Arizona. He was also ordered by the Court to continue in a therapeutic treatment program for his drug addiction problems.

The Administrator also, finds that, although Respondent was only charged with two counts of obtaining narcotic drugs by fraud, he also issued several other questionable prescriptions for controlled substances. A number of prescriptions for Demerol written by Respondent for alleged patients were found in various pharmacies in the Tucson area. Several prescriptions were written for persons whose names and addresses could not be identified or verified. No patient records were located for any of the persons named as patients on Respondent's Demerol prescriptions. During the administrative hearing, Respondent admitted that he did not maintain patient records at that time. Several prescriptions for Demerol were also written for a woman named Kimberly Roach. Police interviewed Ms. Roach and found that she was originally the patient of another physician who was also being investigated by the Arizona Department of Public Safety, but was later treated by Respondent. She also admitted being personally involved with Respondent. She told police that Respondent had treated her with what he said was Demerol for a several-month old injury, but that he had never conducted a physical examination of her prior to administering any drugs. Respondent apparently treated Ms. Roach in both his office and his residence. Ms. Roach also claimed that she received several prescriptions for Demerol from Respondent, had the prescriptions filled, and returned the Demerol to Respondent for periodic injections. Officers were able to locate three prescriptions for Demerol issued by Respondent in the name of Kimberly Roach, dated July 8, 1980, August 26, 1980 and August 31, 1980. Each prescription was for a 30 cc vial of Demerol. An average dosage unit of Demerol was determined to be 1 cc per injection, with a maximum of two to three injections per twenty-four hour period. The evidence was not clear as to how many injections from the three prescriptions Respondent actually administered to Ms. Roach.

The Administrator also finds that, following his arrest on September 23, 1980, Respondent spent approximately one month in a treatment program in a Phoenix hospital and intermittently continued his treatment as an outpatient for two years thereafter.

The Administrator further finds that in June 1981, the Arizona State Board of Osteopathic Examiners allowed Respondent to return to his practice of medicine on a limited basis. The Board's order required him to practice under the supervision of Dr. Jack Varon, a member of the Board, and allowed him to seek re-registration with DEA only to handle Schedule IV and V Controlled substances. Respondent did not however, seek a new DEA registration at that time. He did begin to work under the supervision of Dr. Varon. Since he was not registered to handle controlled substances, Dr. Varon was required to issue all prescriptions for controlled substances needed for Respondent's patients. In September 1981, Respondent forged one of Dr. Varon's prescriptions in order to obtain Dexedrine, a Schedule II controlled substance, for his own use. In another instance, he was able to get Dr. Varon to sign a prescription for

Ritalin, the trade name for methylphenidate, a Schedule II controlled substance, without Dr. Varon seeing the alleged patient or reviewing the medical file. This prescription, too, was for Respondent's own use. He was again abusing controlled substances. In addition, he was also treating patients and administering controlled substances at his residence, in violation of the Board's order. Respondent was again arrested, on September 9, 1980, in connection with the forgery of Dr. Varon's prescription, and was charged with obtaining dangerous drugs by fraud. Following his arrest, Respondent's home was searched. His home was in such a deplorable state of disarray that a full search could not be conducted. During the search however, police discovered usable quantities of marijuana, hashish and lysergic acid diethylamide (LSD). Subsequent to this arrest, Respondent's license to practice medicine was summarily suspended in the State of Arizona. On December 14, 1981, while awaiting conviction and sentencing on the charge of obtaining dangerous drugs by fraud, Respondent was once more arrested by Tucson police and was charged with two counts of third degree burglary and one count of attempted theft, after he was observed breaking into and rummaging through the contents of a parked automobile. On April 29, 1982, in the Superior Court for the State of Arizona, in and for the County of Pima, Respondent was convicted, after entering pleas of guilty, to one count of obtaining dangerous drugs by fraud and one count of third degree burglary. The Court sentenced him to one year of work release in the Pima County Jail and three years probation.

The Administrator also finds that on February 18, 1983, while Respondent was serving his sentence in the Pima County Jail Annex, he returned late to the facility from work release, exhibiting abnormal behavior and appearing to be under the influence of a drug. Based upon this information, a search was conducted of Respondent's automobile. The search reveled a syringe, one small purple table scored with the letter "R," one envelope containing green leafy material appearing to be marijuana, a 5 milliliter bottle of an injectable prescription drug called Decadron-LA, a 60 milliliter bottle of a topical solution, a blank prescription pad in the names of Michael J. Septer and George Forest Landman and one envelope containing five packages of rolling papers. Respondent did not possess a prescription for any of these items and, since he was not then a licensed physician, he was not authorized to possess most of these items. Following the search, Respondent was incarcerated without work release privileges.

The administrator finds that, upon his relese from jail, Respondent spent approximately six months in a residential halfway house. In addition, he was in an eighteen-month to two-year rehabilitation therapy program with a clincial psychologist. At the administrative hearing, Respondent did not present any evidence regarding the clinical psychologist's evaulation of his rehabilitation or the therapist's opinion of Respondent's fitness for registration with DEA.

The Administration also finds that, the Arizona State Board of Osteopathic Examiners informed Respondent that if he wanted to seek relicensure in that state, he should undergo further professional training. Accordingly, in August 1984, Respondent began a one-year residency program in family medicine at the Chicago College of Osteopathy. During his residency, he continued to participate in programs to assist professionals in abstaining from drug abuse. Also during this time, Respondent submitted to periodic drug screens. Following his one-year residency program, the Arizona State Board of Osteopathic Examiners reinstated Respondent's license to practice medicine in that state. Although no further restrictions were placed on Respondent's license, he was placed on "probationary" status. In addition, in August 1985, Respondent became licensed to practice medicine in the State of Illinois, subject to the condition that he remain in a therapy program. Also, in September 1985 Respondent reactivated his license to practice medicine in the State of California. California licensing authorities did not place any restrictions or provisions on Respondent's medical license in that state.

The Administrator also finds that, following his residency in Chicago, Respondent received numerous offer to practice medicine in Illinois, New York and Arizona. Many of the physicians who offered Respondent employment were aware of his past problems with substance abuse, and were also aware that Respondent had no DEA registration which would allow him to handle controlled substances. Nevertheless, each physician appeared to be willing to supervise him and offer him a chance. Instead, in December 1985, Respondent accepted a position at the San Marcos Urgent Care Facility in San Marcos, California. Respondent's employment at the San Marcos Urgent Care Facility terminated after a few months, due to "philosophical differences" between Respondent and others at the medical facility. Subsequently, Respondent accepted employment with an elderly physician at the El Cajon Physician's Group in the San Diego area. The record is not clear as to whether Respondent informed the physicians at this practice of his substance abuse problems and his difficulty in obtaining a DEA Certificate of Registration. A few months after he began his employment with the El Cajon Physician's Group, Respondent's employment was terminated, allegedly on the ground that the practice was to be closed as of August 1, 1986. Respondent claimed that his lack of a DEA Certificate of Registration and his difficulty in obtaining hospital privileges, cause by not having a DEA registration, led to his termination.

The Administrator further finds that, at various times between 1980 and the present, Respondent has been subject to urine drug screen tests. Respondent submitted, as evidence, the results of laboratory tests performed from August 1984 to August 1985. He did not however, present the results of tests for the period from 1981 to July 1984, nor did he introduce any test results from August 1985 to the date of the hearing in this matter. The reports presented by Respondent were negative as to the presence of the drugs screened for. The Administrator finds that such negative results are not absolutely conclusive. Many laboratories fail to accurately detect the presence of controlled substances in urine samples. Certain controlled substances, including Ritalin and Demerol, both of which are durgs known to have been abused by Respondent in the past, are not detectable in most drug screen testing methods.

Respondent submitted several letters of recommendation from various physicians and other medical professionals. Only three letter specifically recommended that Respondent be granted a DEA Certificate of Registration. These letters were written by George Nash, Larry Ritter and Lawrence Crow. Dr. Nash is an impaired physician with an admitted history of alcohol and drug abuse. Dr Nash also testified on Respondent's behalf at the administrative hearing. His testimony indicated that, although he is in charge of a prominent private substance abuse center in Arizona, he is ignorant of DEA controlled substance regulations. Larry Ritter is an impaired pharmacist, with an admitted history of

alcohol and drug abuse. Mr. Ritter wrote his letter of recommendation on behalf of Respondent after knowing him from attending only eight weekly "Impaired Health Professionals" meetings. Dr. Crow wrote his letter on behalf of Respondent after having known him for less than two months. Other letters recommending that Respondent be admitted to practice medicine by various state medical boards were also received into evidence at the administrative hearing. The contents of many of these letters indicated that the persons writing them either had not known Respondent for very long, or that they were not aware of Respondent's previous substance abuse problems. One recommending physician wrote that "if given a second chance I feel close supervision will be necessary." During the administrative hearing, Respondent did not introduce any testimony or letters of recommendation by persons from the residential halfway house, nor from the clinical psychologist who treated him extensively for almost two years. Respondent's former employers at the San Marcos Urgent Care Facility also did not testify or submit affidavits recommending Respondent's registration with DEA.

The Administrator finds that Respondent has not demonstrated a need for a DEA registration to outweigh his abominable past history. In testimony at the hearing, Respondent commented that "I really haven't had any problem not being able to write [prescriptions] for controlled substances." When asked how many times he requested that prescriptions for controlled substances be written for his patients during the periods he worked at the San Marcos Urgent Care Facility and the El Cajon Physician's Group, he replied that he had no idea. He also testified that the most significant problem he has experienced in not having a DEA Certificate of Registration is that he cannot be granted privileges at local hospitals.

The Administrator concludes that Respondent's felony convictions relating to controlled substances constitute sufficient grounds for denying Respondent's application for renewal. See 21 U.S.C. 823(f)(3) and 824(a)(2). In addition to the felony convictions, Respondent has a lengthy history of drug abuse, and his recovery program has been marred by repeated relapses. Further, Respondent has misused the authority vested in him by a DEA Certificate of Registration to illegally and improperly prescribe, dispense, and administer dangerous controlled substances to himself and others. He continued these activities while his state medical license was on a probationary status and while he did not have a DEA registration. He even took advantage of the Board physician who was given the responsibility of supervising his activities.

While Respondent appears to be making sincere efforts to fight his drug addiction, the Administrator is not convinced that he is fully prepared to adequately handle the responsibilities associated with a DEA registration. Respondent did not present adequate evidence at the administrative hearing to prove his rehabilitation, ability and willingness to properly handle controlled substances. The Administrator does not give much weight to the testimony of Respondent's witnesses. One physician was admittedly duped by Respondent in the past. The other has very little knowledge of the responsibilities associated with a DEA registration. In addition, both men have had little direct or frequent contact with Respondent since August 1984. As discussed previously, Respondent's letters of recommendation do not provide the Administrator assistance in determining whether or not to grant Respondent's application for registration.

In determining whether to grant or deny Respondent's application for registration, the Administrator has an obligation to protect the public from the diversion, misuse and abuse of controlled substances. In light of Respondent's extensive negative history in handling controlled substances, the relatively short period of time which Respondent claims he has recovered from his drug addiction, and the absence of evidence or testimony regarding his rehabilitation and fitness for handling controlled substances from the persons most qualified to make that determination, the Administrator also concludes that the public interest would not be served by granting Respondent a DEA Certificate of Registration at this time.

For all of the foregoing reasons, the Administrator of the Drug Enforcement Administration concludes that there are lawful grounds for the denial of Respondent's application for registration, and that Respondent's application should be denied. Pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 21 CFR 0.100(b), the Administrator orders that the DEA application for registration executed by George Forest Landman, D.O. on January 15, 1986, be, and it hereby is, denied.

This order is effective January 12, 1987.

Dated: January 7, 1987.

**John C. Lawn,**

*Administrator.*

[FR Doc. 87-559 Filed 1-9-87; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[87-03]

### NASA Advisory Council (NAC), Informal Space Life Sciences Committee; Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Space Life Sciences Committee.

**DATE AND TIME:** January 22, 1987, 11 a.m. to 5:30 p.m., and January 23, 1987, 8:30 a.m. to 3:30 p.m..

**ADDRESS:** Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Lunar Science Institute, Berkner Room, 3303 NASA Road 1, Houston, TX 77058.

**FOR FURTHER INFORMATION CONTACT:** Dr. James H. Bredt, Code EBR, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1540).

**SUPPLEMENTARY INFORMATION:** The NASA Advisory Council Informal Space Life Sciences Committee was established to formulate a comprehensive strategic plan for space life sciences, identify essential efforts with appropriately phased objectives, and define efficient implementing strategies to pursue these goals. The Committee, chaired by Dr. Frederick C. Robbins, has 17 members.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and other participants). Visitors will be requested to sign a register.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Type of Meeting: Open.

Agenda:

January 22, 1987

11 a.m.—Opening remarks.

11:15 a.m.—Briefings by Johnson Space Center Staff.
5:30 p.m.—Adjourn.
January 23, 1987
8:30 a.m.—Presentations by Study Groups.
1 p.m.—Discussion.
3 p.m.—Agenda for Next Meeting.
3:30 p.m.—Adjourn.

**Richard L. Daniels,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

January 6, 1987.

[FR Doc. 87-510 Filed 1-9-87; 8:45 am]

BILLING CODE 7510-01-M

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[87-04]

## NASA Advisory Council (NAC), Space Applications Advisory Committee (SAAC); Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Applications Advisory Committee, Informal Advisory Subcommittee on Microgravity Science and Applications.

**DATE AND TIME:** January 20, 1987, 8:30 a.m.–5 p.m., January 21, 1987, 8:30 a.m.–5 p.m.

**ADDRESS:** National Council on the Aging, Conference Room 141A, 600 Maryland Avenue SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Dr. Dudley G. McConnell, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1656).

**SUPPLEMENTARY INFORMATION:** The Informal Advisory Subcommittee on Microgravity Science and Applications will meet to continue its review of NASA's extramural microgravity research and to agree upon its work plan for 1987. The Subcommittee is chaired by Dr. Simon Ostrach and is composed of 10 members. The meeting will be opened to the public up to the seating capacity of the room. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Type of Meeting: Open

Agenda:

January 20, 1987
8:30 a.m. General Overview of Meeting Agenda, Schedule and Outcomes.
10 a.m. Review and Agree on January-July Work Plan.
1 p.m. Review and Agree on Appraisal Questions to be used in Evaluating Center Programs.
3. p.m. Continue Review of Center Programs.
5. p.m. Adjourn.
January 21, 1987—Room 141A
8:30 a.m. Continue Review of Center Programs.
10 a.m. Draft Report Outline.
1 p.m. Define Focus and Content and Assign Writing Responsibilities.
3:30 p.m. Wrap Up and Review Action Items.
5 p.m. Adjourn.

**Richard L. Daniels,**

*Advisory Committee Management Officer, National Aeronautics and Space Administration.*

January 6, 1987.

[FR Doc. 87-511 Filed 1-9-87; 8:45 am]

BILLING CODE 7510-01-M

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## NATIONAL TRANSPORTATION SAFETY BOARD

### Public Hearing in New Orleans, LA; Marine Accident

In connection with its investigation of the accident involving the collision between the Hong Kong Bulk Carrier PETERSFIELD and the U.S. Towboat BAYOU BOEUF and Tow in the Mississippi River near New Orleans, Louisiana, on October 28, 1986, the National Transportation Safety Board will convene a public hearing at 1 p.m. (local time) on January 26, 1987, at the Holiday Inn Crowne Plaza Hotel, 333 Poydras Street, New Orleans, Louisiana. For more information contact Ted Lopatkiewicz,, Office of Government and Public Affairs, National Transportation Safety Board, 800 Independence Ave., SW., Washington, DC 20594, telephone (202) 382-6605.

**Ray Smith**

*Federal Register Liaison Officer.*

January 5, 1987.

[FR Doc. 87-578 Filed 1-9-87; 8:45 am]

BILLING CODE 7533-01-M

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## NUCLEAR REGULATORY COMMISSION

### International Atomic Energy Agency Report on Notification of National Competent Authorities When Some Types of Radioactive Material Are Exported; Extension of Comment Period

At the request of the United States, the International Atomic Energy Agency (IAEA) convened a consultants group to examine the need for the development of procedures for the notification of national authorities in recipient countries when some types of radioactive material are exported. The consultants group issued a report, which the Director General of the IAEA circulated to Member States for comment. The NRC published the entire report and requested public comments in the **Federal Register** (51 FR 44154, December 8, 1986).

The Commission said it would particularly appreciate comments on the number of international shipments made each year, the cost of preparing an individual report, and the levels and list of devices that would require notification. Several licensees and organizations notified the NRC that the proposal would impact their businesses, but stated that they needed more time than was allowed to collect the requested information.

Because the NRC believes the requested information is essential in designing an export notification procedure, the comment period is being extended. Comments received by the Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, MNBB-4000, U.S. Nuclear Regulatory Commission, Washington, DC 20555, by February 27, 1987, will be useful to the Commission in preparing its comments for submission to the IAEA.

For additional information on this matter, contact Norman L. McElroy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427-4108.

Dated at Washington, DC, this 6th day of January, 1987.

For the Nuclear Regulatory Commission.

**John G. Davis,**

*Director, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 87-570 Filed 1-9-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

## Tennessee Valley Authority; Denial of Amendments to Facility Operating Licenses and Opportunity For Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by the licensee for amendments to Facility Operating License Nos. DPR-77 and DPR-79 issued to the Tennessee Valley Authority (the licensee) for operation of the Sequoyah Nuclear Plant, Units 1 and 2 (the facility), located in Hamilton County, Tennessee.

The proposed amendments would have deleted the differential pressure values from Surveillance Requirements 4.7.1.2.a.1 and 4.7.1.2.a.2. These values would have been placed in the appropriate plant instructions where changes would have to be evaluated against the criteria given in 10 CFR 50.59(a)(2). Notice of consideration of issuance of these amendments was published in the **Federal Register** on August 27, 1986 (51 FR 30582). The licensee's application for the amendments was dated July 24, 1986.

The request was found unacceptable since the proposal does not meet the requirements of 10 CFR 50.36(c)(3). The differential pressure values should be retained in the Technical Specifications in accordance with § 50.36(c)(3) in order to prove the operability of the auxiliary feedwater pump.

The licensee was notified of the Commission's denial of this request by letter dated January 6, 1987.

By Feb. 11, 1987, the licensee may demand a hearing with respect to the denial described above and any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Lewis E. Wallace, Acting General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B33, Knoxville, Tennessee 37902, attorney for the licensee.

For further details with respect to this action, see (1) the application for amendments dated July 24, 1986, and (2) the Commission's letter to Tennessee Valley Authority dated Jan. 6, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37401. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-A.

Dated at Bethesda, Maryland, this 6th day of January 1987.

For the Nuclear Regulatory Commission.

**B.J. Youngblood,**

*Director, PWR Project Directorate No. 4, Division of PWR Licensing-A.*

[FR Doc. 87-569 Filed 1-9-87; 8:45 am]

BILLING CODE 7590-01-M

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[Docket Nos. 50-369 and 50-370]

## Denial of Amendments to Facility Operating Licenses and Opportunity For a Hearing; Duke Power Co.

The U.S. Nuclear Regulatory Commission (the Commission) has denied a request by the licensee for amendments to Facility Operating License Nos. NPF-9 and NPF-17, issued to the Duke Power Company (the licensee) for operation of the McGuire Nuclear Station (the facility) located in Mecklenburg County, North Carolina.

The amendments, as proposed by the licensee, would modify McGuire Technical Specification 3/4.7.7, "Auxiliary Building Ventilation Exhaust (VA) System" to allow one system to be inoperable for seven days instead of the current 24-hour time limit. The licensee's application for the amendments was dated September 16, 1985. Notice of consideration of issuance of these amendments was published in the **Federal Register** on October 23, 1985 (50 FR 43023).

Although the Commission initially proposed a determination of "no significant hazards consideration" regarding the amendment request, upon additional considerations reached based upon a full safety review, the request to allow one VA system to be inoperable for seven days was denied because: (1) The licensee is apparently unwilling to commit to a periodic surveliance test to demonstrate that either VA system will ensure releases to the auxiliary building emergency core cooling system area will be processed by filters prior to release to the environment; (2) the systems must be able to provide sufficient cooling to the post-accident equipment in the adjoining unit; and (3) the licensee did not describe the inherent features which will limit the influent relative humidity to approximately 70% under all postulated conditions or any data which show that the charcoal does not become saturated during high humidity conditions.

The licensee was notified of the Commission's denial of this request by letter dated January 7, 1987.

By February 12, 1987, the licensee may demand a hearing with respect to the denial described above and any person whose interest may be affected by the proceeding may file a written petition for leave to intervene.

A request for a hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, DC, by the above date.

A copy of any petitions should also be sent to the Office of General Counsel—Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242.

For further details with respect to this action, see (1) the application for amendment dated September 16, 1985, and (2) the Commission's letter to Duke Power Company dated January 7, 1987, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of PWR Licensing-A.

Dated at Bethesda, Maryland, this 7th day of January 1987.

For the Nuclear Regulatory Commission.

**B.J. Youngblood,**

*Director, PWR Project Directorate No. 4, Division of PWR Licensing-A.*

[FR Doc. 87-572 Filed 1-9-87; 8:45 am]

BILLING CODE 7590-01-M

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[Dockets Nos. 50-321 and 50-366]

## Georgia Power Company, et al (Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2); Exemption

I

The Georgia Power Company (the licensee) and three other co-owners are

the holders of Facility Operating Licenses Nos. DPR–57 and NPF–5 which authorize operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch or the facilities) at steady state reactor power levels not in excess of 2436 megawatts thermal for each unit. The facilities are boiling water reactors located at the licensee's site in Appling County, Georgia. The licenses are subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

On November 19, 1980, the Commission published a revised 10 CFR 50.48 and a new Appendix R to 10 CFR 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and Appendix R became effective on February 17, 1981. Section III of Appendix R contains fifteen subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant. One of these fifteen subsections, III.G, is the primary subject of this Exemption. Specifically, Subsection III.G.2 requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits or redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cable and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

A related subsection, III.G.1.a, also requires that one train of systems necessary to achieve and maintain hot shutdown conditions from either the control room or emergency control stations be free of fire damage. This means that repairs to damaged systems should not be made to reach or maintain hot shutdown.

The final subsection which is a subject of this Exemption is III.J. This subsection specifically requires that "emergency lighting units with at least an 8-hour battery power supply shall be provided in all areas needed for operation of safe shutdown equipment and in access and egress routes thereto."

III

The Commission previously, by letter dated April 18, 1984, granted requests for technical exemptions to the requirements of subsection III.G.2 of Appendix R to 10 CFR Part 50 in 26 specific plant areas of Hatch Units 1 and 2. The licensee requested, by letter dated May 16, 1986, new and additional exemptions. It requested technical exemptions in 27 specific plant areas of Hatch Units 1 and 2 and 2 generic technical exemptions that apply to all areas of Hatch Units 1 and 2. It also requested schedular exemptions to the requirements of 10 CFR 50.48, one concerning circuit breakers and fuses for both Hatch Units 1 and 2 and one concerning a control power transfer switch for Unit 1 only.

Fifteen of the items for which the licensee requested specific plant area exemptions and both of the items for which it requested generic exemptions were found by the staff, based on Generic Letter 86–10, not to require exemptions or staff approval. Exemptions requested in two specific plant areas were found by the staff to be unacceptable. One of the specific plant area exemption requests was withdrawn by the licensee in its letter dated November 14, 1986. It was learned by telephone conversation with licensee representatives on November 24, 1986, that the control power transfer switch has been installed and that the schedular exemption for this item is no longer required.

The acceptability of the remaining exemption requests is addressed below. More details are contained in the Commission's related Safety Evaluation (SE) (concurrently issued with this Exemption).

By letter dated December 9, 1986, the licensee provided information relevant to the "special circumstances" finding required by 10 CFR 50.12(a) for the licensees May 16, 1986 request. For the requested exemptions, the licensee stated that application of the specific requirements of the regulation is not necessary to achieve the underlying purpose of the rule. The licensee stated that the cost of implementing additional modifications to relocate components, upgrade yard lighting, provide additional fire barriers and provide additional diesel generator control panel switches would result in undue hardship and an unwarranted burden on its available resources. The licensee described the costs to be incurred as follows:

- Extensive engineering and installation to upgrade the yard lighting.
- Design studies, engineering and installation of new piping and supports and new electrical raceways and supports to relocate valves, motor control centers, instrumentation and control panels.
- Extensive application of additional raceway fire barrier material and associated engineering analysis of seismic loads, installation of additional supports and relocation of raceways and supports due to interferences.
- Installation of switches on the diesel generator instrument panel and engineering analysis to requalify the panel.
- Increased congestion in the reactor building that complicates operations and future plant modifications.
- Implementation of new plant operating and maintenance procedures.

The staff concludes that "special circumstances" exist for the exemptions that are being granted in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purpose of Appendix R to 10 CFR 50. See 10 CFR 50.12(a)(2)(ii).

**Specific Plant Area Exemptions**

*Areas*

Control Room
Yard

The licensee requested exemption from subsection III.J of Appendix R in these areas to the extent that 8-hour battery powered emergency lighting is required.

In the control room, the emergency lights are designed to be powered from the station batteries for a minimum of 2 hours. Power from the emergency diesel generators is also available once they are started. The control room lights are designed so that a fire in any area outside of the control room would not result in the loss of both divisions of emergency lighting. According to the licensee, any action required in the yard area requires only minimal light which is provided by the existing yard security lights. In addition, the licensee has provided dedicated engine-driven portable light units for the location in the yard area requiring operator action in the event of loss of offsite power which could result in loss of the yard security lights. The licensee has chained and locked these dedicated engine-

driven units in all the required locations and has adequate procedures to assure proper maintenance and operability of them.

Based on the discussion above, the licensee's request for exemptions from the requirements of paragraph III.J for the Control Room and the yard area are granted.

*Areas*

Unit 1 Reactor Building North of Column Line R7
Unit 1 Reactor Building South of Column Line R7
Unit 2 Reactor Building North of Column Line R19
Unit 2 Reactor Building South of Column Line R19.

The licensee has requested an exemption from the 1 hour barrier requirements of subsection III.G.2.c for equipment within the suppression system water curtain boundary within these areas. The licensee listed 15 components, primarily motor operated valves, as items which could not be wrapped because complete enclosure could jeopardize the operability of the component. Other components listed include components of the Unit 1 torus water temperature instrument, the Unit 2 remote shutdown panel, HPCI steam line leak resistance temperature detectors, and three motor control centers. Upon further review, the licensee concluded that the Unit 1 torus water temperature instrument components were not out of compliance with Appendix R and the request for an exemption was withdrawn.

The staff reviewed the remaining components and determined that in all instances the items were within the water curtain, the fuel loading in the fire zone in which the item was located was low, and fire detection was provided in the vicinity of each of the items. In addition, the licensee has adequate administrative procedures governing introduction and care of transient combustibles (including combustible and flammable liquids) in these areas to provide reasonable assurance that such transient combustibles will not damage the safe shutdown components. For these reasons the licensee's request for exemption from the requirements of subsection III.G.2.c for the areas listed is granted.

*Area*

Control Room.

The licensee requested an exemption from the requirements of subsection III.G.1.a of Appendix R to the extent that repairs should not be used to maintain hot shutdown.

The potential repairs required for hot shutdown after a fire involves opening links (disconnecting faulted circuits) and installing jumpers in order to assure the operation of the following equipment:

(1) Residual Heat Removal (RHR) Pump Room Cooler
(2) Reactor Core Isolation Cooling (RCIC) Pump and Room Cooler
(3) Diesel Generator Voltage Regulator.

The staff evaluated the time available to make the necessary repairs. For the RHR and RCIC pump room coolers, the operator can start the coolers in 20 minutes by opening links and installing jumpers. The minimum time required for the pump room temperatures to reach their design limitations is 4 hours. In the case of the voltage regulator for the diesel generator, its function can be restored in 15 minutes by opening links and installing jumpers. The time available to perform this action is ½ hour. In order to perform this task, a dedicated operator will be immediately dispatched to the Diesel Generator Building upon the loss of offsite power. The licensee has also committed to store the tools necessary for the repairs in locked boxes and cabinets.

For these reasons, the licensee's request for an exemption from the requirements of Subsection III.G.1.a is granted.

*Area*

Unit 1 Reactor Building North of Column Line R7
Unit 2 Reactor Building South of Column Line R19.

The licensee requested an exemption from the requirements of subsection III.G.2. (a & b) of Appendix R regarding barriers to the extent that barriers are required between redundant pathways so that a fire will not lead to loss of control of the HPCI system.

The staff evaluated the physical spacing and existing barriers between the various pathways which would be used to secure the HPCI system in each building. In the Unit 1 Reactor Building, the separation distance (at least 50 feet) is considered to be sufficient. Also, the detection and suppression systems around the torus are considered sufficient to prevent fires from crossing from one side of the Unit 1 Reactor Building to the other. For the Unit 2 Reactor Building, the staff determined that two of the three pathways available to secure the HPCI system are always separated by either a fire area boundary, a 3 hour protective wrapping, or a 2 foot non-rated floor slab.

For these reasons, the licensee's request for an exemption from the requirements of subsection III.G.2. (a & b) regarding barriers between pathways which could be used to secure the HPCI system is granted for the Unit 1 and Unit 2 Reactor Buildings.

*Area:*

Intake Structure.

The licensee has requested an exemption from the requirements of subsection III.G.2.b to the extent that a 20-foot separation distance is required between redundant cables. An exemption has already been granted to the requirement for the installation of an automatic fire suppression system.

Almost all of the non-transient fire load in the intake structure is oil and grease located around the pump motors which are protected by a wet pipe automatic sprinkler system. All cable trays and exposed cable within the intake structure are wrapped with Kaowool (1-hour protection), or enclosed in conduit or other metal enclosures. Outside the suppression areas, unwrapped Unit 2 redundant conduit is separated by a minimum of 8 feet. The staff considers this separation distance to be sufficient because of the near zero fire load outside of the fire suppression areas. The only exception to this near zero fuel load would be transient areas combustibles likely to be present during maintenance or repair activities.

For these reasons, the licensee's request for an exemption from the requirements of subsection III.G.2.b to the extent that a 20-foot separation distance is required between redundant cables, is granted for the Intake Structure outside of the automatic suppression areas. As a condition for granting of this exemption, however, the licensee will be required to augment its administrative procedures to include a requirement to maintain a continuous fire watch during repair and maintenance activities whenever combustible materials are stored in or are moved through the non-sprinkled area.

**Schedular Exemption**

An exemption from the schedular requirements of 10 CFR 50.48 is requested by the licensee under 10 CFR 50.12 for Hatch Units 1 and 2. This exemption is for the installation in Hatch Units 1 and 2 of new circuit breakers and fuses identified as necessary to ensure coordinated circuits from the standpoint of Enclosure 2 to Generic Letter 81–12. Enclosure 2 to Generic Letter 81–12 identifies circuits which are not isolated from the shutdown circuit of concern by coordinated circuit breakers, fuses, or

similar devices, as associated circuits and requires special provisions for such circuits. The licensee requests a schedular extension for each unit until the end of its next scheduled refueling outage commencing after November 30, 1986.

From Generic Letter 86–10, there are four criteria to be used to evaluate schedular exemptions. These criteria and the staff's evaluation are as follows:

(1) The utility has proceeded expeditiously to meet the Commission's requirements.

The licensee stated in it May 16, 1986 request that all work required for Appendix R was scheduled and was anticipated to be completed before November 30, 1986. The staff has recently discussed the current status of Appendix R implementation with the licensee and it has informed the staff that it has completed all its Hatch Unit 1 and 2 Appendix R work except installation of the circuit breakers and fuses for which it has requested the current schedular exemption. The licensee informed the staff that it was processing a work request to install these circuit breakers and fuses but that it did not have all of the materials for installation of these components available for installation in Hatch Unit 2 prior to its restart.

On the basis of the licensee's completion of all of the Appendix R work except for the above discussed circuit breakers and fuses, the staff concludes that the licensee has proceeded expeditiously to meet the Commission's requirements.

(2) The delay is caused by circumstances beyong the utility's control.

The detailed coordinated circuit breaker analysis could not be started until virtually all other design and analysis work required for Appendix R was essentially complete. This analysis was completed in September 1985. It was through this analysis that the licensee determined that it needed to replace low-voltage circuit breakers and fuses. Following determination that these items should be replaced, the licensee proceeded on an expedited basis to procure the new circuit breakers and fuses. The delay in installing these circuit breakers and fuses is being caused by difficulties with the selection, qualification, and delivery of these components. Many of the original Hatch equipment suppliers no longer supply Nuclear Class 1E-qualified equipment. The licensee had to identify other vendors with qualified equipment and add them to the list of qualified suppliers for the Hatch Nuclear Plant. On the basis of this information, the staff concludes that the delay is caused by circumstances beyond the licensee's control.

(3) The proposed schedule for completion represents a best effort under the circumstances.

The licensee has stated that, for the reasons discussed above, it has not been able to assure delivery of these circuit breakers and fuses in time for installation prior to November 30, 1986. Further, it does not believe that a special outage to replace the circuit breakers and fuses would be justified. It has proposed to install these components at the first refueling outage scheduled to commence after November 30, 1986. It also stated that if the breakers and fuses arrived in time to allow their installation during the recent Hatch Unit 2 refueling outage it would do so prior to November 30, 1986. However, it stated that the marginal increase in safety gained by installing the breakers and fuses does not warrant the minor risk involved in installing them while the plant is operating and that it does not warrant a special plant outage for the purpose of installing time. The licensee stated that considering these points, it considers its proposed schedular extension represents a best effort.

The staff informed the licensee that it does not agree that the increase in safety from the installation of these new circuit breakers and fuses is marginal. In response, the licensee has prepared a procedure that it will implement as an interim compensatory measure until the new circuit breakers and fuses are installed. With this procedure in place, the staff agrees with the licensee that a special plant outage for the purpose of installing these breakers and fuses is not warranted and concluded that the proposal to install the circuit breakers and fuses at the next scheduled refueling outage after November 30, 1986 represents the best effort under the circumstances.

(4) Adequate interim compensatory measures will be taken until compliance is achieved.

An interim compensatory measure as discussed above under criterion 3 was developed by the licensee in cooperation with the staff. For the interim until compliance is achieved, the licensee will implement a procedure that directs the operator to reestablish power to the Appendix R component that is tripped as a result of the fire. This procedure directs the operator to reestablish power that is lost due to loss of d.c. buses, loss of instrument buses, loss of vital a.c. buses, or loss of essential a.c. distribution buses. The staff concludes that adequate interim measures will be taken.

On the basis of the above information, the staff concludes that the licensee has demonstrated conformance acceptance with the four criteria and, therefore, the licensee's request for a schedular exemption regarding installation of new circuit breakers and fuses is granted.

V

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, (1) these exemptions as described in Section IV are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) special circumstances are present for the exemptions in that application of the regulation in these particular circumstances is not necessary to achieve the underlying purposes of Appendix R to 10 CFR 50. Therefore, the Commission hereby grants the exemptions as identified above in Section IV.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemptions will have no significant impact on the environment (51 FR 43693).

A copy of the Commission's concurrently issued Safety Evaluation related to this action is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia.

This Exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 2nd day of January 1987.

For the Nuclear Regulatory Commission.

**Richard H. Vollmer,**

*Acting Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 87–573 Filed 1–9–87; 8:45 am]

BILLING CODE 7590–01–M

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## Advisory Committee on Reactor Safeguards; Subcommittee on Metal Components; Postponement

The ACRS Subcommittee on Metal Components scheduled for January 15 and 16, 1987 has been postponed. This meeting was previously published Tuesday, December 30, 1986 (51 FR 47072).

Dated: January 6, 1987.

**Morton W. Libarkin,**

*Assistant; Executive Director for Project Review.*

[FR Doc. 87-575 Filed 1-9-87; 8:45 am]

BILLING CODE 7590-01-M

## SECURITIES AND EXCHANGE COMMISSION

**[File No. 1-7067]**

### Issuer Delisting; Application To Withdraw From Listing and Registration; United Companies Financial Corp.

January 6, 1987.

United Companies Financial Corporation ("Company") has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the common stock, par value $2.00, from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company's Board of Directors has concluded that the system of competing market makers will be more advantageous to the Company and its shareholders than the auction system of the Amex. The Company's common stock has been approved for inclusion on the National Association of Securities Dealers Automated Quotations National Market Systems ("NASDAQ/NMS"). The Company intends that trading of the shares on NASDAQ/NMS should commence on the next business day following delisting from the Amex.

Any interested person may, on or before January 28, 1987 submit by letter to the Secretary of the Securities and Exchange Commission, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 87-591 Filed 1-9-87; 8:45 am]

BILLING CODE 8010-01-M

**[Release No. 34-23955; File No. SR-MSRB-86-15]**

### Self-Regulatory Organizations; Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Recordkeeping of Suitability Information

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1986, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

A. The Municipal Securities Rulemaking Board ("Board") is filing amendments to rule G-8 (a)(xi) concerning the recordkeeping of suitability information obtained pursuant to rule G-19(b) (hereafter referred to as the "proposed rule change"), as follows:

Rule G-8. Books and Records to be Made by Municipal Securities Brokers and Municipal Securities Dealers.[1]

(a) Description of Books and Records Required to be Made. Except as otherwise specifically indicated in this rule, every municipal securities broker and municipal securiti4es dealer shall make and keep current the following books and records, to the extent applicable to the business of such municipal securities broker or municipal securities dealer:

(i) through (x) No change.

(xi) Customer Account Information. A record for each customer, other than an institutional account, setting forth the following information to the extent applicable to such customer:

(A) through (E) No change.

*(F) information obtained pursuant to rule G-19(b) such as the customer's financial background, tax status, and investment objectives or such other information used or considered to be reasonable and necessary by such municipal securities dealer in making recommendations to the customer.*

(F)-(J) relettered (G)-(K)

For purposes of this subparagraph, the terms "general securities representative" and "general securities principal" shall mean such persons as so defined by the rules of a national securities exchange or registered securities association. For purposes of this subparagraph, the term "institutional account" shall mean the account of an investment company as defined in section 3(a) of the Investment Company Act of 1940, a bank, an insurance company, or any other institutional type acount. Anything in this subparagraph to the contrary notwithstanding, every municipal securities broker and municipal securities dealer shall maintain a record of the information required by items (A), (C), [(G)] *(H)*, [(H)] *(I)*, and [(J)] *(K)* of this subparagraph with respect to each customer which is an institutional account.

(xii) through (xiv) No change.

(b) through (g) No change.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

(a) Rule G-19(b), on suitability, provides that, before making a recommendation to a customer, a securities professional must determine that the securities are a suitable investment for that customer. The rule specifies that a suitability determination shall be based upon, among other things, information furnished by the customer relating to the customer's "financial background, tax status and investment objectives . . . ." Rule G-8(a)(xi), on books and records, requires dealers to obtain and record certain information concerning each customer account. This rule does not, however, require dealers to document suitability information obtained pursuant to rule G-19(b).

The proposed rule change would require municipal securities dealers to record and maintain certain basic information obtained pursuant to rule G-19(b) on customer account records. The proposed rule change specifies information concerning the customer's financial background, tax status and investment objectives, as well as any other information used or considered to

[1] Italics indicate new language; [brackets] indicate deletions.

be reasonable and necessary by such municipal securities dealer in making recommendations to the customer. The Board is of the opinion that a suitability recordkeeping requirement would be valuable to dealers in making recommendations and would assist municipal securities principals and regulatory examiners in reviewing transactions for compliance with rule G–19(b).

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes the Board to adopt rules designed to prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating transactions in municipal securities, and, in general, to protect investors and the public interest, and section 15B(b)(2)(G) of the Act, which authorizes the Board to adopt rules to prescribe records to be made and kept by municipal securities brokers and dealers and the periods for which such records must be kept.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Board believes that the proposed rule change would not impose any burden on competition since it applies equally to all municipal securities brokers and dealers.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

In September 1986, the Board published for comment a draft amendment to rule G–8(a)(xi) on recordkeeping to require dealers to record and maintain information furnished by customers pursuant to rule G–19(b) on suitability. The draft amendment was published in response to a suggestion by Owen Carney, Director of the Investment Securities Division of the Office of the Comptroller of the Currency ("OCC"), that the Board require dealers to record and maintain suitability information that would aid in the enforcement of rule G–19.

The Board received 16 comment letters in response to the draft amendment. The comments indicated that many municipal securities brokers and dealers already maintain written suitability information. Most of the commentators opposing the draft amendment argued that such a requirement would be unduly burdensome, would not provide additional protection to investors, and would require recordkeeping that is not specifically required in the corporate securities industry. Two additional arguments were forwarded against the draft amendment: the information would have to be updated periodically, and a suitability recordkeeping requirement could lead to "second guessing" by regulatory examiners.

The Board does not believe that requiring dealers to maintain suitability information would be burdensome since this information could be recorded on customer account cards via a checklist. The Board suggests that recording suitability information on customers account records would provide additional investor protection by facilitating a dealer's discharge of its suitability responsibilities. Furthermore, suitability information recorded on the customer's account card would afford some protection to dealers in the event the suitability of a recommendation subsequently is questioned.

The Board understands that, although the corporate securities industry is not subject to formal suitability recordkeeping requirements, that industry has a longstanding practice of documenting suitability information. New York Stock Exchange rule 405 provides that a member firm must use "due diligence to learn the essential facts relative to every customer," and the NYSE strongly recommends at a minimum "obtaining and recording information necessary to know your customer" when opening a new account. The American Stock Exchange has taken a similar position for its members.

With respect to the argument that suitability records would have to be updated periodically, rule G–19, on suitability, currently requires a dealer to make a suitability determination each time it recommends a transaction to a customer and rule G–8, on books and records, requires that written records be kept current. The Board does not therefore believe that the proposed rule change would impose any additional burden upon a dealer other than requiring the dealer to document any material change in the information recorded. (If the investor should refuse to provide the requested information, a notation to that effect could be placed on the customer's account card.)

With respect to concerns that examiners might second guess a dealer's suitability determination based solely on the information recorded on the account card, the proposed rule change is intended only to give examiners a starting point from which to review compliance with rule G–19, on suitability. Moreover, the Board understands that many national banks and integrated firms already maintain suitability records and is not aware of any instances in which a dealer has been cited for violating rule G–19 based solely on the information documented on the customer account record.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securites and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 2, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 5, 1987.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 87–561 Filed 1–9–87; 8:45]

BILLING CODE 8010–1–M

[Release No. 34-23953; File No. SR-MSRB-86-16]

## Self-Regulatory Organizations; Proposed Rule Change by the Municipal Securities Rulemaking Board; Relating to Uniform Practice

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 31, 1986, the Municipal Securities Rulemaking Board ("Board") filed with the Securities and Exchange Commission a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change adds to the interest payment claim procedure described in Board rule G-12(1) claims based on certain types of inter-dealer book-entry transactions. The proposed rule change would allow a dealer to make an interest payment claim under the procedure against another dealer based upon a transaction with a contractual settlement date before, and settlement by book-entry on or after, the interest payment date of the security. A dealer receiving such an interest payment claim would be required under rule G-12(1) to respond within 10 business days (20 business days if the claim relates to an interest payment scheduled to be made more than 60 days prior to the date of claim). The full text of the proposed rule change is available for inspection and copying at the Commission's Public Reference Room and at the offices of the Board.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

(a) Board rule G-12(1) currently provides a procedure for dealers wishing to obtain misdirected interest payments on municipal securities from other dealers. The rule identifies the appropriate dealer to which a claim should be directed and the content of the written notice of claim. The rule also states that a dealer receiving a claim made under the procedure must respond to the claim by paying it or by stating its basis for denying the claim within 10 business days following receipt of the claim (20 business days if the claim involves an interest payment scheduled to be made more than 60 days prior to the date of the claim). Rule G-12(1) currently addresses only claims based on physical deliveries of securities.

Under certain circumstances, an interest payment made on a municipal security delivered by book-entry may be directed to the wrong party. Specifically, if the contractual settlement date of a transaction is prior to the interest payment date of the security and the delivery is made through a depository on or after the interest payment date, the depository will not automatically credit the purchaser with the interest payment it is due. A dealer making a book-entry delivery in such a case must provide the purchaser with the correct interest payment.

A dealer that is tendered a book-entry delivery on which an interest payment is due from another dealer may reject the delivery until some arrangement is made regarding the interest payment. Alternatively, the dealer may accept the delivery without the interest payment and then request the interest payment from the delivering dealer. The proposed rule change would allow the purchasing dealer to use the Board's interest payment claim procedure to make a claim against the delivering dealer. A dealer receiving a claim made under the procedure would have to respond with payment of the interest or a statement of its basis for denying the claim within the time periods specified in rule G-12(1).

(b) The Board has adopted the proposed rule change pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, ("the Act") which requires and empowers the Board to adopt rules which are

> designed . . . to foster cooperation and coordination with persons enagaged in . . . clearing, settling, processing information with respect to, and facilitating transactions in municipal securities. . . .

The Board believes that the proposed rule change will further the purposes of the Act by facilitating the resolution of interest payment claims based upon certain types of book-entry transactions.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Board believes that the proposed rule change would not impose any burden on competition since it applies uniformly to all brokers, dealers and municipal securities dealers and serves primarily to facilitate the processing of interest payment claims based on certain types of book-entry transactions.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

The Board neither solicited nor received comments on the proposed rule change.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by February 2, 1987.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 5, 1987.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 87-562 Filed 1-9-87; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-23954; File No. SR-NYSE-86-32]

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval to Proposed Rule Change by the New York Stock Exchange, Inc., Relating to Specifications and Study Outline for the Revised General Securities Representative Examination.

Pursuant to section 19(b) of the Securities Exchange Act of 1934, ("Act") 15 U.S.C. 78s(b)(1), notice is hereby given that on November 25, 1986, the New York Stock Exchange, Inc. ("NYSE") 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 Exchange has filed revised specifications for its General Securities Representative (Series 7) examination.

### II. Self-Regulatory Organization's Statements 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 Purposes of, and Statutory Basis for, the Proposed Rule Change*

The Series 7 examination is used to qualify persons seeking registration as general securities representatives. The revised specifications and study outline (this outline was filed with the Commission as part of SR-NASD-86-12 and does not accompany this filing) reflect a joint securities industry self-regulatory effort to update the examination in view of securities industry developments since the Series 7 examination was developed in 1974.

The revised specifications and study outline are consistent with section 6(c)(3)(B) of the Securities Exchange Act of 1934, which provides that a national securities exchange may prescribe standards of training, experience and competence for persons associated with a member and may examine and verify the qualifications of such persons in accordance with procedures established by the rules of the exchange.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the specifications or study outline for the revised Series 7 examination will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

Comments were neither solicited nor received.

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests accelerated approval of the proposed rule change pursuant to section 19(b)(2) of the Act. The Exchange believes that such accelerated approval is appropriate since the Commission has approved a proposed rule change submitted by the National Association of Securities Dealers, Inc. ("NASD") relating to the revised Series 7 specifications [1] and such specifications were reflected in the Series 7 examination as of June, 1986.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 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 caption above and should be submitted by February 4, 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.

The Commission finds good cause for approving the rule change prior to the thirtieth day after the date of publication of notice thereof, in that the Commission has, to date, approved proposed rule changes submitted by both the NASD and the Philadelphia Stock Exchange, Inc. that permitted the exchanges to revise and update the Series 7 examination and its study outline to reflect recent trends and developments in the securities markets.[2] Accordingly, the Commission believes that the NYSE should be permitted to use the revised Series 7 examination and its study outline as a part of its training and qualification program.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referred to above be, and hereby, is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

Dated: January 5, 1987.

**Shirley E. Hollis,**

*Assistant Secretary.*

[FR Doc. 87-560 Filed 1-9-87; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Securities Exchange Act Release No. 23325 (June 16, 1986), 51 FR 22974.

[2] See Securities Exchange Act Release No. 23685 (October 6, 1986) 51 FR 36621. *See, also,* note 1, *supra.*

[3] 17 CFR 200.30-3.

## DEPARTMENT OF STATE

[Public Notice 992]

### Soviet-Eastern European Studies Program; FY 1987 Awards

On November 24, 1986 the Department of State approved the recommendations of the Soviet-Eastern European Studies Advisory Committee for the following FY 1987 awards.

### 1. American Council of Teachers of Russian

Grant: $95,000

Purpose: To provide fellowships for advanced Russian language study in the USSR.

Contact: Dan E. Davidson, Director, USSR Programs Group, American Council of Teachers of Russian, 815

New Gulph Road, Bryn Mawr, PA 19010, (215) 525–6559.

**2. Hoover Institution at Stanford University**

Grant: $200,000
Purpose: To provide post-doctoral fellowships and summer research grants for support of individual research projects at Hoover on the USSR and Eastern Europe.
Contact: Richard F. Staar, Coordinator, International Studies Program, Hoover Institution on War, Revolution and Peace at Stanford University, Stanford, CA 94305, (415) 723–4273.

**3. University of Illinois**

Grant: $140,000
Purpose: To help fund the University's Slavic Reference Service and Summer Research Laboratory on Russia and Eastern Europe.
Contact: Diane Merridith, Program Administrator, Russian and East European Center, University of Illinois at Urbana-Champaign, 1208 W. California Avenue, Urbana, IL 61801, (217) 333–1244 or 3278.

**4. International Research and Exchanges Board**

Grant: $795,000
Purpose: To support short-term visits to the USSR and EE by senior scholars; collaborative projects between American and Soviet/EE scholars; joint commissions matching American research scholars to Soviet/EE counterparts; on site language training in EE and non-Russian areas of USSR; developmental fellowships for underrepresented disciplines; summer seminar for first-time researchers going to the USSR; and dissemination of field results.
Contact: Brad Ivie, International Research and Exchanges Board, 126 Alexander Street, Princeton, NJ 08540–7102, (609) 683–9500.

**5. The Joint Committee on Eastern Europe**

Grant: $460,000
Purpose: To provide support for advanced graduate student fellowships; research fellowships at early stages of teaching careers; the new journal, *Eastern European Politics and Societies;* and the East European summer language institute.
Contact: Jason Parker, Executive Associate, Joint Committee on Eastern Europe, American Council of Learned Societies, 228 East 45th Street, New York, NY 10017, (212) 697–1505.

**6. The Joint Committee on Soviet Studies**

Grant: $780,000
Purpose: To support a national fellowship program composed of two-year fellowships for further study by advanced graduate students, one-year fellowships for dissertation completion, and post-doctoral fellowships for junior scholars; awards to universities for new teaching positions; and language training grants to institutions offering languages of the USSR.
Contact: Blair Ruble, Staff Associate, Joint Committee on Soviet Studies, Social Science Research Council, 605 Third Avenue, New York, NY 10158, (212) 661–0280.

**7. The National Council for Soviet and East European Research**

Grant: $1,290,000
Purpose: To support a national research program through contracts competitively awarded to institutions of higher education and non-profit research centers, including training of graduate assistants.
Contact: Vladimir I. Toumanoff, Executive Director, The National Council for Soviet and East European Research, 1755 Massachusetts Avenue, NW., Suite 304, Washington, DC 20036, (202) 387–0168.

**8. The Woodrow Wilson Center of the Smithsonian Institution**

Grant: $780,000
Purpose: To augment the research fellowship and meetings programs for academic and government experts of the Kennan Institute for Advanced Russian Studies ($505,000) and the East European Program ($275,000).
Contact: Peter Reddaway, Secretary, Kennan Institute for Advanced Russian Studies, The Wilson Center, Smithsonian Institution, 955 L'Enfant Plaza, SW., Suite 7400, Washington, DC 20560, (202) 287–3105.

and

John R. Lampe, Secretary, East European Program, The European Institute, The Wilson Center, Smithsonian Institution Building, Washington, DC 20560, (202) 357–2952.

Dated: December 19, 1986.

**E. Raymond Platig,**

*Executive Director, Soviet and Eastern European Studies Program.*

[FR Doc. 87–574 Filed 1–9–87; 8:45 am]

BILLING CODE 4710–32–M

## DEPARTMENT OF TRANSPORTATION

### Notice of Applications for Certificates of Public Convenience and Necessity and Foriegn Air Carrier Permits; Week Ended January 2, 1987

The following applications for certicates of public convenience and necessity and foreign air carrier permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 301.1701 et. seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

**Docket No. 44589**

*Date Filed:* December 30, 1986.
*Due for Answers, Conforming Applications, or Motion to Modify Scope:* January 27, 1987.
*Description:* Application of Nolisair International Inc. d/b/a Nationair Canda, pursuant to section 402 of the Act and Subpart Q of the Regulations, applies for a foreign air carrier permit to authorize applicant to engage in charter foreign air transportation between Canada and the United States.

**Docket No. 44595**

*Date Filed:* December 31, 1986.
*Due Date for Answers, Conforming Applications, or Motions to Modify Scope:* January 28, 1987.
*Description:* Application of AirBC Ltd., pursuant to section 402 of the Act and Subpart Q of the Regulations to operate a Scheduled Foreign Air Service of persons and property between Victoria, B.C., Canada and Seattle, Washington.

**Phyllis T. Kaylor,**

*Chief, Documentary Services Division.*

[FR Doc. 87–589 Filed 1–9–87; 8:45 am]

BILLING CODED 4910–62–M

## Coast Guard

**[CGD–87–001]**

### Public Hearing Bridges; Proposed Construction; New Rochelle, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of public hearing.

**SUMMARY:** Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Third Coast Guard District at New Rochelle, New York. The purpose of the hearing is to consider an application by Xanadu Properties Associates for Coast Guard approval of

location and plans of a proposed two-lane private fixed vehicular bridge project across New Rochelle Harbor and a portion of Long Island Sound mile 0.9 at New Rochelle, New York.

All interested persons may present data, views and comments, orally or in writing, concerning the impact of the proposed bridge on navigation and the human environment. Of particular concern at this time is the impact the development of Davids Island will have on the environment.

**DATE:** February 18, 1987 commencing at 7:00 p.m., until all speakers in attendance wishing to comment have provided comments.

**ADDRESS:** The hearing will be held at the Council Chambers, New Rochelle City Hall, 515 North Avenue, New Rochelle, New York.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Kassof, Supervisory Bridge Management Specialist, Third Coast Guard District, Governors Island, New York, New York 10004–5098 (212) 668–7994.

**SUPPLEMENTARY INFORMATION:** The proposed fixed bridge will be 3465 feet in length extending from the Fort Slocum dock area on the mainland to a point 420 feet south of the most northerly point of Davids Island. The proposed bridge will cross two navigational channels, New Rochelle Harbor (Lower Harbor) between Neptune Island and Glen Island and the Long Island Sound between Glen Island and Davids Island. The Lower Harbor crossing will be 250 feet north of the existing Glen Island bascule drawbridge and will provide a minimum vertical clearance of 14 feet above Mean High Water and a horizontal clearance of 160 feet between fenders measured normal to the axis of the channel. The Long Island Sound crossing will provide a minimum vertical clearance of 40 feet above Mean High Water and a horizontal clearance of 250 feet between fenders measured normal to the axis of the proposed navigational channel.

The purpose of this project is to develop Davids Island, formerly a U.S. Army base called Fort Slocum. The City of New Rochelle, owner of Davids Island, seeks to develop Davids Island as a residential community consistent with New Rochelle's Urban Renewal Plan adopted January 1981. New Rochelle entered into a Land Disposition and Development Agreement on 12 March 1985 with Xanadu Properties Associates, a developer. The development plan proposed by Xanadu consists of creation of a 2000 unit residential condominium community, construction of an 800 slip marina, breakwater, beach and access bridge and approaches linking the New Rochelle mainland with Davids Island.

Because the development of Davids Island including marina and breakwater construction, and beach creation is dependent upon the bridge, the scope of the Coast Guard's review includes the Davids Island development as well as the bridge.

Since deactivation by the Army in 1966 Davids Island's infrastructure has deteriorated and vegetation has overgrown the island. The New Rochelle Urban Renewal Plan specifically includes the development of Davids Island and calls for the elimination of deteriorating and functionally obsolete structures and the creation of a housing community.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004–5098 prior to the hearing date. Such notification should include the approximate time required to make the presentation. Comments previously submitted are a matter of record and need not be resubmitted at the hearing. Speakers are encouraged to provide written copies of their oral statements to the hearing officer at the time of the hearing.

A transcript of the hearing, as well as written comments received outside of the hearing will be available for public review in the offices of the Third Coast Guard District approximately 30 days after the hearing date. All comments will be made part of the official case record.

Interested persons who are unable to attend the hearing may also participate in the consideration of the project by submitting their comments at the hearing or by mail to the Commander (oan), Third Coast Guard District by March 11, 1987. Copies of all written communications will be available for examination by interested persons at the Office of the Commander (oan), Third Coast Guard District, between 8:30 a.m. and 5:00 p.m. Monday through Friday, except holidays. Each written comment should identify the proposed project, clearly state the reason for any objections, comments or proposed changes to the plans, and include the name and address of the person or organization submitting the comment. All comments received, whether in writing or presented orally at the public hearing, will be fully considered before final agency action is taken on the proposed bridge permit application.

(Sec. 502, 60 Stat 847, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)[c]; 49 CFR 1.46(c))

Dated: January 5, 1987.

**Martin H. Daniell,**

*Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.*

[FR Doc. 87–579 Filed 1–9–87; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

### List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]:

Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, Yemen, Arab Republic, Yemen, Peoples Democratic, Republic of

**J. Roger Mentz,**

*Assistant Secretary for Tax Policy.*

[FR Doc. 87–534 Filed 1–9–87; 8:45 am]

BILLING CODE 4810–25–M

### Advisory Committee to the National Center for State and Local Law Enforcement Training; Meeting

**AGENCY:** Advisory Committee to the National Center for State and Local Law Enforcement Training, Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** The agenda for this meeting includes a tour of the Hazardous Waste Practical Exercise Site and the Computer/Economic Crime Division; opening remarks by the Director of the Federal Law Enforcement Training Center and Committee Co-Chairs; discussion of S/L Concept Paper; and Program Development Activities.

**DATE:** January 28, 1987.

**ADDRESS:** Federal Law Enforcement Training Center, Building 262, Room N–11, Glynco, Georgia.

**FOR FURTHER INFORMATION CONTACT:** James H. Linn, Acting Assistant Director, Office of State and Local Training, Federal Law Enforcement Training Center, Glynco, Georgia 31524.

January 6, 1987.

Charles F. Rinkevich,

*Director.*

[FR Doc. 87–532 Filed 1–9–87; 8:45 am]

BILLING CODE 4810–32–M

## Office of the Comptroller of the Currency

**[Docket No. 87–1]**

### Senior Executive Service; Performance Review Board; Membership

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

**ACTION:** Notice of change in membership of a senior exeuctive service performance review board.

**SUMMARY:** This notice announces the new membership of the Office of the Comptroller of the Currency ("OCC") Performance Review Board ("PRB"), pursuant to 5 U.S.C. 4314(c)(4).

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Harrington, Director for Human Resources. (202) 447–1460 Office of the Comptroller of the Currency, 490 L' Enfant Plaza East, SW., Washington, DC 20219.

**SUPPLEMENTARY INFORMATION:** The membership of the (OCC) PRB (51 FR 3138, January 23, 1986) has been changed. The current membership is as follows:

Judith A. Walter, Chairperson, Senior Deputy Comptroller for Administration

Dana H. Cook, Senior Adviser to the Comptroller

Dean S. Marriott, Senior Deputy Comptroller for Bank Supervision—Operations

Robert J. Herrmann, Senior Deputy Comptroller for Bank Supervision—Policy

J. Michael Shepherd, Senior Deputy Comptroller for Corporate and Economic Programs

Frank Maguire, Senior Deputy Comptroller for Legislative and Public Affairs

Richard V. Fitzgerald, Chief Counsel

Dated: December 5, 1986.

**Robert L. Clarke,**

*Comptroller of the Currency.*

[FR Doc. 87–588 Filed 1–9–87; 8:45 am]

BILLING CODE 4810–33–M

## UNITED STATES INFORMATION AGENCY

### United States Advisory Commission on Public Diplomacy; Meeting

A meeting of the U.S. Advisory Commission on Public Diplomacy will be held January 14, 1987, in Room 600, 301 4th Street SW., Washington, DC from 10:00 a.m. to 10:45 a.m.

The Commission will meet with Mr. William Woessner, President, Youth for Understanding, and Mr. Hans N. Tuch, Member of the Board, Youth for Understanding, to discuss international youth exchange programs.

Please call Gloria Kalamets, (202) 485–2468, if you are interested in attending the meeting since space is limited and entrance to the building is controlled.

Dated: December 31, 1986.

**Charles N. Canestro,**

*Management Analyst, Federal Register Liaison.*

[FR Doc. 87–546 Filed 1–9–87; 8:45 am]

BILLING CODE 8230–01–M

# Sunshine Act Meetings

Federal Register
Vol. 52, No. 7
Monday, January 12, 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).

**FARM CREDIT ADMINISTRATION**

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

**DATE AND TIME:** The meeting is scheduled to be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 15, 1987, from 10:00 a.m. until such time as the Board may conclude its business. The meeting was scheduled to be held on January 6, 1987. Notice of the rescheduled date (January 15, 1987) was published in the **Federal Register** on November 28, 1986 (51 FR 43118).

**FOR FURTHER INFORMATION CONTACT:** Kenneth J. Auberger, Secretary to the Farm Credit Administration Board, 1501 Farm Credit Drive, McLean, Virginia 22102–5090 (703–883–4010).

**ADDRESS:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board will be open to the public (limited space available), and parts of the meeting will be closed to the public. The matters to be considered at the meeting are:

1. Approval of Minutes of December Meeting.
2. Examination and Enforcement Matters.[1]

Dated: January 8, 1987.

**Kenneth J. Auberger,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 87–676 Filed 1–8–87; 1:32 pm]

**BILLING CODE 6705–01–M**

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**PAROLE COMMISSION**

**PLACE:** 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**DATE AND TIME:**

Wednesday, January 21, 1987—9:00 a.m. to 5:30 p.m.
Thursday, January 22, 1987—9:00 a.m. to 5:00 p.m.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:**

1. Approval of minutes of open business meeting of October 7 through October 8, 1986.
2. Reports from the Chairman, Vice Chairman, Commissioners, Legal, Research, Case Operations, and the Administrative Section.
3. Presentation by Mr. Donald Santarelli, Attorney and former Director of the Law Enforcement Assistance Administration, on how the Parole Commission is perceived by inmates and their representatives.
4. Presentation by Mr. Daniel Van Ness, President of Justice Fellowship, on *Crime And Its Victims.*
5. Adoption of parole guidelines on sexual conduct with minors, guidelines for "crack" cocaine, and modification of the rescission guidelines.
6. Interpretive regulations on the effect of the Sentencing Reform Act.
7. Proposed policy change regarding state dispositional revocation hearings.
8. Proposed guideline modification concerning detention of illegal aliens.
9. Proposed policy change concerning handling by the regional offices of requests for appeal of non-appealable actions.
10. Proposed clarification of an interpretive note to the rescission guidelines.
11. Proposed guideline modification concerning criminal contempt sentences of less than one year.
12. Proposed modification of timing of initial parole hearings in some cases (discussion only).
13. Clarification of handling by probation officers of fine/restoration maters (discussion only).
14. Expansion of probation officers' authority to conduct search and seizure activities (discussion only).
15. Development of policy for probation officers supervising parolees suffering from AIDS (discussion only).
16. Policy change in timing of special program achievement awards (discussion only).
17. Proposed change in policy concerning communication with the Commission (discussion only).

**CONTACT PERSON FOR MORE INFORMATION:** James L. Beck, Director of Research, United States Parole Commission, (301) 492–5980.

Dated January 7, 1987.

**Patrick J. Glynn,**

*General Counsel, United States Parole Commission.*

[FR Doc. 87–667 Filed 1–8–87; 12:58 pm]

**BILLING CODE 4410–01–M**

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**PAROLE COMMISSION**

**DATE AND TIME:** Tuesday, January 20, 1987—1:00 p.m. to 5:00 p.m.

**PLACE:** 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**STATUS:** Closed pursuant to a vote to be taken at the beginning of the meeting.

**MATTERS TO BE CONSIDERED:** Appeals to the Commission of approximately 21 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

**CONTACT PERSON FOR MORE INFORMATION:** David J. Dorworth, Chief Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

Dated: January 7, 1987.

**Patrick J. Glynn,**

*General Counsel, United States Parole Commission.*

[FR Doc. 87–668 Filed 1–8–87; 12:59 pm]

**BILLING CODE 4410–01–M**

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**POSTAL SERVICE BOARD OF GOVERNORS**

At its meeting on January 5, 1987, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for February 2, 1987, Washington, DC. The meeting will concern consideration of capital investment for a new postal facility in Miama, Florida.

The meeting is expected to be attended by the following persons: Governors Griesemer, McConnell, McKean, Nevin, Peters, Ryan and Setrakian; Postmaster General Tisch, Deputy Postmaster General Couglin; Secretary to the Board Harris; General Counsel Cox; and Counsel to the Governors Califano.

The Board determined that pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations, discussion of the matter is exempt from the open meeting requirement of the Government in the Sunshine Act, [5 U.S.C. 552(b)], because it is likely to disclose information, the premature disclosure of which would likely frustrate implementation of a proposed procurement action.

In accordance with section 552(f)(1) of ttitle 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that

[1] Session closed to the public-exempt pursuant to 5 U.S.C. 552b(c) (4), (8) and (9).

in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(9)(B) of title 5, United States Code, and § 7.3(i) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.,

David F. Harris,

*Secretary.*

[FR Doc. 87–681 Filed 1–8–87; 8:45 am]

BILLING CODE 7710–12–M

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**TENNESSEE VALLEY AUTHORITY**

**TIME AND DATE:** 10 a.m. (EST), Wednesday, January 14, 1987.

**PLACE:** TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

**STATUS:** Open.

AGENDA

Approval of minutes of meeting held on December 17, 1986.

Action Items

*Old Business*

1. Resolution Declaring as Surplus Phosphate Properties of Every Kind Held by TVA in Giles County, Tennessee, and Authorizing Sale at Public Auction.

*New Business*

A—Budget and Financing

*A1. Proposed Call for Early Redemption of TVA Bonds Held by the Federal Financing Bank.

A2. Adoption of Supplemental Resolution Authorizing 1987 Series A Bonds.

A3. Resolution Authorizing the Chairman and Other Executive Officers to Take Further Action Relating to Issuance and Sale of 1987 Series A Power Bonds.

A4. Modification of Fiscal Year 1987 Capital Budget Financed From Power Proceeds and Borrowings—Deletion of Upper Head Injection System at Watts Bar Nuclear Plant.

A5. Fiscal Year 1987 Capital Budget Financed from Appropriations.

A6. Fiscal Year 1987 Operating Budget Financed from Appropriations.

A7. Fiscal Year 1987 Operating Budget Financed from Nonpower Proceeds.

B—Purchase Awards

*B1. Negotiation NQ–372422—Heat Treatment, Tube Plug Removal, and Eddy Current Testing of Steam Generators for Sequoyah Nuclear Plant Units 1 and 2.

B2. Req. 59—Long-term Spot Coal Shawnee and Widows Creek Steam Plants.

C—Power Items

C1. Acquisition of Rights to 65 Acres of Surface Upon Which is Located Certain Structures That are Part of the TVA Coal Mine Facilities at the Camp Breckinridge Complex in Union County, Kentucky.

C2. Subagreement Under Electric Power Research Institute General Agreement No. TV–50942A: Project to Determine the Influence of Ozone, Acidic Precipitation, and Soil Magnesium Level on the Growth of Loblolly Pine Under Field Conditions.

D—Personnel Items

*D1. Consulting Contract No. TV–71022A with WPD Associates, Inc., North Hampton, New Hampshire, Requested by Board of Directors.

*D2. Supplement No. 1 to Employee Loan Agreement with Management Analysis Company, San Diego, California (Contract No. TV–69288A), Requested by Office of Nuclear Power.

*D3. Supplement to Personnel Services Contract No. TV–69766A with Associated Project Analysts, Los Gatos, California, Requested by Office of Nuclear Power.

D4. Supplement to Personal Services Contract No. TV–65379A with Gilbert/Commonwealth, Inc., Reading, Pennsylvania, Providing for the Performance of General Engineering, Design, and Architectural Services, Requested by the Office of Nuclear Power.

D5. Supplement to Personal Services Contract No. TV–67944A with Aptech Engineering Services, Inc., Palo Alto, California, Providing for Radiographic X-ray Image Enhancement and Weld Fracture Mechanics Study at Watts Bar Nuclear Plant, Requested by Office of Nuclear Power.

D6. Personal Services Contract with Duke Engineering & Services, Inc., Charlotte, North Carolina, for Technical Assistance in Connection with Piping Analysis and Pipe Support Design Update Program for Watts Bar Nuclear Plant Unit 1, Requested by Office of Nuclear Power.

D7. Personal Services Contract with Barlett Nuclear, Inc., Plymouth, Massachusetts, to Provide Services of Health Physics Technicians to Meet Peak Manpower Demands, Requested by Office of Nuclear Power.

D8. Personal Services Contract with Institute for Resource Management, Inc., Arnold, Maryland, to Provide Services of Health Physics Technicians to Meet Peak Manpower Demands, Requested by Office of Nuclear Power.

E—Real Property Transactions

E1. Sale of Permanent Sewerline Easement to the City of Covington, Tennessee, Affecting .11-Acre Portion of TVA's Covington Power Service Center Property—Tract COSC–1.

E2. Abandonment of Unused Easement Rights Over a Portion of the Pickwick Dam-Corinth 161–kV Transmission Line Located in Hardin County, Tennessee—Tracts PC–93, –94, –95, –96, and –98 and Portions of Tracts PC–92 and –99.

E3. Grant of Permanent Easement to the State of Tennessee for use by its Department of Conservation for Recreation Purposes and Creation of a Memorial, Affecting Approximately One Acre of Tellico Reservoir Land in Monroe County, Tennessee—Tract No. XTTELR–31RE.

E4. Grant of Permanent Easement to Washington County, Virginia, for Public Recreation Use, Affecting 3 Acres of South Holston Reservoir Land Located in Washington County, Virginia—Tract No. XTSH–35RE.

E5. Revision of Pickwick Reservoir Land Management Plan to Allocate 24.78 Acres of Pickwick Reservoir Land in Colbert County, Alabama, for Barge Terminal Purposes; and Grant of Permanent Easement Over the Land to Colbert County Port Authority for a Public Use Barge Terminal—Tract No. XTPR–54E.

E6. Proposal for 19-Year Lease for Development and Operation of Public Marina Facilities at Goat Island Marina, Affecting Approximately 3.82 Acres of Pickwick Reservoir Land in Tishomingo County, Mississippi—Tract No. XTPR–55L.

E7. Proposal for 19-Year Lease for Commercial Operation of TVA's Honeycomb Creek Campground and Public Use Area, Affecting Approximately 31.74 Acres of Guntersville Reservoir Land in Marshall County, Alabama—Tract No. XTGR–151L.

F—Unclassified

F1. Contract No. TV–71218A with U.S. Environmental Protection Agency Covering Arrangements for Research Relating to Acid Precipitation Effects on Noncommunity Drinking Water Sources.

F2. Subagreement to Memorandum of Agreement (Contract No. TV–23928A) with U.S. Department of the Army, Corps of Engineers, for Installation of Diesel Generator at Wheeler Lock on the Tennessee River.

F3. Supplement to Contract No. TV–63720A Between TVA and Bicentennial Volunteers, Incorporated, for the Administration of a TVA Retiree Volunteer Program.

F4. Proposed Changes in TVA's Fertilizer Patent Licensing Policy.

F5. Proposed Amendment to TVA Retirement System Rules and Regulations.

F6. Appointment of Edward S. Christenbury as Secretary of the Tennessee Valley Authority.

*Items approved by individual Board members. This would give formal ratification to the Board's action.

**CONTACT PERSON FOR MORE INFORMATION:** Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245–0101.

Dated: January 7, 1987.

**W.F. Willis,**

*General Manager.*

[FR Doc. 87–613 Filed 1–8–87; 8:52 am]

BILLING CODE 8120–01–M

# Corrections

Federal Register
Vol. 52, No. 7
Monday, January 12, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 301

**[Docket No. 85-361]**

### Pink Bollworm Quarantine

*Correction*

In proposed rule document 87-103 beginning on page 291 in the issue of Monday, January 5, 1987, make the following corrections:

**§301.52 [Corrected]**

On page 292, in the second column in § 301.52(b)(4), in the third line, the footnote number "2" should read "1". Likewise, the number for the footnote appearing at the bottom of the column should read "1".003

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 86N-0251]**

### Bioequivalence of Solid Oral Dosage Forms; Notice of Availability of Transcript and Extension of Comment Period

*Correction*

In notice document 86-28911 appearing on page 46721 in the issue of Wednesday, December 24, 1986, make the following correction:

In the first column, in the **SUMMARY**, in the tenth line, "may not" should read "may now".

BILLING CODE 1505-01-D

## VETERANS ADMINISTRATION

### 48 CFR Parts 810, 836, and 852

### Acquisition Regulations

*Correction*

In rule document 87-45 beginning on page 280 in the issue of Monday, January 5, 1987, make the following corrections:

1. On page 281, in the first column, in the fifth line, "801.005" should read "810.005"; and

**§836.202 [Corrected]**

2. On page 282, in the third column, in § 836.202(b), in the second line, "percent" should read "product".

BILLING CODE 1505-01-D

federal register

Monday
January 12, 1987

Part II

# Department of Education

**Perkins Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs; Appeals Deadline; Notice**

## DEPARTMENT OF EDUCATION

### Perkins Loan (Formerly National Direct Student Loan), College Work-Study, and Supplemental Educational Opportunity Grant Programs; Appeals Deadline

**AGENCY:** Department of Education.

**ACTION:** Notice of deadline date for submitting appeals for funds; and notice of average program expenditures by type of institution.

**SUMMARY:** The Secretary gives notice of the deadline date for institutions of higher education wishing to file appeals of their initial allocations of funds (tentative awards) for award year 1987–88 under the Perkins Loan, College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) Programs. Under these programs, the Secretary allocates funds to institutions for students who need financial aid to meet the cost of postsecondary education.

The Secretary also announces the average 1985–86 expenditure of funds per enrolled student for the Perkins Loan, CWS, and SEOG Programs by type of institution. The Secretary uses these average expenditures in calculating the 1987–88 Perkins Loan, CWS, or SEOG award of an institution that is participating in that program for the first or second time.

The Perkins Loan, CWS, and SEOG Programs are authorized by Parts E, C, and Subpart A–2, respectively, of title IV of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1087aa–1087ii, 42 U.S.C. 2751–2756b; and 20 U.S.C. 1070b–1070b–3)

*Closing date for transmittal of appeals:* The deadline date for an institution of higher education to submit an appeal of its 1987–88 tentative Perkins Loan, CWS, or SEOG award is February 13, 1987.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gloria Easter, Division of Program Operations, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 4621, ROB–3), Washington, DC 20202. Telephone (202) 732–3741.

**SUPPLEMENTARY INFORMATION:** An institution that wishes to participate in the Perkins Loan, CWS, or SEOG Program must submit an application for funds to the Secretary before an established closing date. The information the institution provides on the application is evaluated according to the appropriate funding criteria to determine the institution's appropriate tentative funding level. Each institution is informed of its tentative funding level. However, the regulations for each of these programs permit an institution to appeal its tentative funding level.

Regulations containing the procedures for calculating institutional awards and appeals of those awards are contained in 34 CFR 674.7 for the Perkins Loan program, 34 CFR 675.7 for the CWS program, and 34 CFR 676.7 for the SEOG program.

### Average 1985–86 Expenditure of Funds per Enrolled Student by Program and Type of Institution

Listed below are the types of institutions and the average program expenditure per enrolled student for each type of institution. The Secretary uses this information to calculate the 1987–88 award of an institution that is participating in the Perkins Loan, CWS, or SEOG program for the first or second time.

| Type of institution | NDSL expenditure | SEOG | CWS Federal share |
|---|---|---|---|
| Cosmetology | $92 | $115 | $8 |
| Business | 101 | 104 | 33 |
| Trade and technical | 114 | 53 | 38 |
| Art | 139 | 95 | 84 |
| Other proprietary | 61 | 57 | 59 |
| Other non-proprietary | 86 | 40 | 50 |

### Appeals Delivered by Mail

An appeal sent by mail must be addressed to Appeals, Perkins Loan/CWS/SEOG, Post Office Box 23914, L'Enfant Plaza, Washington, D.C. 20026.

An institution must show proof of mailing its appeals by the deadline date. Proof of mailing must consist of one of the following:

(1) A legible receipt with the date of mailing stamped by the U.S. Postal Service.

(2) A legibly dated U.S. Postal Service postmark.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an appeal is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with its local post office.

An institution is encouraged to use registered or at least first-class mail.

### Appeals Delivered by Hand

An appeal that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus-Based Programs Branch, Room 4621, Regional Office Building 3, 7th and D Streets, SW., Washington, DC. The Campus-Based Programs Branch will accept hand-delivered appeals between 8:00 a.m. and 4:30 p.m. daily (Eastern Standard Time) except Saturdays, Sundays, and Federal Holidays.

An appeal that is hand-delivered will not be accepted after 4:30 p.m. on February 13, 1987.

### Applicable Regulations

The following regulations apply to the campus-based programs:

34 CFR Part 668—Student Assistance General Provisions.
34 CFR Part 674—National Direct Student Loan Program.
34 CFR Part 675—College Work-Study Program.
34 CFR Part 676—Supplemental Educational Opportunity Grant Program.

(20 U.S.C. 1087aa–1037ii, 42 U.S.C. 2761–2756b; and 20 U.S.C. 1070b–1070b–3)

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Education Opportunity Grant Program)

Dated: January 16, 1987.

**C. Ronald Kimberling,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 87–583 Filed 1–9–87; 8:45 am]

BILLING CODE 4000–01–M

Federal Register

Monday
January 12, 1987

Part III

# Department of Education

## Proposed Funding Priorities for Fiscal Year 1987 and Application Notice

## DEPARTMENT OF EDUCATION

### Proposed Funding Priorities for Fiscal Year 1987; National Institute on Disability and Rehabilitation Research

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed funding priorities for fiscal year 1987.

**SUMMARY:** The Secretary of Education proposes funding priorities for research activities to be supported under some programs of the National Institute on Disability and Rehabilitation Research (NIDRR) in fiscal year 1987. NIDRR is required under the Rehabilitation Act of 1973 as amended, to develop a long-range research plan that identifies goals for rehabilitation research and to determine funding priorities that will facilitate the support of these activities within available resources. These proposed priorities are derived from the NIDRR Long-Range Plan and are articulated within the goals, objectives, and research activities specified in the Plan.

**DATE:** Interested persons are invited to submit comments or suggestions regarding the proposed priorities on or before February 11, 1987.

**ADDRESSES:** All written comments and suggestions should be sent to Betty Jo Berland, National Institute on Disability and Rehabilitation Research, Department of Education, 400 Maryland Avenue, SW., Room 3070, Switzer Building, Mailstop 2305, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Betty Jo Berland, National Institute on Disability and Rehabilitation Research. Telephone (202) 732–1139; deaf and hearing impaired individuals may call (202) 732–1198 for TTY services. For application packages, call (202) 732–1207.

**SUPPLEMENTARY INFORMATION:** Authority for the research program of NIDRR is contained in Section 204 of the Rehabilitation Act of 1973, as amended by Pub. L. 95–602, by Pub. L. 98–221, and by Pub. L. 99–506. Under this program, awards are made to public and private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations. NIDRR can make awards for up to 60 months.

The purpose of the awards is for planning and conducting research, demonstrations, and related activities which have a direct bearing on the development of methods, procedures, and devices to assist in providing vocational and other rehabilitation services to handicapped individuals, especially those with the most severe handicaps.

NIDRR, formerly NIHR, regulations (46 FR 45300, September 10, 1981, as amended March 12, 1984 at 49 FR 9324) authorize the Secretary to establish research priorities by reserving funds to support particular research activities (see 34 CFR 351.32).

NIDRR invites public comment on the merits of the proposed priorities both individually and collectively, including suggested modifications to the proposed priorities. Comments might also cite factors which support the importance of a priority to handicapped individuals and other interested parties.

The final priorities will be established on the basis of public comment, the availability of funds, and any other relevant Departmental considerations. These final priorities will be announced in a notice in the **Federal Register.** A closing date notice is published separately in this issue of the **Federal Register.** Applicants should assume that the final priorities will not differ substantially from these proposed priorities and should base their applications on the proposed priorities. If there are substantial changes in the final priorities, applicants will be given an opportunity to amend their applications.

The publication of these proposed priorities does not bind the United States Department of Education to fund projects in any or all of these research areas. Funding of particular projects depends on both the availability of funds and on final priorities established following responses to this notice.

The following eleven proposed priorities represent areas in which NIDRR proposes to support research and related activities through grants or cooperative agreements in two programs, the Research and Demonstration Program and the Knowledge Dissemination and Utilization Program. Brief descriptions of these two programs follow.

*Research and Demonstration Projects* support research and/or demonstrations in single project areas on problems encountered by handicapped individuals in their daily activities. These projects may conduct research on rehabilitation techniques and services, including analysis of medical, industrial, vocational, social, sexual, psychiatric, psychological, economic, and other factors affecting the rehabilitation of handicapped individuals.

*Knowledge Dissemination and Utilization Projects* support activities to ensure that rehabilitation knowledge generated from projects and centers funded by NIDRR and others is fully utilized to improve the lives of handicapped persons.

#### Priorities for Research and Demonstration Projects (6)

*Supported Employment for Individuals With Traumatic Brain Injury (TBI)*

Residual deficits resulting from closed head injury include difficulties experienced by TBI individuals in physical, cognitive, and psychosocial functioning. Employment prospects for this group have been very limited. Recently, however, successful supported employment programs have served disabled persons with severe learning difficulties, physical limitations, behavior problems, complex health care requirements, and complicated transportation needs.

Supported employment in this context is defined as paid work of at least 20 hours per week for persons with TBI for whom competitive employment is unlikely, and who, because of their disabilities, need intensive ongoing support to perform in a work setting. Employment is conducted in a variety of settings, particularly work sites in which persons without disabilities are employed, and is supported by any activity needed to sustain paid work for persons with disabilities, including supervision, transportation, and training.

An investigation is warranted of the potential for various supported employment models to assist traumatically brain injured individuals to engage in ongong supported employment. The assessment should be conducted in close conjunction with one or more vocational programs serving a TBI client population, and should collect the requisite data to assess the effectiveness, including the cost-effectiveness, of the program(s) with this client group. The analysis should consider the appropriateness of various program strategies for individuals with different levels of impairment and different types of functional deficits.

An absolute priority is proposed for a research project which will:

- Identify the types of productive work for which supported employment can most effectively be used with this population;
- Investigate techniques to enhance the social functioning of TBI individuals and to facilitate their integration with nonhandicapped persons in employment settings;
- Identify potential sources and types of long-term financial and other assistance to enable individuals with

traumatic brain injuries to become employed in a supported work setting;

• Develop and implement a methodolgy to collect data necessary to conduct an evaluation of the cost-effectiveness of the program, and conduct such analyses where there are sufficient data to support such an evaluation during the course of the project; and

• Evaluate the effectiveness of the program in achieving improved employment outcomes for TBI individuals, including through comparisons with control groups, as measured by the stability of the employment, the number of hours worked, earnings, the suitability of the client-job match, and other measures.

*Supported Employment for Chronically Mentally Ill (CMI) Individuals*

A large population of chronically mentally ill individuals, while capable of residing in the community and working productively, need continuing assistance to cope with the demands and pressures of daily living and employment. The episodic and cyclical nature of mental illness complicates the provision of support services to persons with chronic mental illness.

An absolute priority is proposed for a research project which will:

• Identify the types of productive work for which supported employment can be most effectively used for this population;

• Investigate techniques to promote community and workplace integration of mentally ill individuals and improve their social functioning in work and other settings;

• Identify the types and sources of long-term financial and other support for this type of employment program;

• Develop and implement a methodology to collect and analyze the data necessary for an evaluation of the cost-effectiveness of the program(s) and conduct such analyses where sufficient data are available to warrant such analysis during the course of the project; and

• Assess the effectiveness of supported employment in achieving improved employment outcomes for this group, including through comparison with a control group, as measured by job stability, number of hours worked, earnings, appropriateness of the client-job match, and other measures.

*Model Projects for Comprehensive Rehabilitative Services to Individuals With Traumatic Brain Injury*

Approximately half a million people suffer head injuries each year, and about ten percent of these are left with physical, intellectual, and social impairments severe enough to prevent them from returning to their former levels of functining. This problem is a growing one in terms of both numbers and severity, compounded by the fact that many of the injured are young and, with improved life expectancy for this group, require rehabilitation in a number of areas in order to maximize the quality of their lives. Preliminary evidence indicates that early comprehensive and coordinated rehabilitation is likely to improve the outcome for this group. A need exists to demonstrate the efficacy of a model system of rehabilitative services for individuals with traumatic brain injury and to systematically collect uniform data on clients, services, and outcomes.

This system and the collection of data must be within the context of a comprehensive model program that coordinates rehabilitation and other services specifically designed to meet the special needs of individuals with traumatic brain injury, including: emergency medical services; intensive and acute neurological care; comprehensive rehabilitation management; psychosocial adjustment service; education and vocational preparation; and community integration with extended follow-along services.

In any programs conducted under this priority, a critical element will be the input of disabled individuals in the planning of the project and involvement of disabled persons in the conduct of the activity.

An absolute priority is proposed for a project or projects which will:

• Demonstrate and evaluate the costs and benefits of a comprehensive service delivery system for individuals with traumatic brain injury;

• Establish a research program to develop a new data base and conduct innovative analyses of data;

• Demonstrate and evaluate the development and application of improved methods essential to the care and rehabilitation of individuals with traumatic brain injury; and

• Participate in national studies of the traumatic brain injury model system by contributing to a national data base.

*Research on New Rehabilitation Strategies for Traumatic Brain Injury*

An estimated 30,000–50,000 persons survive traumatic brain injuries (TBI) annually, and incur a range of impairments and disabilities. Brain injury occurs most commonly in individuals fifteen to thirty years of age, and nearly twice as many males as females are affected.

In addition to long-term physical impairments, many TBI individuals face a wide array of other life-long problems, including memory loss, speech dysfluency, visual and perceptual deficits, behavioral problems, cognitive deficits, and loss of emotional control. Aggressive behavior and inadequate social skills are other frequent results.

More individuals are surviving severe brain injury due to development of increased life support capability; improved systems of acute care for trauma victims, with highly skilled medical and surgical management; and the use of new medical and surgical techniques which limit the neurologic damage produced by brain swelling and other complications.

However, techniques and methods of rehabilitation care and management have not kept pace with the new developments in acute care. Rehabilitation practitioners and treatment teams need definitive new knowledge on effective modalities and interventions for traumatic brain injury rehabilitation.

An absolute priority is proposed for a project which will:

• Evaluate, in clinical settings, one or more new rehabilitation modalities contributing to the physical restoration and rehabilitation management of the functional, motor, perceptual, and cognitive problems of traumatic brain injury;

• Develop and evaluate new techniques and methods of social skills training and family intervention strategies to be included in rehabilitation programs for persons with TBI; and

• Develop and demonstrate a prototype program involving self-help organizations and peer counseling in the provision of rehabilitation services and continuing peer support networks to maximize functional independence for those with traumatic brain injury.

*New Models for the Provision of Personal Assistance Services*

Data on the need for attendant care and other types of personal assistance are incomplete, but the current literature indicates there are many problems with existing systems for providing personal assistance. (World Institute on Disability, 1986; de Jong and Wenker, 1986; National Council on the Handicapped, 1986; Ratzka, 1986).

While many disabled adults do use personal services, many others are unable to live in the community, to pursue work, or to participate in mainstream activities because of the lack of personal services. This leads to

increased health care costs in more restrictive environments as well as to diminished quality of life for the disabled individuals affected.

Personal services may be classified into three categories: assistance for those with mobility impairments; personal care and communication assistance for those with sensory impairments; and assistance in managing various aspects of daily living needed by persons with cognitive impairments.

Some estimates are that approximately two billion dollars per year are expended on personal assistance through State agencies. Most of these expenditures are based on the "medical model" of care, in which physicians prescribe the care that is then conducted under the supervision of a nurse or other health practitioner.

Others who have investigated the issue of delivery of attendant care services contend that an alternate model of providing and managing care, emphasizing consumer management, is both less costly and more advantageous to disabled individuals.

More information is needed about the benefits and costs, as well as the feasibility of implementation, of each type of service model. The study must take into consideration sources of services and payments, issues related to the most effective providers of training and management of personal attendants, and the relative benefits to different disability groups.

In the conduct of any studies under this priority, a critical element will be the input of disabled individuals who use personal care services and the inclusion of consumers in the conduct of the study.

An absolute priority is proposed for a project which will:

- Identify existing research on attendant care, including data on need, use, cost, and evaluation of services;
- Assess the role of personal care services in the prevention of secondary disability and the impact of these services on expenditures for medical care and hospitalization;
- Analyze the effect of using personal care services on employment, earnings, and the receipt of cash benefits;
- Analyze current systems of providing personal care for disabled individuals, including: sources of payment; recruitment, training, and management of personal attendants; types and levels of service provided; and costs of services; and
- Develop strategies for implementing more effective models of attendant care, including those aspects which will assure more comprehensive and beneficial services to individuals and greater consumer satisfaction.

*Studies on Traumatic Brain Injury in Young Children*

"Few crises in life are as devastating as an illness or sudden trauma of a child that results in brain injury. Whether eighteen months or eighteen years, the child's life is drastically changed." (Hutzler, 1985) The child from birth to adolescence may experience major cognitive, emotional, and behavioral changes that severely alter his or her prior levels of functioning. These changes necessitate adjustments in the educational programs, family interactions, and social relationships of the child.

From the time of injury, families must learn to cope with a new set of economic, emotional, and psychological problems. In additioin, families must learn to communicate with medical caregivers, to locate needed community services, and to identify and manage financial support and insurance reimbursement provisions.

As a prerequisite to developing new strategies and service programs to assist children with brain injuries and their families, it is necessary to thoroughly understand the scope and dimensions of the problem, and to document an effective role for families in the rehabilitation process.

An absolute priority is proposed for a project which will:

- Study the incidence and prevalance of TBI in children up to age sixteen, and develop a continuing systems to maintain and update information on characteristics and service use of this population;
- Study the social, economic, and psychological impact of TBI on families of children up to age sixteen; and
- Develop and evaluate techniques for family involvement as part of the treatment/education/rehabilitation team in the re-entry process, and study incentives and disincentives to family involvement.

**Priorities for Knowledge Dissemination and Utilization Projects (5)**

*Public Education in Traumatic Brain Injury (TBI)*

Estimates are that between 400,000–600,000 individuals suffer head injuries each year. Although date are sparse, studies conducted as much as ten years ago reported direct and indirect annual costs attributable to TBI, exclusive of lost income, to be over four billion dollars per year. Studies have shown that drug and alcohol abuse are often involved. Because most head injuries happen to young people, and because of improved treatment interventions, there is an increasing population of individuals who survive for many years with serious limitations in functioning.

Safety measures such as protective sports equipment and seat belts can be effective in preventing serious head injuries. Research indicates that appropriate early intervention after head trauma can increase the effectiveness of rehabilitation and help to prevent secondary complications. Unfortunately, family members and professionals frequently do not know that the symptoms of brain trauma may not appear immediately after the injury, and are often unaware of the available sources of information and care.

A public education effort is needed to inform parents, professionals, and others about the prevention of primary disability and secondary complications, early identification of brain injury, the importance of early intervention, and resources for assistance.

An absolute priority is proposed for a project which will:

- Develop a program of public education that includes specialized materials for families of brain trauma individuals and professional caregivers, emphasizing primary and secondary prevention, early identification and intervention, and resources for information and treatment;
- Develop materials on prevention of traumatic brain injury, to include print and audiovisual training materials, posters, and pamphlets, which can be used by both the generalized and the specialized media; and
- Devise a plan for the dissemination of the materials developed in this project.

*Dissemination of a Model to Create Least Restrictive Environments for Deaf Students*

In the decade following the passage of Public Law 94–142, the Education of All Handicapped Children Act, organizations concerned with the education of deaf children and youth have used a variety of interpretations of the "least restrictive environment" (LRE) provision mandated by the law. A more complete picture of the range of LRE interpretations and provisions currently used in the education of deaf children and youth would facilitate policy and service decisions at the Federal, State, and local levels.

A need exists to improve education for deaf students in least restrictive environments by promoting coordination of educational services in and among regular classroom programs,

specialized day school programs, and residential school programs. For these reasons, NIDRR proposes that a significant cross-section of such programs be identified, and assessed, that exemplary coordination practices be identified, and that models be developed which could be adapted and adopted by other programs.

Deaf individuals and the parents of deaf students must be involved in all phases of the project, including the identification of exemplary programs and the development and implementation of strategies and models.

An absolute priority is proposed for a project which will:

- Identify exemplary programs of coordinated services in various educational settings for deaf children and youth;
- Develop strategies and guidelines on how to replicate those programs;
- Provide technical assistance to education programs on the replication of these service models; and
- Assist in the development of a network of regular and special schools which will foster cooperative programs, including summer and short-term residential programs.

*Demographic Data Analysis*

To effectively plan research, services, or policy related to the disabled population, detailed information about the size and characteristics of the population is necessary. This information is needed by Federal, State, and local planners in fields as diverse as rehabilitation, education, social services, transportation, housing, income maintenance, and recreation.

At present there is neither a central source for demographic or other data on disability, nor a comprehensive system for the collection of those data. A number of Federal agencies, some states, and many private research institutions collect information, analyze some of it, and often produce public use tapes which also include great amounts of unanalyzed data. As a consequence, much of the most critical data on disability are not analyzed or are poorly disseminated, or both. A considerable unmet demand exists for information on the incidence and prevalence of disability and its distribution among various population groups. Other data such as service use, distribution of benefits, earnings, and costs of care are needed but are not effectively available to disabled individuals and their organizations, planners, researchers, and policymakers.

Information developed through this activity should be made available to a variety of potential users.

A critical element of any activities to be carried out under this priority will be the involvement of disabled individuals in the planning and conduct of the project.

An absolute priority is proposed for a project which will:

- Develop and update estimates of incidence, prevalence, and distribution of various disabilities, using existing data;
- Develop a database of information from governmental and nongovernmental data collection efforts, encompassing information on specific disabling conditions, limitations in activities of daily living, patterns of service use, needs for assistive devices, employment and earnings, benefits payments, and demographic data;
- Conduct secondary analyses of major data files, such as the Survey of Income and Program Participation, the Health Interview Survey, and others to provide needed information; and
- Develop and disseminate information on the characteristics of the disabled population for consumers and professionals.

*Database Networking With Independent Living Centers*

There are approxmiately 300 independent living centers (ILC's) providing services to disabled individuals in the nation; 166 of these currently receive funding from the Rehabilitation Services Administration (RSA). At present there is no comprehensive linkage among these centers to facilitate the sharing of information about management, programs, resources, assistive devices, client problems, opportunities for disabled individuals, or policy developments. Many of the centers have computer capability, and about one-third have some linkages to each other through a common computer network. However, Independent Living Centers and their clients could benefit from improved use of hardware and software now available at the centers for management and training, for improved inter-center communication, and for access to national sources of information.

NIDRR is proposing a project to develop and demonstrate a model system of regional networks for the purpose of creating effective communication among Centers and facilitating the access of Centers to national databases and to appropriate software for management and training, through compatible computer systems. Any project to be carried out under this priority must involve disabled individuals, including those who are or have been participants in independent living programs, in the planning and conduct of project activities.

An absolute priority is proposed for a project which will:

- Establish criteria for selection of participating ILC's which have, or can acquire, the hardware and software capability to participate in the network;
- Develop a computerized file on available resources for Independent Living Centers, including personnel, assistive devices, and services, and facilitate a resource match;
- Demonstrate an electronic network among the selected Centers, providing technical assistance as needed, with expansion to additional centers that have compatible equipment;
- Facilitate the access of Centers to appropriate national databases; and
- Evaluate all aspects of the program.

*The International Exchange of Information and Experts in Rehabilitation*

There is much rehabilitation research and practice in other countries which can serve as the impetus for rehabilitation research and service delivery in the United States. For example, the now widely accepted practice of immediate post-surgical fitting of prostheses was developed in Poland; the concept of disability management at the workplace was brought to the attention of the United States as a result of concepts uncovered in past international exchanges; and functional electrical stimulation techniques used in the United States were derived from earlier work in Yugoslavia. In addition, there are practices in the United States, such as model systems for spinal cord injury, school-to-work transition programs for disabled youth, and computer adaptations which could be extremely beneficial to foreign professionals and researchers.

Fostering such international collaboration and providing networks to maintain collegial contacts requires personal exposure of researchers and professionals to other cultures. In addition, the good practices and knowledge derived from other nations

need to be disseminated to U.S. audiences through monographs and utilization conferences.

Any program conducted under this priority must involve disabled people in the selection of topics and participants. Topics to be studied and resulting publications must focus on issues which are current priorities for the National Institute on Disability and Rehabilitation Research, such as traumatic brain injury, supported work, transition, rural rehabilitation, personal assistance services, and rehabilitation technology.

An absolute priority is proposed for a project which will:

- Develop and implement a plan for U.S. experts to study policies, practices, programs, and research results in other nations;
- Provide for the preparation of monographs on rehabilitation research topics by foreign or U.S. experts, who have benefitted from international exchanges;
- Conduct utilization conferences to disseminate information on selected topics of international significance to rehabilitation; and
- Evaluate the impact on practices in the United States of international exchanges of information and experts arranged for under the project.

Invitation to comment:

Interested parties are invited to submit comments and recommendations regarding these priorities. Written comments and recommendations may be sent to the address given at the beginning of this document. All comments received on or before February 11, 1987 will be considered before the Secretary issues final priorities. All comments submitted in response to these proposed priorities will be available for public inspection during and after the comment period in Room 3070, Mary E. Switzer Building, 330 C Street, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week except Federal holidays.

(20 U.S.C. 761a, 762)

(Catalog of Federal Domestic Assistance No. 84.133, National Institute of Handicapped Research)

Dated: December 9, 1986.

**William J. Bennett,**

*Secretary of Education.*

[FR Doc. 87-586 Filed 1-9-87; 8:45 am]

BILLING CODE 4000-01-M

## Invitation To Submit Applications for New Awards Under the National Institute on Disability and Rehabilitation Research Programs of Research and Demonstration Projects (CFDA No. 84.133A) and Knowledge Dissemination and Utilization Projects (CFDA No. 84.133D) for Fiscal Year 1987

*Purpose:* Provides funding through grants or cooperative agreements to public and private agencies and organizations, including institutions of higher education, Indian tribes and tribal organizations, to support rehabilitation research or knowledge dissemination projects which meet the specifications in the proposed priorities published in this issue of the Federal Register. Potential applicants should assume that there will be no changes to the final priorities. If there are significant differences in the final priorities, applicants will be given an opportunity to amend their applications.

*Deadline for Transmittal of Applications:* The deadline for submission of applications is March 13, 1987.

*Applications Available:* January 20, 1987.

*Available Funds:* $2,875,000.

| CFDA No. | Title of priority | Available funds | Estimated average award | Estimated number of awards | Anticipated project period |
|---|---|---|---|---|---|
| 84.133A | Supported Employ. in Traumatic Brain Injury | $150,000 | $75,000 | 2 | 36 months. |
| 84.133A | Supported Employ. for Chronically Mentally Ill | 75,000 | 75,000 | 1 | 36 months. |
| 84.133A | Model Projects for Traumatic Brain Injury | 1,200,000 | 300,000 | 4 | 60 months. |
| 84.133A | New Rehab. Strategies for Traumatic Brain Injury | 200,000 | 100,000 | 2 | 36 months. |
| 84.133A | Personal Assistance Services | 200,000 | 100,000 | 2 | 36 months. |
| 84.133A | Traumatic Brain Injury in Young Children | 100,000 | 100,000 | 1 | 36 months. |
| 84.133D | Public Educ. in Traumatic Brain Injury | 150,000 | 150,000 | 1 | 24 months. |
| 84.133D | Least Restrict. Env./Deaf Students | 150,000 | 150,000 | 1 | 36 months. |
| 84.133D | Demographic Data Analysis | 200,000 | 200,000 | 1 | 36 months. |
| 84.133D | Database Network/Independent Living Centers | 250,000 | 85,000 | 3 | 24 months. |
| 84.133D | International Exchange/Experts | 200,000 | 200,000 | 1 | 36 months. |

*Applicable Regulations:* (a) Education Department General Administrative Regulations, 34 CFR Parts 74, 75, 77, and 78, (b) National Institute on Disability and Rehabilitation Research Regulations, 34 CFR Parts 350, 351, and 355, and (c) the final funding priorities for this program when they become effective.

*For Applications or Information Contact:* National Institute on Disability and Rehabilitation Research, U.S. Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3070, Washington, DC. 20202. Telephone: (202) 732-1207; deaf and hearing impaired individuals may call (202) 732-1198 for TTY services.

*Program Authority:* 29 U.S.C. 760-762 and Pub. L. 99-506.

Dated: January 7, 1987.

**Madeleine Will,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

[FR Doc. 87-587 Filed 1-9-87; 8:45 am]

BILLING CODE 4000-01-M

federal register

Monday
January 12, 1987

Part IV

# Department of Education

**Pell Grant Program; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1986-87 Award Year; Notice**

## DEPARTMENT OF EDUCATION

### Pell Grant Progam; Deadline Dates for Receipt of Applications, Reports, and Other Documents for the 1986–87 Award Year

**AGENCY:** Department of Education.

**ACTION:** Notice.

**SUMMARY:** The Secretary announces the deadline dates for the receipt of documents from persons applying for financial assistance under, and from institutions participating in, the Pell Grant Program during the 1986–87 award year.

**SUPPLEMENTARY INFORMATION:** The purpose of the Pell Grant Program is to assist students in the continuation of their training and education at the postsecondary level by providing financial aid to help pay for their educational costs. Authority for the Pell Grant Program is contained in section 411 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a). The regulations for the Pell Grant Program are codified in 34 CFR Part 690.

### I. Applications for Determination of Expected Family Contribution—Table I

As a prerequisite to receiving a Pell Grant, each applicant is responsible for submitting to an institution of higher education—or to the Secretary of Education in the case of institutions participating under the Alternate Disbursement System (ADS)—a valid Student Aid Report (SAR) that states the amount of the student's expected family contribution (referred to on the SAR as the "SAI" [student aid index]) and the information used in calculating that amount. Therefore, each applicant must first submit to an agency listed in Table I of this notice his or her application for determining the expected family contribution. That application—referred to in this notice as the original application—must be submitted on one of the forms shown in Table I and be received by the designated agency at the agency's address shown in Table I no later than the deadline date, May 1, 1987, shown in Table I.

It should be noted that an application sent to the Federal Student Aid Programs must be received at the U.S. Postal facility indicated in the table. Individuals at the processing center are not authorized to personally accept hand delivered documents.

(Approved by the Office of Management and Budget under these OMB Control Numbers—Application: 1840–0110: Special Condition Application: 1840–0111)

TABLE I.—DEADLINE DATE FOR RECEIPT OF APPLICATION FORMS FOR DETERMINING EXPECTED FAMILY CONTRIBUTION: MAY 1, 1987

| Type of form | Address for submission |
|---|---|
| Application for Federal Student Aid (AFSA): | |
| • Dependent form | Federal Student Aid Programs, P.O. Box 4120, Iowa City, IA 52244 |
| • Independent form | Federal Student Aid Programs, P.O. Box 4121, Iowa City, IA 52244 |
| Special condition application for Federal Student Aid: | |
| • Dependent form | Federal Student Aid Programs, P.O. Box 4122, Iowa City, IA 52244 |
| • Independent form | Federal Student Aid Programs, P.O. Box 4123, Iowa City, IA 52244 |
| Spanish application for Federal Student Aid and Spanish special condition application for Federal Student Aid: | |
| • Dependent form | Federal Student Aid Programs, P.O. Box 4124, Iowa City, IA 52244 |
| • Independent form | Federal Student Aid Programs, P.O. Box 4125, Iowa City, IA 52244 |
| Family Financial Statement (FFS). | ACT Student Need Analysis Services, P.O. Box 1000, Iowa City, IA 52243 |
| Financial Aid Form (FAF) | College Scholarship Service, P.O. Box 6300, Princeton, NJ 08541, or, College Scholarship Service, Box 380, Berkeley, CA 94701 |
| Pennsylvania Higher Education Assistance Agency (PHEAA). | Pennsylvania Higher Education, Assistance Agency, P.O. Box 3157, Harrisburg, PA 17105 |
| Student Aid Application for California (SAAC). | College Scholarship Service, Box 70, Berkeley, CA 94701-0070 |

(34 CFR 690.12)

### II. Other Documents—Table II

Once an applicant has filed his or her original application, additional information may be necessary. In some cases the agency receiving the original application (the processing agency) may request the information. In other cases, the applicant is responsible for initiating a request that additional or alternative information be considered.

The type of information and the forms to be used to report that information are listed in Table II of this notice. Each category designates an address to which the specified information or request must be sent, and the deadline date by which that information or request must be received at that address. The applicant must submit to the Federal Student Aid Programs, any changes that he or she wants to be reflected on his or her SAR. The following explains each category:

*Correction Application*—If an original application lacks sufficient information for it to be processed, the Secretary will send a correction application to the applicant. In addition, if an applicant has misreported his or her dependency status on the original application or his or her dependency status subsquently changes from the status reported on the original application, other than changes that are the result of a change in marital status, the applicant has the responsibility for requesting a correction application. The correction application may be obtained from the Federal processing agency, financial aid administrator, or Educational Opportunity Center counselors or by writing to Federal Student Aid Programs, P.O. Box 84, Washington, D.C. 20044. The correction application must be returned to the address listed in Table II and received at that address no later than the deadline date, July 30, 1987, shown in Table II.

*Student Aid Report (SAR)*

• *Correction/Verification of Information Requested by the Secretary*—If the Secretary returns an SAR to an applicant for correction or verification of correct information, the applicant must correct or verify the information and return the SAR to the appropriate address listed in Table II. The SAR must be received at that address no later than the deadline date, July 30, 1987, shown in Table II. A student attending an institution participating in the Pell Grant Electronic Pilot Program must submit that SAR, with the information corrected or verified, to the institution by July 30, 1987.

• *Correction of Inaccurate Information*—If the SAR reflects information that was inaccurate when the application was signed, the applicant must correct that information on the SAR and send the SAR to the address listed in Table II. The SAR must be received no later than the July 30, 1987 deadline date shown in Table II. A student attending an institution participating in the Pell Grant Electronic Pilot Program must be submit that SAR, with the information corrected, to the institution by July 30, 1987.

• *Recomputation of Student Aid Index*—An applicant may request on the SAR, that the Secretary recompute his or her student aid index, if—(1) The student believes a clerical or arithmetic error has occurred or (2) The student or his or her family has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States. The applicant must send the SAR to the address listed in Table II. The SAR must be received no later than the July 30, 1987 deadline date. A student attending an institution participating in the Pell Grant Electronic Pilot Program must

submit a request for recomputation to the institution by July 30, 1987.

• *Request for Duplicate SAR*—If an applicant wishes to receive a duplicate SAR, the applicant may write to one of the addresses listed in Table II, or call one of the phone numbers listed in Table II. A written request must be received at either address no later than the July 30, 1987 deadline date. All telephone requests must also be made no later than July 30, 1987. It should be noted that a written request sent to the Iowa City application processing center must be received at the U.S. Postal facility indicated in Table II. Individuals at that site are not authorized to personally accept hand delivered documents.

(Approved by the Office of Management and Budget under OMB Control Number 1840–0132)

TABLE II.—DEADLINE DATES FOR RECEIPT OF OTHER DOCUMENTS: JULY 30, 1987

| Type of form/information | Address for submission |
|---|---|
| Correction Application: | |
| Application for Federal Student Aid correction application: | |
| Dependent Form | Federal Student Aid Programs, P.O. Box 4120, Iowa City, IA 52244. |
| Independent Form | Federal Student Aid Programs, P.O. Box 4121, Iowa City, IA 52244. |
| Student Aid Report (SAR): | |
| Correction/Verification of Information Requested by the Secretary: Request for verification of corrected information. | Federal Student Aid Programs, P.O. Box 4126, Iowa City, IA 52244. |
| Correction of Inaccurate Information (except address correction): Request for correction of inaccurate information. | Federal Student Aid Programs, P.O. Box 4126, Iowa City, IA 52244. |
| Request for Correction of Address. | Federal Student Aid Programs, P.O. Box 4127, Iowa City, IA 52244. |
| Recomputation of Student Aid Index: Request for recomputation of a student aid index because of (1) clerical or arithmetic errors or (2) loss of or damage to assets in Presidentially-declared national disaster area. | Federal Student Aid Programs, P.O. Box 4126, Iowa City, IA 52244. |
| Request for Duplicate SAR: Request in writing or request by phone. | Federal Student Aid Programs, P.O. Box 4127, Iowa City, IA 52244, (319) 337–3738 or Federal Student Aid Programs, P.O. Box 84, Washington, DC 20044, (301) 984–4070. |

(34 CFR 690.14, 690.39, 690.48)

Note.—Although the Pell application processing site will accept and process corrections through July 30, 1987, this does not extend the deadline by which the student must submit his or her valid SAR to the institution's financial aid office. If the student does not submit a valid SAR to the financial aid office, showing that he or she is eligible, by his or her last date of enrollment or June 30, 1987, whichever is earlier, he or she will not be eligible for a Pell Grant payment.

### III. Verification Procedures and Deadline Dates—Regular Disbursement System (RDS) and Alternate Disbursement System (ADS)

The information provided on an application and included on an SAR may be subject to verification. In that case, in order to receive a Pell Grant award for the 1986–87 award year, the applicant—and his or her parents, if applicable—must submit the necessary verification documents in accordance with the following procedures. The documents must be received no later than the deadline dates specified below. These dates do not conflict with nor supersede the deadline dates specified in Tables I and II of this notice.

*Verification of Information on Application.* If an applicant is selected to have the information on his or her application verified under the verification procedures set forth in Subpart E of the Student Assistance General Provisions, and if the applicant attends an institution that participates in the Pell Grant Program under the Regular Disbursement System (RDS) or Alternate Disbursement System (ADS), he or she must submit the requested documents as specified below. The deadline date for completing the verification process is the earlier of 60 days from the applicant's last date of enrollment in the case of an applicant who leaves school because of graduation, completion of an academic term, or withdrawal, or September 1, 1987 for students attending RDS institutions. A student who will still be enrolled in a course of study at an RDS institution in the 1986–87 award year after September 1, 1987 must submit the requested documents by September 1, 1987. Students attending ADS institutions must adhere to the dates listed in Section IV.

This process in complete when the applicant has:

(1) Submitted all requested verification documents to his or her institution;

(2) Made all necessary corrections on Part 2 of the SAR;

(3) Signed and submitted the corrected Part 2 of the SAR to the Department of Education's processing center at the address indicated in the lower left hand corner on the back of Part 2 of the SAR—the same address indicated under the first four categories shown in Table II—by the deadline date listed for these categories in Table II; and

(4) Submitted to the institution the corrected/reprocessed SAR received from the Department of Education's processing center. (34 CFR 668.60)

### IV. ADS Payment Procedures—Table III

*Initial Request for Payment for an Award Year.* The applicant who attends an institution participating in the Pell Grant Program under the Alternate Disbursement System (ADS) must comply with the deadline dates shown in Tables I and II. Additionally, in order to receive an initial Pell Grant payment for an award year, the applicant must submit a completed ED Form 304 and Part 3 (Pell Grant Payment Document) of the valid SAR (and a copy of the applicant's financial aid transcript or ED Form 304–1, if applicable), to the address listed in Table III. The documents must be received no later than the July 15, 1987 deadline date.

*Additional or Corrected Request for Payment.* A student attending an ADS institution must submit an additional or corrected request for payment on ED Form 304–1, and submit the form to the address listed in Table III. The document must be received by no later than the August 26, 1987 deadline date.

(Approved by the Office of Management and Budget under OMB Control Number 1840–0008.)

*Receipt of Payment by Verified Students Attending ADS Institutions.* If a student completes the verification process on or before June 15, 1987:

(1) The student's completed ED Form 304, Part 3 of the verified SAR (and a copy of the student's financial aid transcript, if applicable), must be received at the ADS payment processing site, as stated in § 690.61, on or before July 15, 1987; and

(2) All corrections to prior payment requests and/or additional payment requests (completed ED Forms 304–1) must be received at the ADS payment processing site as stated in § 690.61, on or before August 26, 1987.

If a student completes the verification process after June 15, 1987: The student's completed ED Form 304, Part 3 of the verified SAR (and a copy of the student's financial aid transcript, if applicable), and all additional payment requests must be received at the ADS payment processing site within 30 days after the date the student completed verification, or September 30, 1987, whichever is earlier. (34 CFR 668.60)

Note.—If a student has been unable to file an ED Form 304 because of delays caused by the verification process and the student has completed the first term or payment period at the institution, ADS procedures allow the student to apply for more than one disbursement at the same time. See pages 57–59 of the *1986–87 Alternate Disbursement*

*System Handbook* for instructions.

TABLE III.—DEADLINE DATES FOR RECEIPT OF ALTERNATE DISBURSEMENT SYSTEM FORMS

| Type of form/ information | Address for submission | Deadline date |
|---|---|---|
| Initial Request for Payment for an Award Year: ED Form-304 "Request for Payment" and Part 3 of SAR (Payment Document) and a copy of the student's financial aid transcript or ED Form 304-1 (if applicable). | ADS Payment Processing Center, P.O. Box 8547, Silver Spring, MD 20907. | July 15, 1987. |
| Additional and/or Corrected Request for Payment for an Award Year: ED Form 304-1. | ADS Payment Processing Center, P.O. Box 8547, Silver Spring, MD 20907. | Aug. 26, 1987. |

(34 CFR 690.61 and 690.95.)

**Note.**—ED Forms 304 and 304-1 do not apply to students enrolled in institutions that participate in the Pell Grant Program under the Regular Disbursement System (RDS).

### V. Institutional Payment Summary (IPS)—Table IV

An institution participating in the Pell Grant Program under the Regular Disbursement System (RDS) is required to provide the Secretary with an Institutional Payment Summary (IPS) and Part 3 of the SARs (Payment Documents) by the deadline dates established in Table IV. This material should be sent to the following address, in the manner described below: Pell Grant Program, P.O. Box 1400, Merrifield, Virginia 22116-1400.

- Each institution must submit an IPS either with Student Payment Documents or with SAR Data Tapes reflecting the information contained on Part 3 of the SAR.
- An institution may submit an IPS without a batch of Payment Documents or SAR Data Tape, only under one of these circumstances:

(1) The institution has no Pell recipients, or

(2) The institution has no new Pell recipients or payment data changes to submit within a given reporting period for previously reported students.

An institution must submit two signed Institutional Payment Summaries. Photocopies of the IPS may be submitted provided that each copy contains the original handwritten signature of the institutional administrator officially responsible for the accuracy and completeness of the IPS. Although an institution may make a submission as often as necessary during each of the required reporting periods shown in Table IV, it must make *at least* one submission within each of those periods, even if it submits only an IPS under the conditions noted above. Submissions must be made no later than the deadline date for each reporting period noted in Table IV.

An institution participating in the Pell Grant Electronic Pilot must either:

(1) Submit the documents or data tapes to the above address in the manner described above; or

(2) Provide to the Pell Grant Central Disbursement System a properly certified and acceptable electronic payment data submission via the Pell Grant Electronic Pilot. This submission must be made at least once during each of the stated periods.

TABLE IV.—DEADLINE DATES FOR RECEIPT OF INSTITUTIONAL PAYMENT SUMMARY (IPS) DOCUMENTS

| Reporting periods | Closing date |
|---|---|
| Institutions with a 1985-86 Pell Grant Authorization of $750,000 or more: | |
| July 1, 1986 thru Oct. 15, 1986 | Oct. 15, 1986. |
| Oct. 16, 1986 thru Dec. 15, 1986 | Dec. 15, 1986. |
| Dec. 16, 1986 thru Feb. 15, 1987 | Feb. 16, 1987. |
| Feb. 16, 1987 thru April 15, 1987 | April 15, 1987. |
| April 16, 1987 thru June 15, 1987 | June 15, 1987. |
| June 16, 1987 thru Aug. 15, 1987 | Aug. 17, 1987. |
| Institutions with a 1985-86 Pell Grant Authorization under $750,000: | |
| July 1, 1986 thru Dec. 15, 1986 | Dec. 15, 1986. |
| Dec. 16, 1986 thru April 15, 1987 | April 15, 1987. |
| April 16, 1987 thru Aug. 15, 1987 | Aug. 17, 1987. |

(34 CFR 690.83)

(Approved by the Office of Management and Budget under OMB Control Number IPS Form 1840-0540)

Failure of an institution to comply with these requirements may result in the initiation of a proceeding to fine, suspend, limit, or terminate the institution in accordance with Subpart G of the Student Assistance General Provisions regulations in 34 CFR Part 668.

### VI. Submission to the Secretary of Student Aid Reports by Institutions

As noted above, Table IV requires an institution to submit at least one IPS (and SAR Payment Documents, if applicable) within each of the required reporting periods. However, because 34 CFR 690.83 requires an institution to submit 1986-87 SAR Payment Documents to the Secretary of Education by December 15, 1987, an institution with additional IPS's and Payment Documents may submit them until the end of the year.

Institutions will not be permitted to adjust their Pell Grant accounts after December 15, 1987 for award year 1986-87 or any award years prior to 1986-87 except under the circumstances listed below. This deadline has been established to permit an orderly closing of accounts from previous years.

- Adjustments are required by a program review of the institution's records by an official or employee of the Department of Education.
- Adjustments are required by an audit conducted under the requirements of 34 CFR 690.84.
- The institution is required to adjust a student's award because of a court order.
- The institution discovers that a student has been overpaid.
- Verification cases referred to the Department where the student has only received partial payment or no payment, and verification cannot be completed in time to meet the December 15 deadline.

**Note.**—This means that an institution will not be allowed to adjust its accounts for any underpayment it discovers after December 31 *unless* the case meets the conditions described above. If an institution discovers an underpayment, and submits to the Secretary 1986-87 Payment Documents or SAR's for years prior to 1986-87, no adjustment will be made; that is, the institution will not receive additional Pell Grant funds. If it appears that an adjustment must be made because of the above circumstances, the institution should contact an area desk representative at (202) 732-3795.

### *Application Forms and Information*

Student aid application forms, correction application forms, and information brochures may be obtained through college and university financial aid administrators, Educational Opportunity Center counselors, or by writing to: Federal Student Aid Programs, P.O. Box 84, Washington, DC 20044.

### *Applicable Regulations*

The regulations applicable to this program are the Pell Grant Program regulations in 34 CFR Part 690 and the Student Assistance General Provisions regulations in 34 CFR Part 668.

**FOR FURTHER INFORMATION CONTACT:** Joyce R. Coates, Program Specialist, Policy Section, Pell Grant Branch, Division of Policy and Program Development, Office of Student Financial Assistance, Office of Postsecondary Education, 400 Maryland Avenue, SW., (ROB-3, Room 4318), Washington, DC 20202. Telephone (202) 472-4300.

(20 U.S.C. 1070a)

(Catalog of Federal Domestic Assistance No. 84.063, Pell Grant Program)

Dated: January 2, 1987.

**C. Ronald Kimberling,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 87-590 Filed 1-9-87; 8:45 am]

BILLING CODE 4000-01-M

federal register

Monday
January 12, 1987

Part V

# Nuclear Regulatory Commission

10 CFR Parts 30, 40, 50, 61, 70 and 72
Bankruptcy Filing; Notification Requirements; Final Rule

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 30, 40, 50, 61, 70, and 72

### Bankruptcy Filing; Notification Requirements

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission is amending its regulations to require that a licensee notify the appropriate Regional Administrator of the NRC in the event that the licensee is involved in bankruptcy proceedings. The amended regulations are necessary because a licensee's severe financial conditions could affect its ability to handle licensed radioactive material and the NRC must be notified so that appropriate measures to protect the public health and safety can be taken.

**EFFECTIVE DATE:** February 11, 1987.

**FOR FURTHER INFORMATION CONTACT:** Frank Cardile, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 443–7784.

**SUPPLEMENTARY INFORMATION:**

#### Discussion

*Requirements established by the rule.* The NRC is amending its regulations to provide requirements for notification in the event of bankruptcy involving licensees. Specifically, the regulations require each licensee to notify the appropriate regional office of the NRC, in writing, in the event a bankruptcy petition involving the licensee is filed under Title 11 (Bankruptcy) of the United States Code. A licensee would not be affected by these amendments unless and until a bankruptcy petition is filed. The rule prescribes the specific action that a licensee would be required to follow at that time. The required action includes notifying the NRC within a certain time period by supplying the information specified in the rule.

*Need for the rule.* A licensee who is experiencing severe economic hardship may not be capable of carrying out licensed activities in a manner which protects public health and safety. In particular, a licensee involved in bankruptcy proceedings can have problems affecting payment for the proper handling of licensed radioactive material and for the decontamination and decommissioning of the licensed facility in a safe manner. Improper materials handling or decontamination activities can result in the spread of contamination throughout a licensee's facility, potential for dispersion of contaminated material offsite, and problems affecting the licensee's waste disposal activities. Instances have occurred in which licensees filed for bankruptcy and the NRC has not been aware that this has happened. NRC inspectors have found, belatedly, that a licensee has vacated property and abandoned licensed material or has been unable to decontaminate its facility and properly dispose of the waste. In some cases, NRC inspectors have found significant amounts of radioactive contamination present at licensee sites and the potential for dispersal of the contaminated material offsite. Because of the potential risk to public health and safety if the facilities were left in their as-found condition, it was necessary for the Federal or State governments to take protective and remedial action and to expend substantial amounts of public funds for cleanup of the facilities because funds of the bankrupt licensee were no longer available. The NRC should be notified of these situations promplty, before they become more serious, so that it can take necessary actions to assure that the health and safety of the public is protected.

There is no current regulation requiring licensees to notify the NRC in cases of bankruptcy filings. Therefore, the NRC may not be aware of a significant financial problem for a particular licensee and thus also not be aware of potential public health and safety problems. Notifying the NRC in cases of bankruptcy will alert the Commission so that it may deal with potential hazards to the public health and safety posed by a licensee that does not have the resources to properly secure the licensed material or clean up possible contamination.

#### Background

On June 20, 1986, the Commission published a Notice of Proposed Rulemaking (51 FR 22531) that would require that a licensee notify the NRC in the event the licensee is involved in a bankruptcy filing. The comment period expired on July 21, 1986. The NRC indicated in the Notice that the proposed amendments applied to all licensees covered by 10 CFR Parts 30, 40, 50, 61, 70, and 72, including byproduct, source, and special nuclear material licensees, as well as production and utilization facility, low-level waste disposal facility, and independent spent fuel storage installation licensees.

#### Analysis of Public Comments

Eight comment letters were received on the proposed amendments. Four were from state agencies, two from private companies, one from a medical group, and one from an electric utility licensee. All of the state agencies indicated that they support the need for the rule and the method of implementation. Two of the state agencies specifically noted that they had experienced several cases of bankruptcy and that these bankruptcies had cost them significant amounts of time and effort due, in most cases, to the fact that they learned of the bankruptcies long after the action was filed. These agencies also noted that, in these situations, they found radioactive material either abandoned or in the possession of unauthorized persons. The comment letter from one of the private companies indicated that, based on their experience of having been in Chapter 11 status and based on their discussions with other companies who have been involved in bankruptcy situations, they agree there is a risk involved and the proposed rule is entirely justified.

The letter from the medical group indicated opposition to the rule. The commenter believed the rule affected only physicians and that, to be equitable, it should affect others such as engineers, plumbers, and tradesmen. In addition, the commenter stated that the regulation is voluminous. In response to this comment the Commission believes the commenter has misunderstood the regulation. As stated above, the regulation applies to all 10 CFR Parts 30, 40, 50, 61, 70 and 72 licensees which includes a wide variety of types of companies and individuals. In addition, the regulation is not voluminous or burdensome, but requires only a notification to the NRC of two pieces of information. The regulation is not as lengthy as it appears because the same requirement must be imposed on different parts of 10 CFR Chapter I. Therefore, the same language must be repeated six times.

The comment letter from the electric utility licensee indicated opposition to the rule as it applies to 10 CFR Part 50 licensees for the following reasons. The commenter believes that (1) the regulatory analysis supporting the rule relates to non-utility licensees and applying it to utilities for the sake of consistency is an inadequate basis for the amendment to Part 50; (2) it is an incorrect assumption that the act of filing a bankruptcy petition affects a utility licensee's ability to safely handle licensed material; (3) the amendment would further involve NRC in utility financial matters which is an area where NRC should proceed cautiously; and (4) NRC already possesses methods of monitoring a utility licensee's

financial condition including the availability of credit agency ratings which can be monitored and including required submittals of financial statements under 10 CFR 50.71(b) which NRC could review and use to observe trends.

In response to this commenter, the regulatory analysis indicates other reasons for proceeding with this rulemaking besides consistency in the regulation. These reasons include the fact that there is some potential for reduction in public and occupation exposure, that there is an improvement in NRC's inspection and enforcement capabilities, and that the burden on industry and NRC is minimal. The amendment by itself would not further involve NRC in utility financial matters but would only make NRC aware of a specific situation. Actions taken in response to the situation are not treated in this rulemaking. Finally, it appears that a direct notification of bankruptcy would be a useful adjunct to the monitoring of trends or credit ratings as a means of alerting NRC to the situation.

The comment letter from the other private company indicated that the Supplementary Information and the text of the rule should make it clear that a licensee only has to notify the NRC if involved in a bankruptcy as a debtor. The commenter noted that a licensee might be involved as a creditor in a bankruptcy and should not have to worry about notifying the NRC in this situation. This commenter also suggested that the rule text be changed from "Each licensee shall notify . . . (NRC) of a petition for bankruptcy . . . by or against (i) *A* licensee" to "Each licensee shall notify . . . (NRC) of a . . . petition for bankruptcy . . . by or against (i) *The* licensee." In response to the first comment, the Commission believes that the rule text itself is clear in that it states the specific situations which would require a licensee to submit a notification to the NRC. The intent of the rule is that NRC be aware of severe financial situations which could affect a licensee's capability to handle radioactive material. Based on this intent, the rule states specifically that a licensee should notify the NRC if there is a filing of a petition for bankruptcy by or against the licensee, and entity controlling the licensee, or an affiliate of the licensee. It is these situations that the Supplementary Information is referring to when it discusses a licensee as being "involved" in a bankruptcy. Simply being listed as a creditor in the bankruptcy proceeding of an unrelated entity does not trigger the notification requirement. With regard to the second comment, the text of the rule has been changed accordingly.

**Environmental Impact**

*Categorical Exclusion*

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

**Paperwork Reduction Act Statement**

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget under approval numbers Part 30—3150–0017, Part 40—3150–0020; Part 50—3150–0011; Part 61—3150–0135; Part 70—3150–0009; and Part 72—3150–0132.

**Regulatory Analysis**

The Commission has prepared a regulatory analysis on this final regulation. The analysis examines the costs and benefits of the alternatives considered by the Commission. The analysis is available for inspection in the NRC Public Document Room, 1717 H Street NW., Washington, DC. Single copies of the analysis may be obtained from Frank Cardile, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, telephone (301) 443–7784.

**Regulatory Flexibility Certification**

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule amends 10 CFR Parts 30, 40, 50, 61, 70, and 72 to require that licensees notify the appropriate NRC Regional Office in the event of the commencement of a bankruptcy proceeding involving the licensee so that NRC is aware of this significant financial problem and can take necessary actions assuring that the health and safety of the public is protected. Because no action is required of a licensee by these amendments unless and until a bankruptcy petition is filed, there is no impact from this rule unless bankruptcy filing occurs. Even in the event of bankruptcy, the impact of this rule on licensees is small because the United States Code contains requirements regarding notification of creditors of bankruptcy. This rule requires one additional notification. In addition, the required action consists only of a notification by mail to the NRC, an action representing less than one-half person-hour of effort. The net overall cost of the industry is negligible.

**Backfit Analysis**

*Backfit Analysis*

10 CFR 50.109 (50 FR 38097; September 20, 1985) requires that an analysis be performed for backfits which the Commission seeks to impose on power reactor licensees. This rule requiring notification of bankruptcy does not require . . . "the modification of or addition to systems, structures, components, or design of a facility; or the design approval or manufacturing license for a facility; or the procedures or organization required to design, construct or operate a facility." The rule imposes requirements for administrative procedure action only, which procedural action, a notification, would have no direct bearing on the safe design or operation of a facility. Further, 10 CFR 50.109 is intended to apply only to more stringent safety or security requirements which are to be imposed on a licensee, and to assure that such new requirements meet a test of providing a substantial increase in overall protection of the public health and safety. 10 CFR 50.109 is not intended to apply to purely administrative rules which are not intended to increase protection to public health and safety or security. The new notification of bankruptcy requirements are not increased safety requirements but would provide increased assurance that the current level of safety attained under current regulation is maintained.

The requirement for notification of bankruptcy is appropriately considered as a request for information under 10 CFR 50.54(f), as information needed by the Commission to determine whether or not a license should be modified, suspended, or revoked. Under § 50.54(f) if is required to prepare the reason or reasons for the request prior to issuance to ensure that the burden to be imposed is justified in view of the potential safety significance of the issue to be addressed in the requested information. Because the factors listed in § 50.109(c) can be relevant and useful in an evaluation of safety significance, they have been used in this instance to evaluate these amendments to 10 CFR 50.

(1) The objective of the amendments is for NRC to have means in place so that it would be alerted and would have the opportunity to take necessary action to deal with potential hazards to the public health and safety that may occur

at a facility where a licensee is involved in bankruptcy proceedings. Although the likelihood of utility bankruptcy is small and in most instances NRC would be aware of it occuring, there is a potential that NRC may not be aware of a particular bankruptcy situation involving a licensee.

(2) The amendments require a licensee to notify the appropriate regional office of the NRC, in writing, in the event of the commencement of a bankruptcy proceeding involving the licensee. A licensee would not be affected by these amendments unless and until a bankruptcy petition is filed.

(3) The amendments improve NRC's inspection and enforcement capabilities in dealing promptly with the potential radiological consequences of a licensee's severe financial problems thus providing a benefit in protection of the public health and safety. In addition, although the level of risk to the public is small, NRC's timely involvement can result in some potential reduction in the risk of radiation exposure by reducing the likelihood that improper radioactive waste handling or decontamination will occur at a facility where a licensee is involved in bankruptcy proceedings.

(4) In a manner similar to that described in (3) above, although it would be small, the amendments result in some reduction in risk of radiological exposure of facility employees by reducing the potential for spread of contamination in the facility and resultant occupational exposure.

(5) The amendments impose requirements for administrative procedure action only, hence there is no equipment installation cost, no facility downtime cost, and no cost of construction delay. As indicated in (2), there is no action required of a licensee unless and until a bankruptcy petition is filed and hence there is no continuing cost associated with the backfit. Even in the event of bankruptcy the cost impact of this rule is negligible because the action required, namely a notice listing the location and date of the bankruptcy filing mailed to the NRC regional office, is minimal. As noted in (3) and (4) above, timely involvement of NRC in the situation can minimize potential for spread of contamination in the facility and therefore also minimize added cleanup costs which could then occur. This reduction in cost can be substantial compared to the small cost associated with the notification, resulting in net savings.

(6) The amendments are administrative and hence have no safety impact of changing plant or operational complexity.

(7) With regard to the resource burden on the NRC, no NRC activity is necessary unless and until a licensee submits a notification to the NRC. If a notice were submitted, the amount of time spent on actually reading and docketing of the notification would be minimal. By alerting NRC to the situation, this rule would put NRC in a better reactive mode and thereby could reduce NRC staff time involved in activities such as necessary enforcement actions and meetings with a concerned public regarding a contaminated facility. This reduction in staff time could be significantly greater than that spent in reading and docketing the notification, thus resulting in a net reduction in staff resources.

(8) The amendments apply to all power reactor licensees independent of facility type, design, and age.

(9) When the amendment is made effective, it will be a final action.

*Backfit Determination*

Based on the analysis as presented above, the Commission has determined that the new reporting requirements imposed by this rule have been adequately justified, namely the burden to be imposed is justified in view of the potential safety significance of the issue to be addressed in the requested information, and that the rule should be promulgated for the following reasons. The rule is considered warranted in order to provide the Commission sufficient notice so that it can take steps to prevent a decrease in the level of protection considered available under current regulations. The rule is also considered to save resources in bankruptcy circumstances. By reason of the rule, there is some, albeit small, potential for reduction in public and occupational exposure. The action required by this rule is administrative, resulting in no installation, downtime, or construction costs and no effect on plant or operational complexity. The burden on industry and NRC is minimal, and in fact this action would probably result in a net reduction in NRC resource expenditures. This action is justified for nonpower reactor and materials facilities based on an assessment of the costs and benefits in the Regulatory Analysis (Section 6.0), and imposing it for reactor plants also provides for consistency in the regulations.

**List of Subjects**

*10 CFR Part 30*

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting and recordkeeping requirements.

*10 CFR Part 40*

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Source material, Uranium.

*10 CFR Part 50*

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

*10 CFR Part 61*

Low-level waste, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Waste treatment and disposal.

*10 CFR Part 70*

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

*10 CFR Part 72*

Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as ameded, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 30, 40, 50, 61, 70, and 72.

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

1. The authority citation for Part 30 is revised to read as follows:

**Authority:** Sections 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.34 (b) and (c), 30.41 (a) and (c), and 30.53 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 30.6, 30.36, 30.51, 30.52, 30.55, and 30.56 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 30.34 is amended by adding a new paragraph (h) to read as follows:

**§ 30.34 Terms and conditions of licenses.**

* * * * *

(h)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(i) The licensee;

(ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(2) This notification must indicate:

(i) The bankruptcy in which the petition for bankruptcy was filed; and

(ii) The date of the filing of the petition.

## PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

3. The authority citation for Part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97–415, 96 Stat. 2067 (42 U.S.C. 2022). Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 40.3, 40.25(d)(1)–(3), 40.35(a)–(d), 40.41 (b) and (c), 40.46, 40.51 (a) and (c); and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 40.5, 40.25(c), (d)(3), and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. Section 40.41 is amended by adding a new paragraph (f) to read as follows:

**§ 40.41 Terms and conditions of licenses.**

* * * * *

(f)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(i) The licensee;

(ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(2) This notification must indicate:

(i) The bankruptcy court in which the petition for bankruptcy was filed; and

(ii) The date of the filing of the petition.

## PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

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

Authority: Sec. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 50.10 also issued under secs. 101, 185, 68 Stat. 936, 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat 853 (42 U.S.C. 4332). Sections 50.23, 50.35, 50.55, 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a, and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34, and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50–81 also issued under sec. 188, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 50.10(a), (b), and (c), 50.44, 50.46, 50.48, 50.54, and 50.80(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 50.10(b) and (c) and 50.54 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 50.55(e), 50.59(b), 50.70, 50.71, 50.72, 50.73, and 50.78 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

6. Remove the authority citations following §§ 50.2, 50.10, 50.21, 50.22, 50.23, 50.30, 50.33a, 50.34, 50.35, 50.38, 50.41, 50.42, 50.43, 50.44, 50.47, 50.53, 50.54, 50.55, 50.55a, 50.56, 50.70, 50.80, 50.103, and Appendices A, E, F, L, and Q.

7. Section 50–54 is amended by adding a new paragraph (cc) to read as follows:

**§ 50.54 Conditions of licenses.**

* * * * *

(cc)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(i) The licensee;

(ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(2) This notification must indicate:

(i) The bankruptcy court in which the petition for bankruptcy was filed; and

(ii) The date of the filing of the petition.

## PART 61—LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

8. The authority citation for Part 61 is revised to read as follows:

Authority: Secs. 53, 57, 62, 63, 65, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846); secs. 10 and 14, Pub. L. 95–601, 92 Stat. 2951 (42 U.S.C. 2021a and 5851).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); Tables 1 and 2, §§ 61.3, 61.24, 61.25, 61.27(a), 61.41 through 61.43, 61.52, 61.53, 61.55, 61.56, and 61.61 through 61.63 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 61.10 through 61.16, 61.24, and 61.80 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

9. Section 61.24 is amended by adding a new paragraph (k) to read as follows:

**§ 61.24 Conditions of licenses.**

* * * * *

(k)(1) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately

following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(i) The licensee;

(ii) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(iii) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(2) This notification must indicate:

(i) The bankruptcy court in which the petition for bankruptcy was filed; and

(ii) The date of the filing of the petition.

## PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

10. The authority citation for Part 70 is revised to read as follows:

**Authority:** Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273): §§ 70.3, 70.19(c), 70.21(c), 70.22 (a), (b), (d)–(k), 70.24 (a) and (b), 70.32(a) (3), (5), (6), (d), and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42 (a) and (c), 70.56, 70.57 (b), (c), and (d), 70.58 (a)–(g)(3), and (h)–(j) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.7, 70.20a (a) and (d), 70.20b (c) and (e), 70.21(c), 70.24(b), 70.32 (a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)–(g), 70.56, 70.57 (b) and (d), and 70.58 (a)–(g)(3) and (h)–(j) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i); and §§ 70.5, 70.20b (d) and (e), 70.38, 70.51 (b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58 (g)(4), (k), and (l), 70.59 and 70.60 (b) and (c) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

11. Section 70.32 is amended by adding a new paragraph (a)(9) and the introductory text of paragraph (a) is republished to read as follows:

**§ 70.32 Conditions of licenses.**

(a) Each license shall contain and be subject to the following conditions:

* * * * *

(9)(i) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code by or against:

(A) The licensee;

(B) An entity (as that term is defined in 11 U.S.C. 101(14)) controlling the licensee or listing the license or licensee as property of the estate; or

(C) An affiliate (as that term is defined in 11 U.S.C. 101(a)) of the licensee.

(ii) This notification must indicate:

(A) The bankruptcy court in which the petition for bankruptcy was filed; and

(B) The date of the filing of the petition.

* * * * *

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

21. The authority citation for Part 72 is revised to read as follows:

**Authority:** Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1243, 1246, (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332).

Section 72.34 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239) sec. 134, Pub. L. 97.425, 96 Stat. 2230 (42 U.S.C. 10154).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273): §§ 72.6, 72.14, 72.15, 72.17(d), 72.19, 72.33(b)(1), (4), (5), (e), (f), 72.36(a) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 72.10, 72.15, 72.17(d), 72.33(c), (d)(1), (2), (e), 72.81, 72.83, 72.84(a), 72.91 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 72.33(b)(3), (d)(3), (f), 72.35(b) 72.50–72.52, 72.53(a), 72.54(a), 72.55, 72.56, 72.80(c), 72.84(b) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

13. Section 72.33 is amended by adding a new pragraph (b)(6) and the introductory text of paragraph (b) is republished to reads as follows:

**§ 72.33 License conditions.**

* * * * *

(b) Every license issued under this Part shall be subject to the following conditions, even if they are not explicitly stated herein:

* * * * *

(6)(i) Each licensee shall notify the appropriate NRC Regional Administrator, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the United States Code or against:

(A) The licensee;

(B) An entity (as that term is defined in 11 U.S.C. 101(14)) Controlling the licensee or listing the license or licensee as property of the estate; or

(C) An affiliate (as that term is defined in 11 U.S.C. 101(2)) of the licensee.

(ii) This notification must indicate:

(A) The bankruptcy court in which the petition for bankruptcy was filed; and

(B) The date of the filing of the petition.

* * * * *

Dated at Bethesda, Maryland, this 23rd day of December, 1986.

For the Nuclear Regulatory Commission.

**Victor Stello, Jr.,**

*Executive Director for Operations.*

[FR Doc. 87–571 Filed 1–9–87; 8:45 am]

BILLING CODE 7590–01–M

Federal Register

Monday
January 12, 1987

Part VI

# Department of Agriculture

**Food and Nutrition Service**

**7 CFR Parts 272 and 273**

**Food Stamp Program; Application Processing for Expedited Service; Interim Rule and Correction**

**DEPARTMENT OF AGRICULTURE**

**Food and Nutrition Service**

**7 CFR Parts 272 and 273**

**[Amdt. No. 282]**

## Food Stamp Program; Application Processing for Expedited Service

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Interim rule and Correction.

**SUMMARY:** On March 28, 1986 the Department published a final rule in the **Federal Register** entitled "Eligibility, Certification and Notice Provisions and Technical Amendments of 1985." Section 273.2(i)(3) of this final rule, dealing with the application processing time for food stamp cases eligible for expedited service, was challenged in a court suit filed in the Commonwealth of Pennsylvania (*Harley* v. *Lyng*, Civ. 84–4101 (E.D. Pa. October 10, 1986)) and was preliminarily found to be in conflict with the Food Stamp Act of 1977, as amended, and therefore invalid. The parties were given 30 days, however, to recommend proposed "remedial action" consistent with 7 U.S.C. 2020(e)(9). This interim rule amends the Food Stamp Program regulations based on 7 U.S.C. 2020(e)(9) to require the provision of benefits to applicants entitled to expedited service no later than the fifth calendar day following the day their applications are filed. *See Harley* v. *Lyng*, Civ. 84–4101 (E.D. Pa. Jan. 7, 1987). In addition, this action contains a technical amendment to correct a provision which appeared in a final rule issued on March 28, 1986, entitled *Food Stamp Program: Eligibility, Certification and Notice Provisions and Technical Amendments; Final Rule.*

**DATES:** This action is effective January 12, 1987, and must be implemented no later than February 11, 1987. Comments on § 273.2(i)(3) must be received no later than March 13, 1987, to be assured of consideration.

**ADDRESSES:** Comments should be submitted to Judith M. Seymour, Supervisor, Certification and Rulemaking Section, Eligibility and Monitoring Branch, Program Development Division, Family Nutrition Programs, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m. Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia, Room 706.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding this rulemaking, and requests for copies of the two court opinions in *Harley* v. *Lyng*, should be addressed to Judith M. Seymour at the above address, telephone (703) 756–3429.

**SUPPLEMENTARY INFORMATION:**

### Classification

*Executive Order 12291*

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1. The Department has classified this action as non-major. The effect of this action on the economy will be less than $100 million. This final action will have no effect on costs or prices. Competition, employment investment, productivity, and innovation will remain unaffected. There will be no effect on the competition of United States-based enterprises with foreign-based enterprises.

*Executive Order 12372*

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the Final rule related Notice to 7 CFR 3015, Subpart V (48 FR 29115), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

*Interim Rule*

Robert E. Leard, Administrator of the Food and Nutrition Service (FNS) has determined, pursuant to 5 U.S.C. 553, that public comment on this rulemaking prior to implementation is impracticable and contrary to public interest and, additionally, that good cause exists for making this rule effective earlier than 30 days after publication. Furthermore, the rule restates statutory language found at 7 U.S.C. 2020(e)(9) and thus implements or interprets the Act. However, because the Department believes that the rule may be improved by public comment, comments are solicited on this rule for 60 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in the subsequent publication of a final rule. However, comments can not be considered for the purpose of extending the statutory requirement that the State agency "provide coupons no later than five days after the date of application" to households eligible for expedited service.

*Regulatory Flexibility Act*

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, Stat. 1164, September 19, 1980). Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this action does not have a significant economic impact on a substantial number of small entities. The action will primarily affect State and local welfare agencies and current and potential food stamp participants.

*Paperwork Reduction Act*

This action does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

*Background*

Regulations published October 17, 1978, implementing the Food Stamp Act of 1977 (Pub. L. 95–113), provided that food stamp coupons or authorization documents (ATPs) for expedited service households be mailed no later than the close of the second working day following the date of application or be available for pickup no later than the start of the third working day following the date the application was filed. In many cases, State agencies were precluded from verifying important eligibility factors to avoid program abuse and were subject to deadline pressure and workflow disruption because of these abbreviated timeframes.

The 1982 Amendments to the Food Stamp Act (Pub L. 97–253) extended the expedited service timeframes to five days after date of application in an effort to eliminate abuse and ease the administrative burdens of providing expedited benefits. Although the language of the expedited service amendment did not specify whether Congress intended the five-day processing period to mean five working days or five calendar days, floor statements by members of Congress indicated that the five-day provision meant five calendar days. (Congressional Record H6098 (daily ed. August 17, 1982); Congressional Record S1127 (daily ed. August 20, 1982)).

Accordingly, on November 30, 1982, the Department published an interim rule and request for comments to implement the 1982 Amendment on expedited service. This rulemaking provided that the State agency shall mail or have available for pickup the household's Authorization to Participate (ATP) card or coupons no later than the close of business on the fifth calendar day following the day the application

was filed. Comments on the interim rule pertinent to expedited service application processing time were subsequently addressed in the final rule entitled Food Stamp Program; Eligibility Certification and Notice Provisions and Technical Amendments published March 28, 1986. The Preamble to this final rulemaking discussed the rationale for the use of calendar, rather than working days, which had been questioned by some commenters. It also addressed a further concern of commenters that the interim rule, as written, did not take into consideration the problems of mailing time, weekends, or holidays. Therefore, in practice, State agencies might either have to go beyond the five-day timeframe or, again, be forced to operate under an abbreviated timeframe to provide expedited service within the prescribed five-day period.

As was explained in the Preamble to the March 28, 1986 final rule, the Department attempted to address the concerns of the commenters, fulfill Congressional intent, reflect the time difference between mailing and pickup of ATPs and coupons, and handle the problem of intervening weekends or holidays. Therefore, the final rule provided that State agencies mail coupons or ATPs by the *fourth* calendar day or have ATPs or coupons available for pickup on the fifth calendar day after application. This four-day mail issuance standard (rather than the five-day maximum standard of the interim rule) was intended to result in faster delivery of benefits for persons living in States which issue ATPs or coupons by mail. This change to a four-day processing standard reinstated a previous regulatory policy of requiring mail-issued benefits to be handled sooner than over-the-counter issuances. The Department was also concerned about comments relating to the ambiguity of the interim rule regarding State agency action when the fifth (or fourth) calendar day falls on a weekend or holiday, cognizant of the fact that U.S. Post Offices are not open on Sundays and federal holidays and, in many States, food stamp offices are not open on Saturdays, Sundays or holidays. Therefore, the final rule stipulated that: (1) if the fifth calendar day is Saturday, the ATP or coupons must be available for pickup or mailed on the previous Friday; (2) if the fifth calendar day is Sunday, the ATP or coupons must be available for pickup on the following Monday or mailed in the earliest outgoing mail on Monday morning; (3) if the fifth calendar day is a holiday which falls on a Monday, the ATP or coupons must be available for pickup on the following Tuesday or mailed in the earliest outgoing mail on Tuesday morning; and (4) if the fourth or fifth calendar day is a holiday which falls on a Friday, the ATP or coupons must be available for pickup or mailed on the previous Thursday. The Department felt that this procedure not only specified how to handle the five-day processing time when a weekend or holiday intervenes, but also ensured that the adverse effect of a weekend or holiday occurring during the five-day processing period did not fall wholly on either the State agency or the recipient.

On October 9, 1986, Honorable Chief Judge Fullam, United States District Court, Eastern District Pennsylvania, analyzed the April 28, 1986 regulation, the statutory language (7 U.S.C. 2020(e)(9)) and its legislative history. While the best source of his legal analysis is his detailed twenty-two page opinion, he was concerned with three main points. First, the Act focused on the delivery of food stamp coupons to eligible households, not on the delivery of ATP cards since only coupons, not ATPs, can be used to buy food. Second, coupons or ATPs can only be deemed timely provided to households through the mails if "proper allowance" is made for delivery time. (Evidence in the case showed that mailings in Pennsylvania "often take four or more days to arrive.") Third, the statute, itself, makes no allowance for extensions beyond five days for holidays or weekends. The Act simply states that each State agency shall "provide coupons no later than five days after the date of application" for households eligible for expedited service.

The Department has carefully reviewed the court's analysis, the statutory language and the legislative history in drafting this rule. This interim rule amends 7 CFR 273.2(i)(3)(i) and (ii) to reflect that food stamp benefits, either coupons or an ATP, must be available to recipients entitled to expedited service not later than the fifth calendar day following the date an application was filed. Further, this action requires that whatever system a State agency uses to ensure meeting this delivery standard shall be designed to allow a reasonable opportunity for redemption of ATPs no later than the fifth calendar day following the day the application was filed. There are no exceptions to these requirements for weekends or holidays.

Although, as stated earlier, comments cannot be considered for the purpose of extending the five days processing time, the Department is soliciting public comment on the possible methods to better effectuate these new procedures. The Department believes that comments might result in a final rule being issued which could provide States with more efficient issuance procedures or greater flexibility to design procedures to effectuate the requirements to provide expedited coupons within five calendar days to eligible households.

The Department notes that the changes made in this action will affect changes to the regulations proposed in the Food Stamp Issuance and Issuance Liability Rules which were published on April 9, 1986 at 4 FR 12268. The rule finalizing that proposed rule will reflect the amendment made by this interim action.

*Implementation*

The rule is effective upon publication and must be implemented no later than 30 days from the date of publication.

**List of Subjects**

*7 CFR Part 272*

Alaska, Civil rights, Food Stamps, Grant programs-social programs, Reporting and recordkeeping requirements.

*7 CFR Part 273*

Administrative practice and procedure, Aliens, Claims, Food stamps, Fraud, Grant programs-social programs, Penalties, Records, Reporting and recordkeeping requirements, Social security, Students.

Therefore, 7 CFR Parts 272 and 273 are amended as follows:

1. The authority citation for Parts 272 and 273 continues to read as follows:

**Authority:** 7 U.S.C. 2011–2029.

## PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

2. In § 272.1, a new paragraph (g)(83) is added in numerical order to read as follows:

**§ 272.1 General terms and conditions.**

* * * * *

(g) *Implementation.* * * *

(83) *Amendment No. 282.* The changes to § 273.2(i)(3)(i) contained in Amendment No. 282 are effective January 12, 1987 and shall be implemented no later than February 11, 1987.

## PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. In § 273.2:

a. Paragraph (i)(3)(i) is revised in its entirety.

b. Paragraph (i)(3)(ii) is amended by removing the words "seven working" and adding, in their place, the words,

"five calendar" after the words "no later than".

The revision reads as follows:

**§ 273.2 Application processing.**

* * * * *

(i) *Expedited service.* * * *

(3) *Processing standards.* * * *

(i) *General.* For households entitled to expedited service, the State agency shall make available to the recipient coupons or an ATP card not later than the fifth calendar day following the date an application was filed. Whatever system a State agency uses to ensure meeting this delivery standard shall be designed to allow a reasonable opportunity for redemption of ATPs no later than the fifth calendar day following the day the application was filed.

* * * * *

*Correction*

In FR Doc. 86–6486, appearing at page 10764, Part V, in the issue of Friday, March 28, 1986, make the following correction:

**§ 273.2 [Corrected]**

In § 273.2:

On page 10785, in the third column, amendatory statement number 15a. under § 273.8, is corrected to read: "Paragraph (b)(1)(vii) is amended by adding the phrase as determined by averaging such activity over the certification period between the words weekly and shall in the last sentence. This phrase was inadvertently removed from the CFR by previous amendment and is hereby reinstated."

The words "such activity" were omited from the March 28, 1986 amendment. These words appeared in the original phrase that had been removed from the CFR by a previous amendment and intended to be reinstated by the March 28, 1986 amendment. Accordingly, the March 28, 1986 amendment is hereby corrected.

Dated: January 8, 1987.

**Sonia F. Crow,**

*Acting Administrator.*

[FR Doc. 87–694 Filed 1–9–87; 8:45 am]

BILLING CODE 3410-30-M

federal register

Monday
January 12, 1987

Part VII

# Federal Communications Commission

900 MHz SMR Application Filing Window #2 and Private Land Mobile Application Procedures for Spectrum in the 896-901 MHz and 935-940 MHz Bands; Notices

## FEDERAL COMMUNICATIONS COMMISSION

[DA 86-424]

### 900 MHz SMR Applications; Opening of Second Filing Window

**AGENCY:** Federal Communications Commission.

**ACTION:** Public notice.

**SUMMARY:** The Commission confirms that its second filing window for 900 MHz SMR applications will open on January 26, 1987 and close on January 30, 1987. Based on its experience with the first filing window, the Commission is amplifying the filing requirements contained in its November 4, 1986 Public Notice entitled "Private Land Mobile Application Procedures for Spectrum in the 896–901 MHz and 935–940 MHz Bands" (DA 86–173, published at 1 FCC Rcd 543 (1986)). The full text of the November 4, 1986 Public Notice appears in a companion document in this separate part of the **Federal Register.**

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Harold Salters, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632–7597.

**SUPPLEMENTARY INFORMATION:**

### 900 MHz SMR Application Filing Window for Markets #6 Through #15 To Be Open From January 26–30, 1987

December 30, 1986.

The filing window for applications for SMR facilities in the 900 MHz band for markets #6 through #15 will open on January 26, 1987 and close on January 30, 1987. During this second filing window, 900 MHz SMR applications will be accepted for facilities to serve the following Designated Filing Areas (DFAs):

#6—Detroit
#7—Boston-Providence
#8—Houston
#9—Washington-Baltimore
#10—Dallas-Fort Worth
#11—Miami
#12—Cleveland
#13—St. Louis
#14—Atlanta
#15—Pittsburgh

The procedures for filing 900 MHz SMR applications were set out in the Commission's Public Notice of November 4, 1986 entitled "Private Land Mobile Application Procedures for Spectrum in the 896–901 MHz and 935–940 MHz Bands." Applicants are cautioned to follow carefully the instructions contained in the November 4th Public Notice. Based on our experience with the filings submitted during the first window, we are further amplifying the requirements contained in that Public Notice.

Each application package must contain a cover sheet, a Form 574 bearing an original signature of the applicant, a real-party-in-interest certification and two additional copies of each of these documents. The cover sheet must state the applicant's name, its complete mailing address including zip code, the ranked number of DFA for which service is proposed, the number of channels requested, and a statement indicating that the application is for SMR facilities in the 900 MHz band. Extreme care should be exercised to assure that the DFA number specified is accurate. Any application filing not containing one original and two copies of the entire application package or having an incomplete, illegible, or inaccurate cover sheet will be dismissed.

A machine copy of the Form 574 may be filed in lieu of an original printed form. However, the form may not be altered in any way, except that the printing may be reduced in size to fit on 8½"x14" paper. Photocopies must be at least 94% of the original type size to assure legibility. Any copies of the form must contain all the text shown on the original 8½"x15" form. Failure to comply exactly with these requirements will result in dismissal of the application.

The original application must contain a handwritten ink signature to be acceptable for filing. In no event can the original contain a photocopied, stamped or facsimile signature. It is suggested that the cover sheet attached to the Form 574 containing the original signature either be marked or stamped "original" or that the signature be in a color of ink different from the printing on the form.

Applicants must collate the original and copies, and must individually staple the original and each copy of their application package. The cover sheet must be the top-most sheet in the application package. Application packages that are not assembled in this manner will be dismissed.

For further information, contact Harold Salters, (202) 632–7597.

Federal Communications Commission.

**William J. Tricarico,**

*Secretary.*

[FR Doc. 87–733 Filed 1–9–87; 10:31 am]

BILLING CODE 6712-01-M

[DA 86-173]

### Private Land Mobile Application Procedures for Spectrum in the 896–901 MHz and 935–940 MHz Bands

November 4, 1986.

**AGENCY:** Federal Communications Commission.

**ACTION:** Public notice.

**SUMMARY:** On November 4, 1986, the Commission released a Public Notice (1 FCC Rcd 543 (1986)) setting forth specific application procedures for private land mobile radio facilities in the 900 MHz band. This action was taken pursuant to the Commission's Report and Order in the 900 MHz Land Mobile Reserve Allocation proceeding published at 51 FR 37398–37405 (October 22, 1986).

**EFFECTIVE DATE:** January 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Harold Salters, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632–7597.

**SUPPLEMENTARY INFORMATION:**

#### I. Introduction

On September 26, 1986 the Commission released a *Report and Order* in General Docket No. 84–1233 that allocated 399 channel pairs in the 896–901 MHz and 935–940 MHz bands for use by the private land mobile radio services. In that proceeding, we indicated that this spectrum would be divided into three pools as follows: (1) 200 channel pairs for Specialized Mobile Radio (SMR) Systems; (2) 100 channel pairs for the Business Radio Service; and (3) 99 channel pairs for the Industrial and Land Transportation Radio Services. While this is a nationwide allocation, the *Report and Order* determined that applications for the SMR pool would be accepted initially only in the 50 largest markets of the country in order to assure that service is provided first to areas most in need of additional mobile communications.

This public notice delineates the specific application procedures that must be followed and opens filing windows for this new spectrum. We are limiting applications for SMR channels to the 50 largest markets because we intend to provide service first to the largest metropolitan areas, which have experienced the most serious shortages of spectrum. During this phase of SMR filings only, market rankings will be used, where necessary, to establish priorities among the markets. In a limited number of situations, discussed

below, license holders in lower ranked markets will be required to configure their systems to protect previously granted systems in higher ranked markets. This priority to SMR systems in higher ranked markets will apply only during the initial assignment of these new channels.

Applications will be accepted for filing for channels in the Business and Industrial/Land Transportation pools only for systems to be located at least 100 miles (160 km) from the Canadian border and 68.4 miles (110 km) from the Mexican border. Applications for SMR channels may be filed for systems to be located within these border areas, consistent with the filing areas specified in Appendix I. However, no license grants will be made for applications in these border areas pending further discussion with the adjacent country. Furthermore, no licenses will be granted until type accepted base and mobile equipment is available for operation on these new channels under the technical parameters specified in the *Report and Order.*

**II. Procedures for Business and Industrial/Land Transportation Pool Applications**

All applications for a license in the Business or Industrial/Land Transportation pools must specify the channel(s) requested and must include evidence of frequency coordination from the National Association of Business and Educational Radio, Inc. (NABER) for the Business pool, or the Special Industrial Radio Service Association (SIRSA) for the Industrial/Land Transportation pool. Applications for these non-SMR facilities will be granted on a first-come, first-served basis. *See* 47 CFR 90.611. Applicants are reminded that all applications for channels in the Business or Industrial/Land Transportation pools must be submitted directly to the appropriate frequency coordinator on FCC Forms 574 and 574–A and must contain an original handwritten signature and a completed eligibility statement (item #31 on the Form 574) in order to be acceptable for filing. Further, applicants are hereby notified that item #20 on the FCC Form 574 must be completed as follows: GU for conventional systems in the Business pool, YU for trunked systems in the Business pool, GI for conventional systems in the Industrial/Land Transportation pool, and YI for trunked systems in the Industrial/Land Transportation pool. Applications for facilities in these pools to be located anywhere in the United States, except in the border areas discussed above, may be submitted to the appropriate frequency coordinator beginning December 1, 1986.

**III. Procedures for SMR Applications**

*A. Designated Filing Areas*

Applications for SMR facilities will be processed using a two phase process. During Phase I, under procedures set forth in this Public Notice, SMR applications will be accepted for facilities located within "Designated Filing Areas" (DFAs) for each of the nation's top 50 markets. Appendix I sets out the DFA definitions and rankings. Applicants for facilities within a DFA must specify the DFA they propose to serve but need not specify their proposed base station transmitter site. Generally, the DFA approximates the boundaries of each market's Metropolitan Statistical Area (MSA), as defined by the Census Bureau. During Phase II, which will occur after the processing and granting of applications for facilities in the DFAs, applications will be accepted for SMR facilities located within a 100-mile radius of the urban center of each of the top 50 MSAs. Procedures for this second phase filing will be stated in a future Public Notice.

The purpose of only accepting applications during Phase I for facilities proposing to serve DFAs is to execute the *Report and Order's* mandate to "allow service to be provided first in the areas most in need of additional communications capacity." *Report and Order* at para. 80. This approach will expedite service to the public by avoiding much of the overlap of market areas that delayed the processing of applications for the previous 800 MHz channel release in 1982.

In certain instances where markets are located in close proximity to each other, such as Boston, MA and Providence-Pawtucket, RI or Washington, DC and Baltimore, MD, we have combined them into a single Designated Filing Area. Where we have combined the two markets, the rank of the higher ranking market will be assigned to the combined DFA. For example, Boston is ranked #7 and Providence is ranked #34, so the combined Boston-Providence DFA is ranked #7; similarly, the combined Washington-Baltimore DFA is ranked #9.

*B. Filing Requirements for Phase I*

Applications for 900 MHz SMR systems must be filed on FCC Form 574. (SMR applicants should *not* file the Form 574–A.) Applications are to be submitted to the Federal Communications Commission, Gettysburg, PA 17325, pursuant to 47 CFR 90.605.

SMR applicants may apply for a maximum of 10 channels. Since the FCC will be assigning specific frequencies, applicants should not specify requested frequencies on the application form. Applicants need not specify the base station transmitter site they will employ, nor need they complete any information on the Form 574 relating to the proposed transmitter site (e.g., information regarding environmental impact and FAA clearance). Specifically, SMR applicants must complete the entire FCC Form 574, with the exception of items 1 through 19, items 26 through 29, and items 34 through 36 for the application to be acceptable for filing. SMR applicants must use the service code YS to complete item #20 on the Form 574. The FCC will require more information concerning the transmitter site from tentative selectees.

Applicants are reminded that the eligibility statement on the Form 574 (item #31) must be completed. Each applicant must state it is eligible pursuant to 47 CFR 90.603(c) to provide commercial service to Part 90 eligibles.

We will not accept applications electronically transmitted to the Commission's Gettysburg office. The handwritten ink signature of the applicant must appear on the orginal of the Form 574. To facilitate the processing of applications, the handwritten ink signature on the original must be clearly distinguishable from the signature on the copies. Any application without a handwritten ink signature will be dismissed as defective.

Each applicant must provide an 8½ x 11 inch cover sheet accompanying its application stating the name of the applicant, its mailing address, the ranked DFA it is proposing to serve, the number of channels requested, and that the application is for SMR facilities in the 900 MHz band. An example follows:

XYZ Corporation, 123 Main Street, Gettysburg, PA 17000, Market #3—Chicago, IL, 10 Channels, 900 MHZ SMR Application

Each applicant must submit an original plus two (2) copies of its application, including copies of its cover sheet. Any application submitted without the required two copies, including the covering sheets, will be dismissed as defective.

Any application filed earlier than the window's opening date will be dismissed. Any application filed later than the window's closing date will be dismissed.

*C. Multiple Applications*

Only one application per entity or individual will be accepted for each DFA. This is to prevent the filing of multiple applications by the same parties in an attempt to "stuff the lottery box." Applicants are cautioned that if multiple applications have been filed, *all* applications filed by these applicants will be dismissed. Applicants are further cautioned that their applications will be processed based on representations made during the application process. Any license issued on the basis of false representations may be set aside.

Rule 90.123 requires that each applicant make full and complete disclosures with regard to real party or parties in interest. Applicants must certify that they have no prohibited financial interests or relationships with other applicants. The certification must address:

(1) Direct or indirect interests by any participant in the application in other applications in the same DFA.

(2) Familial or marital relationships with participants in other applications in the same DFA.

(3) Current or recent employment relationships with other applicants in the same DFA.

(4) Agreements with others concerning the application filed. Appendix II of this Public Notice lists suggested formats for the required certification for individual, corporate, and partnership applicants. Use of the Appendix II format is not mandatory, but any certification filed must address all these points and use of the Appendix II format will speed up application processing. Appendix II may be copied for submission by applicants.

Multiple applications for systems in the same DFA filed by employers and their employees or by members of the same family will be scrutinized and may be considered *prima facie* evidence of an attempt to circumvent the one application per DFA limitation. If applicants against whom substantial allegations about multiple applications have been raised wish to pursue their applications, the applications may be designated for hearing. Adverse findings may raise questions regarding applicants' basis qualifications and their eligibility to retain any previously issued Commission licenses. Applicants filing multiple applications are also subject to the imposition of the maximum monetary forfeiture of $5,000 authorized by Section 503 of the Communications Act of 1934, as amended.

*D. Amendments to Applications*

Applications may be amended during the five-day window established for the DFA for which the application has been filed. To reduce unnecessary paperwork and expedite application processing, additional permissible amendments may be made only after an applicant has been notified of its tentative selection.

*E. Processing Procedures for SMR Applications*

All applications filed during a window for a particular DFA will be considered together as if they were filed on the same day.

Following the close of each window, a Public Notice will be issued listing the applications submitted for each DFA. In that Public Notice we will be soliciting information regarding the suitability of applicants to be licensees. We will be particularly interested in information regarding any applicants that may be in violation of the limitation of one application per DFA.

If there are sufficient channel blocks available for all applications submitted for a DFA, then applications will be granted after the resolution of any concerns regarding the suitability of any applicant to hold a Commission license. If there are not sufficient frequencies available to grant all applications submitted for a DFA, then lottery proceedings will be held pursuant to 47 CFR 1.972 to rank order the applications. A Public Notice will be issued following the lottery listing the top 40 ranked applications for each DFA. Tentative selections will be made based on lottery ranking. The remaining ranked applications will be alternates. Applications ranked below 40 will be dismissed.

*F. Selection of Transmitter Sites*

Tentative selectees will have 90 days after notification of their tentative selection to provide the Commission with information regarding the specific site for their base station transmitters. Tentative selectees are cautioned that the geographical coordinates of the location of the proposed system's base station transmitters must be accurate and must be within the DFA. Additionally, the street address and county or city name describing the base station transmitter site must be within the DFA. If the transmitters' coordinates and the street address and county or city name are not located within the DFA, the tentative selectee's application will be dismissed.

If a tentative selectee fails to provide the Commission with the necessary transmitter site information within 90 days of its selection, its application will be dismissed.

*G. Special Requirements for Closely Spaced DFAs*

There are several instances where the distance from the edge of one DFA to the edge of a neighboring DFA is less than 70 miles. We have developed two approaches to resolve any mileage separation conflicts that may be caused by the close spacing of DFAs. For brevity, we will refer to this problem as one of "overlapping DFAs".

*Negotiation Procedures for Seven Specified Pairs of DFAs*

First, for the following 7 pairings of DFAs which overlap by a significant amount, we will require that tentative selectees in the overlapping DFAs negotiate with each other to identify transmitter sites and/or operating parameters (e.g., directional antennas, etc.) that will enable the Commission to make grants in both DFAs.

*DFAs Where Tentative Selectees Must Negotiate With Each Other*

#1 New York and #4 Philadelphia
#3 Chicago and #24 Milwaukee
#20 Tampa-St. Petersburg and #47 Orlando
#23 Cincinnati-Dayton and #28 Columbus
#29 Norfolk and #49 Richmond
#31 Buffalo and #38 Rochester
#35 Charlotte and #45 Greensboro

Each tentative selectee in these DFAs has 90 days from the date of its notification as a tentative selectee to reach an agreement regarding the location of its base station transmitter with any tentative selectee in the neighboring DFA. To aid this negotiation process, the Commission will issue a public notice with the name, address and telephone number of each tentative selectee in the two neighboring DFA's. While we anticipate most parties will locate their transmitters in accordance with the 70-mile co-channel separation standard, the Commission will accept any agreements providing for the "short spacing" of systems.

As agreements between pairs of applicants are received by the Commission and transmitter sites are identified, co-channel grants will be made. Tentative selectees may request a specific block of frequencies at this time and the Commission will try to accommodate such requests.

If applicants do not reach agreements within the prescribed 90-day period, each applicant that has not reached an agreement must inform the Commission of its preferred location for a base station transmitter no later than the 90th day. The Commission will then hold a

"stalemate" lottery to rank order these applicants. This lottery will determine the order of priority to be given the selectees' sites. A license grant will then be made to the top ranked applicant. The second ranked applicant will then have 30 days in which to submit a base station transmitter site that will protect the top ranked applicant in the "stalemate" lottery based on the 70-mile co-channel separation standard. Any additional applicants will have 30 days from notification of the site selections of higher ranked applicants to submit a transmitter location that protects the sites of all applicants ranked higher in the "stalemate" lottery. Failure to provide a transmitter location to the Commission within the prescribed time period will result in dismissal of the application.

*Protection for Higher Ranked DFAs*

The second type of overlap problem concerns DFAs that are sufficiently separated so that grants with the required separations can be made throughout most but not all of the areas encompassed by both DFAs. In such situations, grants will be made to the higher ranked DFA first. The neighboring lower ranked DFA will then be processed. This will allow sufficient time for tentative selectees in the lower ranked market to select transmitter sites that will not interfere with co-channel systems in the higher ranked market. The lower ranked DFAs that must protect higher ranked DFAs are set out below:

#9 Washington-Baltimore, must protect #4 Philadelphia
#19 San Diego, must protect #2 Los Angeles
a32 Indianapolis, must protect #23 Cincinnati-Dayton
#36 Hartford, must protect #1 New York and #7 Boston-Providence
#39 Louisville, must protect #23 Cincinnati-Dayton
#46 Albany, must protect #36 Hartford

*H. Special Requirements for Transmitters Serving the Los Angeles DFA*

Applicants granted licenses to serve the Los Angeles DFA that employ base station transmitters located on Santiago Peak and other peaks located south of 33 degrees 45 minutes North latitude will have special conditions attached to their licenses requiring that they protect subsequent grants to serve the San Diego DFA.

*I. Status of Ranked Applications*

In cases in which the application of a tentative selectee has been dismissed, the next ranked applicant for that DFA will be notified that it has been tentatively selected. After all license grants are made for each DFA, the remaining applications from the original top 40 ranked applications for that DFA will be dismissed.

*J. Markets, Filing Windows and Dates*

Applications for SMR facilities to serve the top 50 ranked DFAs will be accepted during specific windows as set forth below. The dates for Windows #2 through #4 are tentative.

Window #1—Opens: December 8, 1986—Closes: December 12, 1986

*Markets:* New York, Los Angeles, Chicago, Milwaukee, Philadelphia, and San Francisco-Sacramento.

Window #2—Opens: January 26, 1987—Closes: January 30, 1987

*Markets:* Detroit, Boston-Providence, Houston, Washington-Baltimore, Dallas-Fort Worth, Miami, Cleveland, St. Louis, Atlanta and Pittsburgh.

Window #3—Opens: February 23, 1987—Closes: February 27, 1987

*Markets:* Minneapolis-St. Paul, Seattle, San Diego, Tampa-St. Petersburg, Orlando, Denver, Phoenix, Cincinnati-Dayton, Columbus, Kansas City, Portland, New Orleans, Norfolk, Richmond, Buffalo and Rochester.

Window #4—Opens: March 23, 1987—Closes: March 27, 1987

*Markets:* Indianapolis, San Antonio, Charlotte, Greensboro, Hartford, Salt Lake City, Louisville, Oklahoma City, Memphis, Birmingham, Nashville, Albany, Honolulu, and Jacksonville.

Appendix I to this Public Notice contains the Designated Filing Areas for each of the top 50 markets. Applicants are cautioned to closely examine the DFA for each market in which they propose to locate SMR facilities. All tentative selectees determined as a result of any Phase I filing window must locate their facilities inside the DFA for which they have applied.

**IV. Further Information**

For further information concerning these procedures, contact Harold Salters, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632-7597.

Federal Communications Commission
**William J. Tricarico,**
*Secretary.*

**Appendix I**

*Designated Filing Areas for Top 50 Markets* [1]

1. New York
Bronx County, NY
Kings County, NY
Nassau County, NY
New York County, NY
Queens County, NY
Richmond County, NY
Bergen County, NJ
Essex County, NJ
Hudson County, NJ
Union County, NJ
2. Los Angeles
Los Angeles County, CA. [The Los Angeles DFA includes only that portion of Riverside County that is North of 33 degrees, 40 minutes north latitude and West of 117 degrees, 20 minutes west longitude.]
Orange County, CA
Riverside County, CA
Ventura County, CA
3. Chicago
Cook County, IL
Lake County, IN
4. Philadelphia
Bucks County, PA
Montgomery County, PA
Philadelphia County, PA
Burlington County, NJ
Camden County, NJ
5. San Francisco combined with 30. Sacramento
Alameda County, CA
Contra Costa County, CA
Marin County, CA
Sacramento County, CA
San Francisco County, CA
San Mateo County, CA
Santa Clara County, CA
Santa Cruz County, CA
Solano County, CA
6. Detroit
Macomb County, MI
Oakland County, MI
Wayne County, MI
7. Boston combined with 34. Providence
Bristol County, MA
Essex County, MA
Middlesex County, MA
Norfolk County, MA
Plymouth County, MA
Suffolk County, MA
Kent County, RI
Providence County, RI
8. Houston
Brazoria County, TX
Fort Bend County, TX
Galveston County, TX
Harris County, TX
Liberty County, TX
Montgomery County, TX
Waller County, TX
9. Washington, DC combined with 16. Baltimore
Washington, DC
Alexandria City, VA
Arlington County, VA
Fairfax City, VA
Fairfax County, VA
Fall Church City, VA
Ann Arundel County, MD
Baltimore County, MD
Baltimore City, MD
Howard County, MD
Montgomery County, MD
Prince Georges County, MD

[1] The counties, or portions thereof, included under each DFA name define the geographic area in which a transmitter site may be located to serve that DFA.

10. Dallas-Fort Worth
Collin County, TX
Dallas County, TX
Denton County, TX
Ellis County, TX
Johnson County, TX
Kaufman County, TX
Parker County, TX
Rockwall County, TX
Tarrant County, TX
11. Miami
Dade County, FL
Broward County, FL
12. Cleveland
Cuyahoga County, OH
Geauga County, OH
Lake County, OH
Medina County, OH
13. St. Louis
Franklin County, MO
Jefferson County, MO
St. Charles County, MO
St. Louis County, MO
St. Louis City, MO
Clinton County, IL
Jersey County, IL
Madison County, IL
Monroe County, IL
St. Clair County, IL
14. Atlanta
Barrow County, GA
Butts County, GA
Cherokee County, GA
Clayton County, GA
Cobb County, GA
Coweta County, GA
De Kalb County, GA
Douglas County, GA
Fayette County, GA
Forsyth County, GA
Fulton County, GA
Gwinnett County, GA
Henry County, GA
Newton County, GA
Paulding County, GA
Rockdale County, GA
Spalding County, GA
Walton County, GA
15. Pittsburgh
Allegheny County, PA
Fayette County, PA
Washington County, PA
Westmoreland County, PA
16. Baltimore—See Washington
17. Minneapolis—St. Paul
Anoka County, MN
Carver County, MN
Chisago County, MN
Dakota County, MN
Hennepin County, MN
Isanti County, MN
Ramsey County, MN
Scott County, MN
Washington County, MN
Wright County, MN
St. Croix County, WI
18. Seattle
King County, WA
Pierce County, WA
Snohomish County, WA
19. San Diego
San Diego County, CA [The San Diego DFA includes only that portion of San Diego County that is South of 33 degrees, 30 minutes north latitude.]
20. Tampa-St. Petersburg
Hernando County, FL
Hillsborough County, FL
Pasco County, FL
Pinellas County, FL
21. Denver
Adams County, CO
Arapahoe County, CO
Boulder County, CO
Denver County, CO
Douglas County, CO
Jefferson County, CO
22. Phoenix
Maricopa County, AZ
23. Cincinnati combined with 42. Dayton
Butler County, OH
Clermont County, OH
Hamilton County, OH
Montgomery County, OH
Warren County, OH
Boone County, KY
Campbell County, KY
Kenton County, KY
Dearborn County, IN
24. Milwaukee
Milwaukee County, WI
Ozaukee County, WI
Racine County, WI
Washington County, WI
Waukesha County, WI
25. Kansas City
Johnson County, KS
Leavenworth County, KS
Miami County, KS
Wyandotte County, KS
Cass County, MO
Clay County, MO
Jackson County, MO
Lafayette County, MO
Platte County, MO
Ray County, MO
26. Portland
Clackamas County, OR
Marion County, OR
Multnomah County, OR
Washington County, OR
Yamhill County, OR
27. New Orleans
Jefferson Parish, LA
Orleans Parish, LA
St. Bernard Parish, LA
St. Charles Parish, LA
St. John The Baptist Parish, LA
St. Tammany Parish, LA
28. Columbus
Franklin County, OH
29. Norfolk
Chesapeake City, VA
Hampton City, VA
Newport News City, VA
Norfolk City, VA
Portsmouth City, VA
Virginia Beach City, VA
30. Sacramento—See San Francisco
31. Buffalo
Erie County, NY
Niagara County, NY
32. Indianapolis
Marion County, IN
33. San Antonio
Bexar County, TX
Comal County, TX
Guadalupe County, TX
34. Providence—See Boston
35. Charlotte
Gaston County, NC
Mecklenburg County, NC
Union County, NC
York County, NC
36. Hartford
Hartford County, CT
37. Salt Lake City
Davis County, UT
Salt Lake County, UT
Weber, County, UT
38. Rochester
Livingston County, NY
Monroe County, NY
Ontario County, NY
Wayne County, NY
39. Louisville
Bullitt County, KY
Jefferson County, KY
Oldham County, KY
Shelby County, KY
Clark County, IN
Floyd County, IN
Harrison County, IN
40. Oklahoma City
Canadian County, OK
Cleveland County, OK
Logan County, OK
McClain County, OK
Oklahoma County, OK
Pottawatomie County, OK
41. Memphis
Shelby County, TN
Tipton County, TN
Crittenden County, AR
De Soto County, MS
42. Dayton—See Cininnati
43. Birmingham
Blount County, AL
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44. Nashville
Cheatham County, TN
Davidson County, TN
Dickson County, TN
Robertson County, TN
Rutherford County, TN
Sumner County, TN
Williamson County, TN
Wilson County, TN
45. Greensboro
Forsyth County, NC
Guilford County, NC
46. Albany
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Saratoga County, NY
Schenectady County, NY
47. Orlando
Orange County, FL
Osceola County, FL
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48. Honolulu
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49. Richmond
Chesterfield County, VA
Colonial Heights City, VA
Goochland County, VA
Hanover County, VA
Henrico County, VA
Peterbury City, VA
Powhatan County, VA
Richmond City, VA
50. Jacksonville
Clay County, FL [The Jacksonville DPA includes only those portions of St. Johns and Clay Counties that are North of 29 degrees, 55 minutes north latitute.]
Duval County, FL
Nassau County, FL
St. Johns County, FL

BILLING CODE 6712-01-M

## APPENDIX II

Rule 90.123 requires complete disclosure of the real party or parties in interest in this application. To avoid any processing delay, please complete the appropriate certification and submit it with your application.

### INDIVIDUAL APPLICANT CERTIFICATION

| | Yes | No |
|---|---|---|
| 1. Do you have a direct or indirect financial interest in any proposed 900 MHz SMR system in the same Designated Filing Area as your proposed system? If yes, list all such proposed systems and explain your interests. | [ ] | [ ] |
| 2. Are you related by blood or marriage to any applicant, to any partner in any applicant, or to any officer, director or shareholder of any applicant, proposing a 900 MHz SMR system in the same Designated Filing Area as your proposed system? If yes, list all such systems and explain the relationships. | [ ] | [ ] |
| 3. Are you currently employed, or, were you formerly employed within the six month period prior to filing this application, by any applicant proposing a 900 MHz system in the same Designated Filing Area as your proposed system? If yes, explain. | [ ] | [ ] |
| 4. Have you entered into any agreement, either explicit or implicit, for the purpose of transferring or assigning to another any station license or interest therein that is awarded as a result of this application? If yes, explain. | [ ] | [ ] |

### CORPORATE APPLICANT CERTIFICATION

1. List the names and addresses of all officers and directors of the corporation and provide the state of incorporation.

| | Yes | No |
|---|---|---|
| 2. Does any officer, director, shareholder, or employee of the corporation have a direct or indirect financial interest in any proposed 900 MHz SMR system within the same Designated Filing Area as the corporation's proposed system? If yes, list all such systems and explain the interests. | [ ] | [ ] |
| 3. Is any officer, director, shareholder, or employee of the corporation related by blood or marriage to any applicant, to any partner in any applicant, or to any officer, director or shareholder of any applicant, proposing a 900 MHz SMR system within the same Designated Filing Area as the corporation's proposed system? If yes, list all such systems and explain the relationships. | [ ] | [ ] |
| 4. Has the corporation entered into any agreement, either explicit or implicit, for the purpose of transferring or assigning to another any station license or interest therein that is awarded as a result of this application? If yes, explain. | [ ] | [ ] |

**PARTNERSHIP APPLICANT CERTIFICATION**

| | Yes | No |
|---|---|---|
| 1. Provide a list of the names and addresses of all general and limited partners. | | |
| 2. Does any partner have a direct or indirect financial interest in any proposed 900 MHz SMR system in the same Designated Filing Area as the partnership's proposed system? If yes, list all such systems and explain the interests. | [ ] | [ ] |
| 3. Is any partner related by blood or marriage to any applicant, to any partner in any applicant, or to any officer, director or shareholder of any applicant, proposing a 900 MHz SMR system in the same Designated Filing Area as the partnership's proposed system? If yes, list all such systems and explain the relationships. | [ ] | [ ] |
| 4. Is any partner currently employed, or, was any partner formerly employed within the six month period prior to filing this application, by any applicant proposing a 900 MHz system in the same Designated Filing Area as the partnership's proposed system? If yes, explain. | [ ] | [ ] |
| 5. Has the partnership entered into any agreement, either explicit or implicit, for the purpose of transferring or assigning to another any station license or interest therein that is awarded as a result of this application? If yes, explain. | [ ] | [ ] |

THIS APPLICATION WILL BE PROCESSED BASED ON RESPONSES TO THE ABOVE QUESTIONS. WILFUL, FALSE STATEMENTS PROVIDED DURING THIS APPLICATION PROCESS ARE PUNISHABLE BY FINE AND IMPRISONMENT (TITLE 18 U.S.C. §1001) AND MAY RESULT IN THE DISMISSAL OF THIS APPLICATION, THE SETTING ASIDE OF ANY LICENSE GRANT ISSUED AS A RESULT OF THIS APPLICATION, THE REVOCATION OF ANY OTHER LICENSES PREVIOUSLY ISSUED TO THE APPLICANT, OR THE IMPOSITION OF A MONETARY FORFEITURE.

I certify that the above information is true to the best of my knowledge, information and belief.

_____
Signature

_____
Date

_____
Type or Print Name and Title, if corporate applicant

[FR Doc. 87-137 Filed 1-9-87; 10:31 am]
BILLING CODE 6712-01-C

federal register

Monday
January 12, 1987

Part VIII

# Department of Commerce

International Trade Administration

## Determination Under Presidential Proclamation 5595: Temporary Surcharge On Imports of Certain Softwood Lumber Products From Canada; Notice

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

## Determination Under Presidential Proclamation 5595: Temporary Surcharge of Imports of Certain Softwood Lumber Products From Canada

**AGENCY:** Department of Commerce.

**ACTION:** Determination with regard to temporary surcharge on imports of certain softwood lumber products from Canada.

**SUMMARY:** The Secretary of Commerce determines that Canada has begun to collect an export charge on exports to the United States of certain softwood lumber products. The Secretary, therefore, announces suspension of the additional duty of 15 percent on imports from Canada of such products imposed by Proclamation 5595 of December 30, 1986. Termination of the surcharge will be addressed by a later instruction to the Customs Service.

**EFFECTIVE DATE:** January 8, 1987.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Moreland, Acting Director, Office of Compliance, Import Administration, International Trade Administration, Department of Commerce, Washington, DC 20230; (202) 377-2104.

**SUPPLEMENTARY INFORMATION:** On December 30, 1986, the President of the United States of America issued Proclamation 5595 imposing, effective December 31, 1986, an additional duty of 15 percent *ad valorem* on imports of certain softwood lumber products from Canada. The Proclamation directed the Secretary of Commerce to determine when the Government of Canada begins to collect an export charge on exports to the United States of such products in accordance with the December 30, 1986, Memorandum of Understanding between the Government of Canada and the Government of the United States of America concerning trade in certain softwood lumber products. Upon such determination, the Secretary of Commerce will take all necessary and appropriate steps to end the 15 percent surcharge.

I hereby find as follows:

1. On December 30, 1986, the Honourable Gerald Merrithew, Minister of State (Forestry and Mines), and the Honourable Robert de Cotret, President of the Treasury Board, issued a statement on behalf of the Government of Canada that the Government of Canada will introduce legislation upon the return of Parliament on January 19, 1987, to impose and collect in Canada a 15 percent export charge on Canadian softwood lumber being exported to the United States on or after January 8, 1987.

2. On December 31, 1986, the Canadian Department of National Revenue issued to all Canadian exporters of lumber a notice explaining the details of the Government of Canada's announcement of imposition of the export charge, including its effective date of January 8, 1987, the softwood lumber products to which the export charge would apply, the information which exporters must begin to collect for the tax returns which will be mandated upon enactment of the supporting legislation (Softwood Lumber Products Export Charge Act), and the document which must accompany lumber exports to the United States. A supply of these documents (Export Notice) was included with the notice to exporters.

3. On January 7, 1987, Her Excellency the Governor General in Council of Canada issued Order-in-Council 1987-1 amending the Canadian Export Control List to include, effective January 8, 1987, certain softwood lumber products being exported to the United States.

4. On January 7, 1987, Canada's Secretary of State for External Affairs issued General Export Permit No. Ex. 17, authorizing the exportation of certain softwood lumber products to the United States on condition of completion of an Export Notice containing certain information and presentation of copies of the notice to Canadian and United States Customs authorities.

5. Upon enactment of the Softwood Lumber Products Export Charge Act, the actions taken by the Government of Canada will be effective to impose and collect the export charge on exports on or after January 8, 1987, to the United States of certain softwood lumber products in accordance with the December 30, 1986, Memorandum of Understanding between the Government of Canada and the Government of the United States of America concerning trade in certain softwood lumber products.

### Determination

Therefore, I determine that the Government of Canada has begun to collect the export charge on exports to the United States of certain softwood lumber products as of January 8, 1987, in accordance with the December 30, 1986, Memorandum of Understanding between the Government of Canada and the Government of the United States of America concerning trade in certain softwood lumber products. As stated earlier, the implementing legislation has not yet been enacted. I am, therefore, by this notice suspending application of the temporary surcharge imposed by Proclamation 5595. I will issue further instructions to the United States Customs Service with respect to termination of the temporary surcharge.

Therefore, I direct the United States Customs Service not to collect the additional duty of 15 percent *ad valorem* with respect to shipments of the products listed in the appendix to this determination which are exported from Canada to the United States on or after January 8, 1987. The 15 percent *ad valorem* additional duty shall be collected on all shipments exported from Canada on or after December 31, 1986, and on or before January 7, 1987, unless the products were in transit to the United States on a through bill of lading on or before December 30, 1986.

Dated: January 8, 1987.

**Clarence J. Brown,**

*Acting Secretary of Commerce.*

### Appendix

Softwood lumber, rough, dressed, or worked (including softwood flooring classifiable as lumber, but not including siding and molding), as classified under items 202.03 through 202.30, inclusive of the Tariff Schedules of the United States (1986);

Softwood siding (weatherboards or clapboards), not drilled or treated, as classified under items 202.47 through 202.50, inclusive of the Tariff Schedules of the United States (1986);

Softwood lumber and softwood siding, drilled or treated; edge-glued or end-glued softwood not over 6 feet in length or over 15 inches in width, whether or not drilled or treated, as classified under items 202.52 and 202.54 of the Tariff Schedules of the United States (1986);

Softwood flooring, whether in strips, planks, blocks, assembled sections or units, or other forms, and whether or not drilled or treated (except softwood flooring classifiable as lumber), as classified under item 202.60 of the Tariff Schedules of the United States (1986).

[FR Doc. 87-757 Filed 1-9-87; 10:56 am]

BILLING CODE 3510-05-M

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Monday, January 12, 1987

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| Title | Price | Revision Date |
|---|---|---|
| **1, 2 (2 Reserved)** | $5.50 | Jan. 1, 1986 |
| **3 (1985 Compilation and Parts 100 and 101)** | 14.00 | [1] Jan. 1, 1986 |
| **4** | 11.00 | Jan. 1, 1986 |
| **5 Parts:** | | |
| 1-1199 | 18.00 | Jan. 1, 1986 |
| 1200-End, 6 (6 Reserved) | 6.50 | Jan. 1, 1986 |
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| 0-45 | 24.00 | Jan. 1, 1986 |
| 46-51 | 16.00 | Jan. 1, 1986 |
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| 53-209 | 14.00 | Jan. 1, 1986 |
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| 400-699 | 19.00 | Jan. 1, 1986 |
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| 900-999 | 20.00 | Jan. 1, 1986 |
| 1000-1059 | 12.00 | Jan. 1, 1986 |
| 1060-1119 | 9.50 | Jan. 1, 1986 |
| 1120-1199 | 8.50 | Jan. 1, 1986 |
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| 1500-1899 | 7.00 | Jan. 1, 1986 |
| 1900-1944 | 23.00 | Jan. 1, 1986 |
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| **8** | 7.00 | Jan. 1, 1986 |
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| 200-End | 14.00 | Jan. 1, 1986 |
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| 0-199 | 22.00 | Jan. 1, 1986 |
| 200-399 | 13.00 | Jan. 1, 1986 |
| 400-499 | 14.00 | Jan. 1, 1986 |
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| 1-199 | 8.50 | Jan. 1, 1986 |
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| 500-End | 26.00 | Jan. 1, 1986 |
| **13** | 19.00 | Jan. 1, 1986 |
| **14 Parts:** | | |
| 1-59 | 20.00 | Jan. 1, 1986 |
| 60-139 | 19.00 | Jan. 1, 1986 |
| 140-199 | 7.50 | Jan. 1, 1986 |
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| 0-299 | 7.00 | Jan. 1, 1986 |
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| 400-End | 15.00 | Jan. 1, 1986 |
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| 400-499 | 22.00 | Apr. 1, 1986 |
| 500-End | 23.00 | Apr. 1, 1986 |
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| 170-199 | 16.00 | Apr. 1, 1986 |
| 200-299 | 6.00 | Apr. 1, 1986 |
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| 100-499 | 7.00 | July 1, 1986 |
| 500-899 | 24.00 | July 1, 1986 |
| 900-1899 | 9.00 | July 1, 1986 |
| 1900-1910 | 27.00 | July 1, 1986 |
| 1911-1919 | 5.50 | [3] July 1, 1984 |
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| 0-199 | 16.00 | [4] July 1, 1985 |
| 200-699 | 8.50 | July 1, 1986 |
| 700-End | 17.00 | July 1, 1986 |
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|---|---|---|
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| 1–39, Vol. II | 19.00 | [5] July 1, 1984 |
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| 800–End | 16.00 | July 1, 1986 |
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| 300–399 | 11.00 | July 1, 1986 |
| 400–End | 25.00 | July 1, 1986 |
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| **36 Parts:** | | |
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| 200–End | 19.00 | July 1, 1986 |
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

[4] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[7] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.